117TH CONGRESS  
2D SESSION  

H. R. _____

To repeal Executive Order 13988 and prohibit the Secretary of Agriculture from carrying out certain requirements relating to sexual orientation and gender identity for participation in school meal programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GROTHMAN introduced the following bill; which was referred to the Committee on ____________________

A BILL

To repeal Executive Order 13988 and prohibit the Secretary of Agriculture from carrying out certain requirements relating to sexual orientation and gender identity for participation in school meal programs, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Stop Wrongs to Our
5 Kids’ Educational Meals (W.O.K.E.) Act of 2022”.
SEC. 2. FINDINGS.

Congress finds the following:

(1) In enacting Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), after careful deliberation and debate and more than 250 educational proposals leading up to the introduction and enactment of Title IX, Congress explicitly envisioned a prohibition against “discrimination on the basis of sex,” to mean any discrimination based on biological distinctions between male and female. This is supported by the plain and ordinary meaning of the statutory text, by the Congressional Record, and by Title IX’s enacting regulations.

(2) Executive branch administrative or regulatory actions, policies, or guidances, from the U.S. Department of Education, the U.S. Department of Agriculture, or other agencies or entities, that seek to rewrite or reinterpret the plain and unambiguous language of Title IX as having meaning beyond “sex” as the biological distinctions between male and female—including such constructs as “sexual orientation and gender identity”—not only inappropriately misconstrue Title IX’s plain and clear statutory language, but they also contravene Congressional intent behind its enactment, and misapply Supreme Court precedent on sex discrimination. Additionally and
importantly, any such administrative actions by fiat
usurp and circumvent legislative powers that are the
sole province of Congress under Article I, Section 1
of the Constitution.

(3) In its 2020 decision *Bostock v. Clayton County*, 140 S. Ct. (2020), the U.S. Supreme Court expressly limited its decision to and narrowly ad-
dressed employment issues, did not construe Title IX, and expressly disclaimed application to “other federal or state laws that prohibit sex discrimina-
tion”. Thus, it is altogether and entirely improper, inappropriate, and misguided to construe *Bostock* as applying to Title IX.

SEC. 3. REPEAL OF EXECUTIVE ORDER 13988.

(a) REPEAL.—Executive Order 13988, 86 Fed. Reg.
7023 (January 25, 2021), is hereby repealed.

(b) RELATED ACTION.—Any regulations, guidance,
or other agency action related to such Executive Order shall not have any force or effect and are hereby repealed or revoked, as applicable.
SEC. 4. PROHIBITION ON CERTAIN REQUIREMENTS RELATING TO SEXUAL ORIENTATION AND GENDER IDENTITY FOR PARTICIPATION IN SCHOOL MEAL PROGRAMS.

In carrying out the school lunch program authorized under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Secretary of Agriculture shall not require a State or local agency, program operator, or sponsor that participates in such programs to—

(1) investigate allegations of discrimination based on gender identity or sexual orientation; or

(2) update non-discrimination policies and signage to include prohibitions against discrimination based on gender identity and sexual orientation.