

117TH CONGRESS  
2D SESSION

# H. R. 8206

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2022

Mr. GROTHMAN (for himself, Mrs. HARSHBARGER, Mr. BIGGS, Mr. GOHMERT, Mr. NORMAN, Mrs. MILLER of Illinois, Mrs. CAMMACK, Mr. TIFFANY, Mr. ROSENDALE, and Mr. HIGGINS of Louisiana) introduced the following bill; which was referred to the Committee on Education and Labor

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## 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

14 (2) Executive branch administrative or regu-  
15 latory actions, policies, or guidances, from the U.S.  
16 Department of Education, the U.S. Department of  
17 Agriculture, or other agencies or entities, that seek  
18 to rewrite or reinterpret the plain and unambiguous  
19 language of title IX as having meaning beyond  
20 “sex” as the biological distinctions between male and  
21 female—including such constructs as “sexual ori-  
22 entation and gender identity”—not only inappropri-  
23 ately misconstrue title IX’s plain and clear statutory  
24 language, but they also contravene congressional in-  
25 tent behind its enactment, and misapply Supreme  
26 Court precedent on sex discrimination. Additionally

1 and importantly, any such administrative actions by  
2 fiat usurp and circumvent legislative powers that are  
3 the sole province of Congress under article I, section  
4 1 of the Constitution.

5 (3) In its 2020 decision *Bostock v. Clayton*  
6 *County*, 140 S. Ct. (2020), the U.S. Supreme Court  
7 expressly limited its decision to and narrowly ad-  
8 dressed employment issues, did not construe title IX,  
9 and expressly disclaimed application to “other fed-  
10 eral or state laws that prohibit sex discrimination”.  
11 Thus, it is altogether and entirely improper, inap-  
12 propriate, and misguided to construe *Bostock* as ap-  
13 plying to title IX.

14 **SEC. 3. REPEAL OF EXECUTIVE ORDER 13988.**

15 (a) REPEAL.—Executive Order 13988, 86 Fed. Reg.  
16 7023 (January 25, 2021), is hereby repealed.

17 (b) RELATED ACTION.—Any regulations, guidance,  
18 or other agency action related to such Executive order  
19 shall not have any force or effect and are hereby repealed  
20 or revoked, as applicable.

1 **SEC. 4. PROHIBITION ON CERTAIN REQUIREMENTS RELAT-**  
2 **ING TO SEXUAL ORIENTATION AND GENDER**  
3 **IDENTITY FOR PARTICIPATION IN SCHOOL**  
4 **MEAL PROGRAMS.**

5 In carrying out the school lunch program authorized  
6 under the Richard B. Russell National School Lunch Act  
7 (42 U.S.C. 1751 et seq.) and the school breakfast program  
8 established by section 4 of the Child Nutrition Act of 1966  
9 (42 U.S.C. 1773), the Secretary of Agriculture shall not  
10 require a State or local agency, program operator, or spon-  
11 sor that participates in such programs to—

- 12 (1) investigate allegations of discrimination  
13 based on gender identity or sexual orientation; or  
14 (2) update non-discrimination policies and sign-  
15 age to include prohibitions against discrimination  
16 based on gender identity and sexual orientation.

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