June 27, 2022

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave SW
Washington, D.C. 20250

Dear Secretary Vilsack,

Schools around the country should be able to support the needs of their students, without the federal government forcing radical ideology on them. Your department’s recently announced policy to expand the definition of “sex discrimination” found in the Food and Nutrition Act of 2008 is nothing more than a thinly veiled attempt to hold American schools hostage to the Left’s woke agenda.

USDA’s memorandum, sent out last month, directed all states and agencies to “expeditiously review their program discrimination complaint procedures and make any changes necessary to ensure complaints alleging discrimination on the basis of gender identity and sexual orientation are processed and evaluated as complaints of discrimination on the basis of sex.”

In this memo, the department references the Supreme Court’s decision in Bostock v. Clayton, which extended workplace discrimination protection under Title VII of the Civil Rights Act to gay and transgender, as justification for this policy. It is clearly stated in the court’s opinion in Bostock v. Clayton that the ruling is only limited to Title VII, workplace discrimination on the basis of an employer firing someone, and any other component of that statute nor other statutes, like Title IX.

Millions of students receive benefits from your department every day. The National School Lunch Program provides over a billion lunches to students during a given year. Any “changes” to the discrimination allegations procedures would only harm students and force upon them the

Biden administration’s transgender agenda. This is unacceptable and goes far beyond the authority of your department. You must rescind this policy change.

Please provide an answer to the following questions by July 8, 2022.

1. What authority do you believe your department has to implement this policy change?
2. Do you plan to open Office of Civil Rights (OCR) investigations on schools that do not comply with the recently announced policy?
3. What exactly constitutes “discrimination” that would lead to your department opening up such investigation?

Thank you for your attention to this important matter and we look forward to your response.

Sincerely,

Andy Biggs
Member of Congress

Clay Higgins
Member of Congress

Mary E. Miller
Member of Congress

Warren Davidson
Member of Congress

Glenn Grothman
Member of Congress

Lauren Boebert
Member of Congress

Mark E. Green, M.D.
Member of Congress

Louie Gohmert
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Dianna Harshbarger
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Elise M. Stefanik
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Dan Bishop
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Ralph Norman
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Bob Good
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Barry Moore
Member of Congress