

HJRES 92

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Food and Nutrition Service relating to "Application of Bostock v. Clayton County to Program Discrimination Complaint Processing-Policy Update".

Congress: 118 (2023–2025, Ended)

Chamber: House

Policy Area: Agriculture and Food

Introduced: Sep 26, 2023

Current Status: Referred to the Subcommittee on Nutrition, Foreign Agriculture, and Horticulture.

Latest Action: Referred to the Subcommittee on Nutrition, Foreign Agriculture, and Horticulture. (Jan 11, 2024)

Official Text: <https://www.congress.gov/bill/118th-congress/house-joint-resolution/92>

Sponsor

Name: Rep. Franklin, C. Scott [R-FL-18]

Party: Republican • **State:** FL • **Chamber:** House

Cosponsors (28 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Banks, Jim [R-IN-3]	R · IN		Sep 26, 2023
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Sep 26, 2023
Rep. Boebert, Lauren [R-CO-3]	R · CO		Sep 26, 2023
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Rep. Mann, Tracey [R-KS-1]	R · KS		Sep 26, 2023
Rep. Miller, Mary E. [R-IL-15]	R · IL		Sep 26, 2023
Rep. Moolenaar, John R. [R-MI-2]	R · MI		Sep 26, 2023
Rep. Ogles, Andrew [R-TN-5]	R · TN		Sep 26, 2023
Rep. Posey, Bill [R-FL-8]	R · FL		Sep 26, 2023
Rep. Smith, Adrian [R-NE-3]	R · NE		Sep 26, 2023
Rep. Steube, W. Gregory [R-FL-17]	R · FL		Sep 26, 2023
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		Sep 26, 2023
Rep. Williams, Roger [R-TX-25]	R · TX		Sep 26, 2023
Rep. Thompson, Glenn [R-PA-15]	R · PA		Sep 28, 2023
Rep. Green, Mark E. [R-TN-7]	R · TN		Sep 29, 2023
Rep. Fry, Russell [R-SC-7]	R · SC		Oct 2, 2023
Rep. Donalds, Byron [R-FL-19]	R · FL		Oct 10, 2023
Rep. Moore, Barry [R-AL-2]	R · AL		Oct 10, 2023
Rep. Strong, Dale W. [R-AL-5]	R · AL		Oct 11, 2023
Rep. Rouzer, David [R-NC-7]	R · NC		Oct 26, 2023
Rep. Cline, Ben [R-VA-6]	R · VA		Dec 13, 2023
Rep. Estes, Ron [R-KS-4]	R · KS		Dec 13, 2023

Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred to	Jan 11, 2024

Subjects & Policy Tags

Policy Area:

Agriculture and Food

Related Bills

No related bills are listed.

This joint resolution nullifies the policy update issued by the Food and Nutrition Service (FNS) on May 5, 2022, related to discrimination on the basis of gender identity and sexual orientation.

The Government Accountability Office (GAO) deemed the policy update a rule on June 5, 2023, and therefore subject to the Congressional Review Act (CRA) requirement that a rule must be submitted to Congress and the GAO before it can take effect. The CRA also permits Congress to review and disapprove rules using specified procedures.

In June 2020, the U.S. Supreme Court held in *Bostock v. Clayton County* that, under Title VII of the Civil Rights Act of 1964, the prohibition on sex discrimination in employment includes discrimination on the basis of sexual orientation and gender identity.

The FNS determined that the *Bostock* analysis also applies to certain FNS-enforced requirements under the Food and Nutrition Act of 2008 and Title IX of the Education Amendments of 1972 because the requirements are sufficiently similar to those in the Civil Rights Act of 1964.

The FNS rule concludes that the prohibitions against sex discrimination in the FNS-enforced statutes prohibit discrimination on the basis of gender identity and sexual orientation. The rule also directs state agencies and program operators to handle complaints alleging discrimination on the basis of gender identity and sexual orientation as complaints of prohibited sex discrimination.

Actions Timeline

- **Jan 11, 2024:** Referred to the Subcommittee on Nutrition, Foreign Agriculture, and Horticulture.
- **Sep 26, 2023:** Introduced in House
- **Sep 26, 2023:** Referred to the House Committee on Agriculture.