



Food and  
Nutrition  
Service

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Metro Center

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Alexandria  
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TO: Regional Program Directors and State Agencies

The attached memorandum<sup>1</sup> includes the Food and Nutrition Service's (FNS) complaint processing policy update related to program complaints alleging discrimination on the basis of gender identity or sexual orientation in programs or activities receiving Federal financial assistance. In short, discrimination on the basis of sex in programs or activities receiving Federal financial assistance includes discrimination on the basis of sexual orientation and discrimination on the basis of gender identity. This policy update is consistent with the Supreme Court's decision in *Bostock v. Clayton County*, 140 S. Ct. 1731, 590 U.S. \_\_\_ (2020), and applies to prohibitions against discrimination based on sex in all FNS programs.

This memorandum will impact the processing of program discrimination complaints, effective immediately. In addition, FNS's Civil Rights Division will update the Non-discrimination Statement and the *And Justice for All* posters to include gender identity and sexual orientation as protected bases. We understand these changes may impact your operations and we will be available to provide you with technical assistance to make the necessary changes. Additional information regarding the Nondiscrimination Statement and the *And Justice for All* posters is forthcoming. State agencies are reminded to distribute this memorandum to local agencies, program operators and sponsors, and all other subrecipients of Federal financial assistance. Local agencies, program operators and sponsors, and all other subrecipients should direct questions concerning this memorandum to their State agency.

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<sup>1</sup> Memorandum titled Application of *Bostock v. Clayton County* to Program Discrimination Complaint Processing – Policy Update

The attached memorandum is effective immediately. If you have any questions or comments, please send an email to the Civil Rights Division to [FNSCivilRightsPolicy@usda.gov](mailto:FNSCivilRightsPolicy@usda.gov).

Sincerely,

Roberto Contreras  
Director  
Civil Rights Division  
Food and Nutrition Service