117th Congress 2nd Session

H. R. ____

To require elementary schools and secondary schools that receive Federal funds to obtain parental consent before facilitating a child’s gender transition in any form, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To require elementary schools and secondary schools that receive Federal funds to obtain parental consent before facilitating a child’s gender transition in any form, 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 “Empower Parents to
5 Protect Their Kids Act of 2022”.
6 SEC. 2. FINDINGS.
7 Congress finds the following:
(1) School districts across the country are violating parental and familial rights by encouraging or instructing staff to deceive or withhold information from parents if their child expresses confusion about their gender and is seeking to “transition”. Without parental knowledge or consent, schools are facilitating “social gender transitions” by changing the names and pronouns of children in school, or even allowing children to change which sex-segregated facilities they use, such as rest rooms, locker rooms, and dormitories or other housing for overnight field trips.

(2) Powerful teachers unions and activist organizations are pressuring more schools to adopt policies to enable and encourage children, of any age, to change their “gender identity” at school without parental notice or consent.

(3) Contrary to the unfounded assertions of activists, “socially transitioning” a child is not an evidence-based practice and it is not a neutral or uncontroversial decision. This practice is an experimental social and psychological intervention that has immediate effects on a child’s psychology and a high likelihood of changing the life path of a child. A “social gender transition” may make it more difficult
for a child to reverse course later on, thereby increasing the likelihood that the child will continue on to a “medical transition”, resulting in life-changing, irreversible consequences.

(4) Any policies that attempt to circumvent parental authority are a violation of parents’ constitutionally protected rights to direct the care, custody, and upbringing of their children as recognized by the Supreme Court. Further, policies that withhold information from parents or ask children about intimate details of their family life violate Federal statutes designed to uphold a parent’s rights and duties in education. School districts implementing such policies are misrepresenting or entirely ignoring these statutes and constitutional protections.

(5) Schools should never be allowed to intrude on family life by misleading or excluding parents and confusing children.

SEC. 3. REQUIREMENT OF PARENTAL CONSENT.

(a) IN GENERAL.—No Federal funds shall be made available to any elementary school or secondary school unless the elementary school or secondary school, with respect to students enrolled at the school who have not yet reached 18 years of age, complies with each of the following requirements:
(1) School employees do not proceed with any accommodation intended to affirm a student’s purported “gender identity”, where the student’s purported “gender identity” is incongruous with the student’s biological sex, or any action to facilitate a “gender transition”, including referral or recommendation to any third-party medical provider, unless the employees have received express parental consent to do so.

(2) School employees do not facilitate, encourage, or coerce students to withhold information from their parents regarding the student’s “gender transition” or the student’s purported “gender identity”, where the student’s purported “gender identity” is incongruous with the student’s biological sex.

(3) School employees do not withhold or hide information from parents about a student’s desired “gender transition” or a student’s purported “gender identity”, where the student’s purported “gender identity” is incongruous with the student’s biological sex.

(4) School employees do not encourage, pressure, or coerce the parents of students, or students themselves, to proceed with any treatment or intervention to affirm the student’s purported “gender
identity”, where that “gender identity” is incongruous with the student’s biological sex.

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prevent a school employee from contacting appropriate legal authorities about an imminent threat to a student’s physical safety in the event that the school employee knows or has a reasonable suspicion that the student is at risk of physical abuse, as defined in section 1169 of title 18, United States Code; or

(2) to deprive any parent of the right to be involved in a child’s actions or discussions about gender transition, without the due process of law.

(c) ENSURING COMPLIANCE.—The head of each Federal agency shall require each application for Federal assistance submitted by a State educational agency or local educational agency to the head of such Federal agency—

(1) to describe the steps that each elementary school and secondary school served by the State educational agency or local educational agency proposes to take to ensure compliance with the requirements under this section and how these steps preserve and protect the authority of the family; and

(2) to ensure that—
(A) a copy of the written policy that each elementary school and secondary school served by the State educational agency or local educational agency has to ensure compliance with the requirements under this section is provided to the head of such Federal agency and to the families of enrolled students; and

(B) each such policy is clearly and publicly posted on the website of the school.

(d) CIVIL ACTION FOR CERTAIN VIOLATIONS.—

(1) IN GENERAL.—A qualified party may, in a civil action, obtain appropriate relief with regard to a designated violation.

(2) ADMINISTRATIVE REMEDIES NOT REQUIRED.—An action under this section may be commenced, and relief may be granted, without regard to whether the party commencing the action has sought or exhausted any available administrative remedy.

(3) DEFENDANTS IN ACTIONS UNDER THIS SECTION MAY INCLUDE GOVERNMENTAL ENTITIES AS WELL AS OTHERS.—An action under this section may be brought against any elementary school or secondary school receiving Federal financial assist-
ance or any governmental entity assisting an elementary school or secondary school.

(4) **NATURE OF RELIEF.**—In an action under this section, the court shall grant—

(A) all appropriate relief, including injunctive relief and declaratory relief;

(B) to a prevailing plaintiff, reasonable attorneys’ fees and litigation costs; and

(C) payment for treatments or therapy needed to repair harm to the child perpetuated by pursuit of “gender transition” determined necessary by the parent and the child’s medical providers.

(5) **ATTORNEYS FEES FOR DEFENDANT.**—If a defendant in a civil action under this subsection prevails and the court finds that the plaintiff’s suit was frivolous, the court shall award a reasonable attorney’s fee in favor of the defendant against the plaintiff.

(e) **DEFINITIONS.**—In this section:

(1) **BIOLOGICAL SEX.**—The term “biological sex” means the biological indication of male and female as determined by reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal
and external genitalia present at birth, without regard to a person’s psychological, chosen, or subjective experience of gender.

(2) Designated Violation.—The term “designated violation” means an actual or threatened violation of this section.

(3) ESEA.—The terms “elementary school” and “secondary school” have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) Gender Identity.—The term “gender identity” means a person’s self-perception of their gender or claimed gender, regardless of the person’s biological sex.

(5) Gender Transition.—

(A) In General.—The term “gender transition” includes both medical transition and social transition.

(B) Medical Transition.—The term “medical transition” means any medical, hormonal, or surgical intervention undertaken to alter the body of a person in order to assert an identity incongruent with biological sex or undertaken to create or facilitate the development of physiological or anatomical characteristics
that resemble a sex different from the person’s biological sex.

(C) SOCIAL TRANSITION.—The term “social transition” means any action taken to affirm a person’s asserted “gender identity” that is in contradiction to the person’s biological sex, including but not limited to decisions pertaining to the use of sex-specific facilities and accommodations, participation in sex-segregated sports or activities, pronoun and name usage, boarding, sleeping and travel arrangements for field trips (including overnight trips), and dress code guidelines.

(6) GOVERNMENTAL ENTITY.—The term “governmental entity” means a school district, a local educational agency, a school board, or any agency or other governmental unit or subdivision of a State responsible for education, or of such a local government.

(7) QUALIFIED PARTY.—The term “qualified party” means—

(A) the Attorney General of the United States; or

(B) any parent or legal guardian adversely affected by the designated violation.