117TH CONGRESS 2D SESSION

H. R. ____

To establish a private right of action for parents with respect to the teaching of racial discrimination theory and other actions by covered schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Good of Virginia introduced the following bill; which was referred to the Committee on ________________

A BILL

To establish a private right of action for parents with respect to the teaching of racial discrimination theory and other actions by covered schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Empowering Parents Act”.

SEC. 2. FINDINGS.

Congress finds the following:
(1) The family unit consisting of a mother, father, and child is the foundation of civil society.

(2) The rights and authority of parents are God-given and self-evident.

(3) The rights and authority of parents do not derive from the government.

(4) The rights and authority of parents should not be challenged or undermined by the government, but must be preserved and protected.

(5) Parents are responsible for impressing faith, morals, and values upon their children; such responsibility does not belong to teachers, school board members, or politicians.

(6) No teacher, school board member, or public official has the right to politicize or indoctrinate children.

(7) More than 70 percent of citizens of the United States support the ability of parents to choose where students attend school.

(8) It is contrary to the 10th Amendment of the Constitution and the principles of federalism espoused by the founding fathers for the Federal Government to supersede State or local authorities regarding the instruction and testing of students.
(9) Taxpayers have a right to know what publicly funded schools are teaching students.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) a covered school should not—

(A) deny a student the ability to attend school in person;

(B) intentionally expose a student to racial discrimination theory;

(C) intentionally expose a student to radical gender theory or sexually explicit content;

(D) require a biological woman to compete against a biological man in an athletic competition hosted or sponsored by such school;

(E) require a biological woman and a biological man to share a private facility, including—

(i) a restroom;

(ii) a locker room;

(iii) a shower facility; or

(iv) a changing room; or

(F) require a student to abide by a health mandate without first obtaining parental consent or require, as a prerequisite for in-person school attendance—
(i) wearing a mask;
(ii) receiving a COVID–19 vaccine; or
(iii) subjecting to a medical screening;

(2) a covered school should—

(A) protect the personal information of every student, as required under section 444 of the General Education Provisions Act (commonly known as the “Family Educational Rights and Privacy Act of 1974”) (20 U.S.C. 1232g); and

(B) be parent-led and locally managed with State oversight;

(3) Federal law enforcement agencies should not target a parent for exercising First Amendment rights on school property or in school board meetings; and

(4) a parent should have the ability to choose the school that the children of such parent attend.

SEC. 4. PROHIBITIONS.

(a) IN GENERAL.—A covered school may not—

(1) compel a teacher or student to adopt, affirm, adhere to, or profess—

(A) racial discrimination theory; or
(B) an idea, where such compulsion violates title IV or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000c et seq.);

(2) compel a student to observe or espouse obscene or sexual materials without the consent of a parent of such student;

(3) instruct or require an employee of such school to refer to a student using a pronoun not associated with the biological sex of such student, without obtaining consent to do so from a parent of such student;

(4) act as the agent of a parent of a student enrolled in such school, for purposes of—

(A) providing verifiable parental consent;

or

(B) receiving a notice or other information required to be provided to a parent of such student; or

(5) neglect to report sexual assault or sexual harassment on school property to the appropriate law enforcement authorities.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit a teacher or a student from discussing public policy issues or matters of public debate.
SEC. 5. PRIVATE RIGHT OF ACTION.

(a) In General.—A parent aggrieved by a violation of section 4 may commence a civil action against the covered school responsible for the violation.

(b) Relief.—In any action under subsection (a), the court may award appropriate relief, including—

(1) temporary, preliminary, or permanent injunctive relief;

(2) compensatory damages;

(3) punitive or exemplary damages; and

(4) reasonable fees for attorneys.

(c) Statute of Limitations.—An action under this section shall be brought not later than 30 days after the date on which the violation of section 4 occurred.

(d) Attorney General.—In a case in which a parent commences a civil action under subsection (a), the Attorney General shall have the exclusive authority to oversee, as appropriate, any investigation conducted by the Federal Government in connection with such action.

SEC. 6. DEFINITIONS.

In this Act:

(1) Biological Man.—The term “biological man” means an individual who is recognized as a male on the date of the birth of such individual, based on the genetic and reproductive biological characteristics of such individual.
(2) **BIOLOGICAL SEX**.—The term “biological sex” means the sex recognized on the date of birth of the individual based on the genetic and reproductive biological characteristics of such individual.

(3) **BIOLOGICAL WOMAN**.—The term “biological woman” means an individual who is recognized as a female on the date of the birth of such individual, based on the genetic and reproductive biological characteristics of such individual.

(4) **COVERED SCHOOL**.—The term “covered school” means an elementary school or secondary school, as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) **RACIAL DISCRIMINATION THEORY**.—The term “racial discrimination theory” means a theory that promotes one or more of the following:

   (A) That racial oppression is based exclusively on race, ethnicity, color, national origin, or a combination of such attributes.

   (B) That individuals of a certain race, ethnicity, color, or national origin are inherently superior or inferior to individuals of a different race, ethnicity, color, or national origin.
(C) That an individual should be treated adversely or advantageously based on the race, ethnicity, color, or national origin of such individual.

(D) That individuals, based on race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by individuals of the same race, ethnicity, color, or national origin.

(6) Obscene Material.—The term “obscene material” means material that, considered as a whole—

(A) appeals to—

(i) the prurient interest; or

(ii) a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof, or sadomasochistic abuse;

(B) goes substantially beyond customary limits of candor in description or representation of the matters described in clause (A)(ii); and

(C) does not have serious literary, artistic, political, or scientific value.

(7) Parent.—The term “parent” has the meaning given such term in section 8101 of the Ele-