

117TH CONGRESS
2D SESSION

H. R. 8767

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

SEPTEMBER 2, 2022

Mr. GOOD of Virginia (for himself, Mrs. MILLER of Illinois, Mr. WEBER of Texas, Mrs. GREENE of Georgia, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Education and Labor

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.

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 “Empowering Parents
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The family unit consisting of a mother, fa-
9 ther, and child is the foundation of civil society.

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

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

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

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

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

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

18 (8) It is contrary to the 10th Amendment of
19 the Constitution and the principles of federalism es-
20 poused by the founding fathers for the Federal Gov-
21 ernment to supersede State or local authorities re-
22 garding the instruction and testing of students.

23 (9) Taxpayers have a right to know what pub-
24 licly funded schools are teaching students.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) a covered school should not—

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

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

8 (C) intentionally expose a student to rad-
9 ical gender theory or sexually explicit content;

10 (D) require a biological woman to compete
11 against a biological man in an athletic competi-
12 tion hosted or sponsored by such school;

13 (E) require a biological woman and a bio-
14 logical man to share a private facility, includ-
15 ing—

16 (i) a restroom;

17 (ii) a locker room;

18 (iii) a shower facility; or

19 (iv) a changing room; or

20 (F) require a student to abide by a health
21 mandate without first obtaining parental con-
22 sent or require, as a prerequisite for in-person
23 school attendance—

24 (i) wearing a mask;

25 (ii) receiving a COVID–19 vaccine; or

26 (iii) subjecting to a medical screening;

1 (2) a covered school should—

2 (A) protect the personal information of
 3 every student, as required under section 444 of
 4 the General Education Provisions Act (com-
 5 monly known as the “Family Educational
 6 Rights and Privacy Act of 1974”) (20 U.S.C.
 7 1232g); and

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

10 (3) Federal law enforcement agencies should
 11 not target a parent for exercising First Amendment
 12 rights on school property or in school board meet-
 13 ings; and

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

16 **SEC. 4. PROHIBITIONS.**

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

18 (1) compel a teacher or student to adopt, af-
 19 firm, adhere to, or profess—

20 (A) racial discrimination theory; or

21 (B) an idea, where such compulsion vio-
 22 lates title IV or title VI of the Civil Rights Act
 23 of 1964 (42 U.S.C. 2000c et seq.);

1 (2) compel a student to observe or espouse ob-
2 scene or sexual materials without the consent of a
3 parent of such student;

4 (3) instruct or require an employee of such
5 school to refer to a student using a pronoun not as-
6 sociated with the biological sex of such student,
7 without obtaining consent to do so from a parent of
8 such student;

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

11 (A) providing verifiable parental consent;

12 or

13 (B) receiving a notice or other information
14 required to be provided to a parent of such stu-
15 dent; or

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

19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion may be construed to prohibit a teacher or a student
21 from discussing public policy issues or matters of public
22 debate.

1 **SEC. 5. PRIVATE RIGHT OF ACTION.**

2 (a) IN GENERAL.—A parent aggrieved by a violation
3 of section 4 may commence a civil action against the cov-
4 ered school responsible for the violation.

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

7 (1) temporary, preliminary, or permanent in-
8 junctive relief;

9 (2) compensatory damages;

10 (3) punitive or exemplary damages; and

11 (4) reasonable fees for attorneys.

12 (c) STATUTE OF LIMITATIONS.—An action under this
13 section shall be brought not later than 30 days after the
14 date on which the violation of section 4 occurred.

15 (d) ATTORNEY GENERAL.—In a case in which a par-
16 ent commences a civil action under subsection (a), the At-
17 torney General shall have the exclusive authority to over-
18 see, as appropriate, any investigation conducted by the
19 Federal Government in connection with such action.

20 **SEC. 6. DEFINITIONS.**

21 In this Act:

22 (1) BIOLOGICAL MAN.—The term “biological
23 man” means an individual who is recognized as a
24 male on the date of the birth of such individual,
25 based on the genetic and reproductive biological
26 characteristics of such individual.

1 (2) BIOLOGICAL SEX.—The term “biological
2 sex” means the sex recognized on the date of birth
3 of the individual based on the genetic and reproduc-
4 tive biological characteristics of such individual.

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

10 (4) COVERED SCHOOL.—The term “covered
11 school” means an elementary school or secondary
12 school, as such terms are defined in section 8101 of
13 the Elementary and Secondary Education Act of
14 1965 (20 U.S.C. 7801).

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

18 (A) That racial oppression is based exclu-
19 sively on race, ethnicity, color, national origin,
20 or a combination of such attributes.

21 (B) That individuals of a certain race, eth-
22 nicity, color, or national origin are inherently
23 superior or inferior to individuals of a different
24 race, ethnicity, color, or national origin.

1 (C) That an individual should be treated
 2 adversely or advantageously based on the race,
 3 ethnicity, color, or national origin of such indi-
 4 vidual.

5 (D) That individuals, based on race, eth-
 6 nicity, color, or national origin, bear collective
 7 guilt and are inherently responsible for actions
 8 committed in the past by individuals of the
 9 same race, ethnicity, color, or national origin.

10 (6) OBSCENE MATERIAL.—The term “obscene
 11 material” means material that, considered as a
 12 whole—

13 (A) appeals to—

14 (i) the prurient interest; or

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

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

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

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

- 1 mentary and Secondary Education Act of 1965 (20
- 2 U.S.C. 7801).

