

119TH CONGRESS
1ST SESSION

H. R. 5116

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

SEPTEMBER 3, 2025

Mrs. MILLER of Illinois (for herself, Mrs. LUNA, Mrs. BIGGS of South Carolina, Mr. SELF, Ms. BOEBERT, Mr. HARRIGAN, Mr. MOORE of Alabama, Mrs. HARSHBARGER, Ms. STEFANIK, and Ms. MACE) introduced the following bill; which was referred to the Committee on Education and Workforce

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) School districts across the country have vio-
2 lated parental and familial rights by encouraging or
3 instructing staff to deceive or withhold information
4 from parents if their child expresses discomfort with
5 their sex or is seeking to socially or physically adopt
6 an identity that is incongruent with their sex. With-
7 out parental knowledge or consent, schools are
8 changing the names and pronouns of children in
9 school, provided or allowed students to bring clothes
10 typically worn by the opposite sex for students to
11 change into once they arrive at school, or even allow-
12 ing children to change which sex-segregated facilities
13 they use, such as rest rooms, locker rooms, and dor-
14 mitories or other housing for overnight field trips.

15 (2) This is often being done pursuant to a
16 “gender transition plan” that is nearly always kept
17 secret from parents. In fact, these school districts
18 have kept a second set of student records that are
19 unknown to the parents. Powerful teachers unions
20 and activist organizations have pressured more
21 schools to adopt policies to enable and encourage
22 children, of any age, to adopt an “identity” that is
23 incongruent with their sex and be treated accord-
24 ingly at school without parental notice or consent.

1 (3) Contrary to the unfounded assertions of ac-
2 tivists, the social aspects of adopting an identity that
3 is incongruent with an individual's sex are not neu-
4 tral or uncontroversial. This is experimental and has
5 immediate effects on a child's psychology and dra-
6 matically increases the statistical likelihood that a
7 child will go on to take puberty blocking or sup-
8 pressing drugs and wrong-sex hormones. Addition-
9 ally, it makes it more difficult for a child to reverse
10 course later on, thereby increasing the likelihood
11 that the child will continue on to the surgical ele-
12 ments of adopting an identity that is incongruent
13 with one's sex, resulting in life-changing, irreversible
14 consequences.

15 (4) Any policies that attempt to circumvent pa-
16 rental authority are a violation of parents' constitu-
17 tionally protected rights to direct the care, custody,
18 and upbringing of their children as recognized by
19 the Supreme Court. Further, policies that withhold
20 information from parents or ask children about inti-
21 mate details of their family life violate Federal stat-
22 utes designed to uphold a parent's rights and duties
23 in education. School districts implementing such
24 policies are misrepresenting or entirely ignoring
25 these statutes and constitutional protections.

1 (5) On January 29, 2025, President Trump
2 signed Executive Order 14191 “Ending Radical In-
3 doctrination in K–12 Schooling”, to enforce the law
4 to ensure that recipients of Federal funds providing
5 K–12 education comply with all laws protecting pa-
6 rental rights.

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

10 **SEC. 3. REQUIREMENTS OF PARENTAL CONSENT.**

11 (a) IN GENERAL.—No Federal funds shall be made
12 available to any elementary school or secondary school un-
13 less the elementary school or secondary school, with re-
14 spect to students enrolled at the school who have not yet
15 reached 18 years of age, complies with each of the fol-
16 lowing requirements:

17 (1) School employees do not proceed with any
18 accommodation intended to affirm a student’s pur-
19 ported “identity” that is incongruent with the stu-
20 dent’s sex, or any action to facilitate or otherwise
21 aid and abet a minor in adopting such an identity,
22 including referral or recommendation to any third-
23 party medical provider for a gender transition proce-
24 dure, unless the employees have received express pa-
25 rental consent to do so.

1 (2) School employees do not facilitate, encour-
2 age, or coerce students to withhold information from
3 their parents regarding the student's purported
4 identity, when it is incongruent with the student's
5 sex.

6 (3) School employees do not withhold or hide
7 information from parents about a student's discom-
8 fort with their sex, their desire for an identity that
9 is incongruent with their sex, their profession of an
10 identity that is incongruent with their sex, or their
11 desire to undergo a gender transition procedure.

12 (4) School employees do not encourage, pres-
13 sure, or coerce the parents of students, or students
14 themselves, to proceed with any intervention to af-
15 firm the student's adoption of an identity that is in-
16 congruent with their sex.

17 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed—

19 (1) to prevent a school employee from con-
20 tacting appropriate legal authorities about an immi-
21 nent threat to a student's physical safety in the
22 event that the school employee knows or has a rea-
23 sonable suspicion that the student is at risk of phys-
24 ical abuse, as defined in section 1169 of title 18,
25 United States Code; or

1 (2) to deprive any parent of the right to be in-
2 volved in a child's actions or discussions about gen-
3 der transition, without the due process of law.

4 (c) ENSURING COMPLIANCE.—The head of each Fed-
5 eral agency shall require each application for Federal as-
6 sistance submitted by a State educational agency or local
7 educational agency to the head of such Federal agency—

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

14 (2) to ensure that—

15 (A) a copy of the written policy that each
16 elementary school and secondary school served
17 by the State educational agency or local edu-
18 cational agency has to ensure compliance with
19 the requirements under this section is provided
20 to the head of such Federal agency and to the
21 families of enrolled students; and

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

24 (d) CIVIL ACTION FOR CERTAIN VIOLATIONS.—

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

4 (2) ADMINISTRATIVE REMEDIES NOT RE-
5 QUIRED.—An action under this section may be com-
6 menced, and relief may be granted, without regard
7 to whether the party commencing the action has
8 sought or exhausted any available administrative
9 remedy.

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

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

19 (A) all appropriate relief, including injunc-
20 tive relief and declaratory relief;

21 (B) to a prevailing plaintiff, reasonable at-
22 torneys' fees and litigation costs; and

23 (C) payment for treatments or therapy to
24 repair harm to the child from pursuit of “gen-

1 der transition” determined as necessary by the
2 parent and the child’s medical providers.

3 (5) ATTORNEYS FEES FOR DEFENDANT.—If a
4 defendant in a civil action under this subsection pre-
5 vails and the court finds that the plaintiff’s suit was
6 frivolous, the court shall award a reasonable attor-
7 ney’s fee in favor of the defendant against the plain-
8 tiff.

9 (e) DEFINITIONS.—In this section:

10 (1) FEMALE.—The term “female”, when used
11 to refer to a natural person, means an individual
12 who naturally has, had, will have, or would have, but
13 for a congenital anomaly, historical accident, or in-
14 tentional or unintentional disruption, the reproduc-
15 tive system that at some point produces, transports,
16 and utilizes eggs for fertilization.

17 (2) MALE.—The term “male”, when used to
18 refer to a natural person, means an individual who
19 naturally has, had, will have, or would have, but for
20 a congenital anomaly, historical accident, or inten-
21 tional or unintentional disruption, the reproductive
22 system that at some point produces, transports, and
23 utilizes sperm for fertilization.

1 (3) SEX.—The term “sex”, when referring to
2 an individual’s sex, means to refer to either male or
3 female, as biologically determined.

4 (4) DESIGNATED VIOLATION.—The term “des-
5 ignated violation” means an actual or threatened
6 violation of this section.

7 (5) ESEA.—The term “elementary school” and
8 “secondary school” have the meanings given the
9 terms in section 8101 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 7801).

11 (6) GENDER TRANSITION.—The term “gender
12 transition” means the process in which an individual
13 goes from identifying with or presenting as his or
14 her sex to identifying with or presenting a self-pro-
15 claimed identity that does not correspond with or is
16 different from his or her sex, and may be accom-
17 panied with social, legal, or physical changes.

18 (7) GOVERNMENTAL ENTITY.—The term “gov-
19 ernmental entity,” means a school district, a local
20 educational agency, a school board, or any agency or
21 other governmental unit or subdivision of a State re-
22 sponsible for education, or of such a local govern-
23 ment.

24 (8) QUALIFIED PARTY.—The term “qualified
25 party” means—

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

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

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