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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend the Child Abuse Prevention and Treatment Act to prevent State child protective services systems from removing a child from the custody of the child's parent or legal guardian due to the parent's or legal guardian's reluctance or refusal to consent to the child receiving a gender-transition intervention, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. Foxx introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Child Abuse Prevention and Treatment Act to prevent State child protective services systems from removing a child from the custody of the child's parent or legal guardian due to the parent's or legal guardian's reluctance or refusal to consent to the child receiving a gender-transition intervention, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Parental Right to Pro-
3 tect Act”.

4 **SEC. 2. GENERAL DEFINITIONS.**

5 Section 3 of the Child Abuse Prevention and Treat-
6 ment Act (42 U.S.C. 5101 note) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “Act—” and inserting “Act.”;

9 (2) in paragraph (1)—

10 (A) by striking “the term” and inserting
11 “CHILD.—The term”;

12 (B) in subparagraph (B), by inserting “or
13 as provided in section 115” after “abuse”; and

14 (C) by striking the semicolon at the end
15 and inserting a period;

16 (3) in paragraph (2)—

17 (A) by striking “the term” and inserting
18 “CHILD ABUSE AND NEGLECT.—The term”;

19 and

20 (B) by striking the semicolon at the end
21 and inserting a period;

22 (4) in paragraph (3)—

23 (A) by striking “the term” and inserting
24 “CHILD WITH A DISABILITY.—The term”; and

25 (B) by striking the semicolon at the end
26 and inserting a period;

1 (5) in paragraph (4)—

2 (A) by striking “the term” and inserting
3 “GOVERNOR.—The term”; and

4 (B) by striking the semicolon at the end
5 and inserting a period;

6 (6) in paragraph (5)—

7 (A) by striking “the terms” and inserting
8 “INDIAN; INDIAN TRIBE; TRIBAL ORGANIZA-
9 TION.—The terms”; and

10 (B) by striking the semicolon at the end
11 and inserting a period;

12 (7) in paragraph (6)—

13 (A) by striking “the term” and inserting
14 “SECRETARY.—The term”; and

15 (B) by striking the semicolon at the end
16 and inserting a period;

17 (8) in paragraph (7)—

18 (A) by striking “except as provided in sec-
19 tion 106(f), the term” and inserting “STATE.—
20 Except as provided in section 106(f), the term”;
21 and

22 (B) by striking “; and” and inserting a pe-
23 riod;

1 (9) in paragraph (8), by striking “the term”
2 and inserting “UNACCOMPANIED HOMELESS
3 YOUTH.—The term”;

4 (10) by adding at the end the following:

5 “(9) BIOLOGICAL SEX.—The term ‘biological
6 sex’ means the genetic classification of an individual
7 as male or female, as reflected in the organization
8 of the body of such individual for a reproductive role
9 or capacity, such as through sex chromosomes, natu-
10 rally occurring sex hormones, and internal and ex-
11 ternal genitalia present at birth, without regard to
12 the subjective sense of identity of the individual.

13 “(10) GENDER-TRANSITION INTERVENTION.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the term ‘gender-transition
16 intervention’ means—

17 “(i) the changing of an individual’s
18 social presentation (including pronouns,
19 first name, hairstyle, or clothing) to con-
20 form to the subjective sense of identity of
21 the individual, which is incongruent with
22 the biological sex of the individual;

23 “(ii) the prescription or administra-
24 tion of GnRH agonists or other puberty-
25 blocking drugs to stop or delay normal pu-

1 berty in order to prevent bodily changes
2 that do not conform to the subjective sense
3 of identity of the individual, which is in-
4 congruent with the biological sex of the in-
5 dividual;

6 “(iii) the prescription or administra-
7 tion of medications for the purpose of
8 changing the body of an individual so that
9 the individual’s body conforms to the sub-
10 jective sense of identity of the individual,
11 which is incongruent with the biological sex
12 of the individual, including prescribing or
13 administering—

14 “(I) testosterone or other
15 androgens to biological females at
16 doses that are supraphysiologic to the
17 female sex; or

18 “(II) estrogen to biological males
19 at doses that are supraphysiologic to
20 the male sex;

21 “(iv) performing a surgery that steri-
22 lizes an individual (including castration,
23 vasectomy, hysterectomy, oophorectomy,
24 metoidioplasty, penectomy, phalloplasty,
25 and vaginoplasty) for the purpose of

1 changing the body of the individual so that
2 the individual's body conforms to the sub-
3 jective sense of identity of the individual,
4 which is incongruent with the biological sex
5 of the individual; or

6 “(v) performing a mastectomy on an
7 individual for the purpose of changing the
8 body of the individual so that the individ-
9 ual's body conforms to the subjective sense
10 of identity of the individual, which is in-
11 congruent with the biological sex of the in-
12 dividual.

13 “(B) EXCEPTION.—The term ‘gender-tran-
14 sition intervention’ does not include—

15 “(i) an intervention described in sub-
16 paragraph (A) that is performed on—

17 “(I) an individual with biological
18 sex characteristics that are inherently
19 ambiguous, such as those born with
20 46 XX chromosomes with virilization,
21 46 XY chromosomes with
22 undervirilization, or having both ovar-
23 ian and testicular tissue; or

24 “(II) an individual with respect
25 to whom a physician has determined

1 through genetic or biochemical testing
2 that the individual does not have nor-
3 mal sex chromosome structure, sex
4 steroid hormone production, or sex
5 steroid hormone action, for a biologi-
6 cal male or biological female;

7 “(ii) the treatment of any infection,
8 injury, disease, or disorder that has been
9 caused or exacerbated by the performance
10 of an intervention described in subpara-
11 graph (A); or

12 “(iii) any procedure undertaken be-
13 cause the individual suffers from a physical
14 disorder, physical injury, or physical illness
15 that would, as certified by a physician,
16 place the individual in imminent danger of
17 death or impairment of major bodily func-
18 tion unless the procedure is performed.”;

19 and

20 (11) by reordering paragraphs (1) through (8)
21 (as amended by paragraphs (2) through (9) of this
22 section), and the paragraphs added by paragraph
23 (10) of this section in alphabetical order, and re-
24 numbering such paragraphs as so reordered.

1 **SEC. 3. FUNDING PROHIBITION.**

2 (a) IN GENERAL.—Title I of the Child Abuse Preven-
3 tion and Treatment Act (42 U.S.C. 5101 et seq.) is
4 amended by adding at the end the following:

5 **“SEC. 115. INELIGIBILITY FOR FUNDING.**

6 “(a) IN GENERAL.—A State shall be ineligible to re-
7 ceive funds under this title if the laws of the State permit
8 the child protective services system of the State—

9 “(1) to remove a child from the custody of the
10 parent or legal guardian of the child due to the par-
11 ent’s or legal guardian’s reluctance or refusal to con-
12 sent to a gender-transition intervention for such
13 child; or

14 “(2) to use such reluctance or refusal as evi-
15 dence of abuse or neglect by such parent or legal
16 guardian.

17 “(b) CHILD DEFINED.—In this section, the term
18 ‘child’ means a person who has not attained the age of
19 18.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents for the Child Abuse Prevention and Treatment Act
22 (42 U.S.C. 5101 et seq.) is amended by inserting after
23 the item relating to section 114 the following:

“Sec. 115. Ineligibility for funding.”.