

## SAY NO TO INDOCTRINATION ACT

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JANUARY 13, 2026.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

\_\_\_\_\_

Mr. WALBERG, from the Committee on Education and Workforce,  
submitted the following

### R E P O R T

together with

### MINORITY VIEWS

[To accompany H.R. 2617]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Workforce, to whom was referred the bill (H.R. 2617) to amend the Elementary and Secondary Education Act of 1965 to prevent the use of funds under such Act to teach or advance concepts related to gender ideology, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Say No to Indoctrination Act”.

#### SEC. 2. PROHIBITING USE OF ESEA FUNDS TO TEACH GENDER IDEOLOGY.

Section 8526 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7906) is amended—

- (1) in paragraph (6), by striking “or”;
- (2) by redesignating paragraph (7) as paragraph (8); and
- (3) by inserting after paragraph (6) the following:

“(7) to teach or advance concepts related to gender ideology, as defined in section 2 of Executive Order 14168 (90 Fed. Reg. 8615; relating to defending women from gender ideology extremism and restoring biological truth to the Federal Government); or”.

## PURPOSE

The purpose of H.R. 2617, the *Say No to Indoctrination Act*, is to prevent federal funding from supporting the spread of radical gender theory in K–12 schools. The bill requires that no funds expended under the *Elementary and Secondary Education Act* (ESEA) be used to teach or advance “gender ideology” as defined by the January 20, 2025, Trump Executive Order, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”

## COMMITTEE ACTION

## 118TH CONGRESS

*First Session—Hearings*

On February 8, 2023, the Committee on Education and the Workforce held a hearing on “American Education in Crisis.” The purpose of the hearing was to examine the state of American education, including the need to protect and restore the rights of parents to have a say in their children’s upbringing and education. Testifying before the Committee were Ms. Virginia Gentles, Director, Education Freedom Center, Independent Women’s Forum, Arlington, VA; Dr. Monty Sullivan, President, Louisiana Community and Technical College System, Baton Rouge, LA; Mr. Scott Pulsipher, President, Western Governors University, Salt Lake City, UT; and the Honorable Jared Polis, Governor, State of Colorado, Denver, CO.

On May 16, 2023, the Committee on Education and the Workforce held a hearing on “Examining the Policies and Priorities of the U.S. Department of Education.” The purpose of the hearing was to review the Fiscal Year 2024 budget priorities of the U.S. Department of Education. Additionally, then-Chairwoman Virginia Foxx (R–NC) asked witness Secretary Miguel Cardona whether he believed that “teachers, administrators, and school boards should defer to parents as the primary teachers of their children, not undercut and work against them.” Secretary Cardona agreed, stating “the schools that are most effective are those that honor and engage parents in a meaningful way.” Testifying before the Committee was U.S. Department of Education Secretary Miguel Cardona, Washington, D.C.

*Legislative Action*

On March 1, 2023, Representative Julia Letlow (R–LA) introduced H.R. 5, the *Parents Bill of Rights Act*, with then-Chairwoman Foxx and Representatives Burgess Owens (R–UT), Rick W. Allen (R–GA), Elise M. Stefanik (R–NY), Glenn Thompson (R–PA), Steve Scalise (R–LA), Tom Emmer (R–MN), Mike Johnson (R–LA), Richard Hudson (R–NC), Mary E. Miller (R–IL), Scott Fitzgerald (R–WI), Joe Wilson (R–SC), Glenn Grothman (R–WI), Jim Banks (R–IN), Lloyd Smucker (R–PA), Michelle Steel (R–CA), Aaron Bean (R–FL), Brandon Williams (R–NY), Erin Houchin (R–IN), Guy Reschenthaler (R–PA), John R. Moolenaar (R–MI), Dan Newhouse (R–WA), Marianne Miller-Meeks (R–IA), Vern Buchanan (R–FL), Clay Higgins (R–LA), Brad Finstad (R–MN), Claudia Tenney (R–NY), Scott DesJarlais (R–TN), Pat Fallon (R–TX), Mike Kelly (R–

PA), Chuck Edwards (R–NC), Tom Tiffany (R–WI), Jerry Carl (R–AL), Ken Calvert (R–CA), David Valadao (R–CA), Ashley Hinson (R–IA), Ralph Norman (R–SC), Mike Bost (R–IL), Daniel Meuser (R–PA), Michael Waltz (R–FL), David Kustoff (R–TN), Mike Garcia (R–CA), Brett Guthrie (R–KY), Nancy Mace (R–SC), Bryan Steil (R–WI), Brad Wenstrup (R–OH), John Rutherford (R–FL), Garret Graves (R–LA), Cathy McMorris Rodgers (R–WA), Jeff Duncan (R–SC), Max Miller (R–OH), Tom McClintock (R–CA), Daniel Crenshaw (R–TX), Alex Mooney (R–WV), Lance Gooden (R–TX), Carlos Gimenez (R–FL), Diana Harshbarger (R–TN), Michael Guest (R–MS), Tony Gonzales (R–TX), Bill Huizenga (R–MI), Anna Paulina Luna (R–FL), Troy Balderson (R–OH), Rob Wittman (R–VA), David Rouzer (R–NC), Rick Crawford (R–AR), Mike Ezell (R–MS), Mike Carey (R–OH), Kat Cammack (R–FL), Ryan Zinke (R–MT), Michael McCaul (R–TX), John Joyce (R–PA), Kevin Hern (R–OK), and Jake Ellzey (R–TX) as original co-sponsors. The bill was referred solely to the Committee on Education and the Workforce. On March 8, 2023, the Committee considered H.R. 5 in legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 25–17. The Committee adopted, among several others, the following amendments to H.R. 5:

1. Representative Letlow offered an Amendment in the Nature of a Substitute (ANS) that added language to the Title I “Parents Right-To-Know” provisions to ensure that parents have the right to inspect books and other reading materials in school libraries. The amendment also made one technical change. The ANS was adopted by voice vote.

2. Representative Tim Walberg (R–MI) offered the PROTECT Kids Act as an amendment to the ANS. The PROTECT Kids Act requires elementary and middle schools that receive federal funds to obtain parental consent before changing a minor child’s gender markers, pronouns, or preferred name on any school form, or before allowing a child to change the child’s sex-based accommodations, including locker rooms or bathrooms. The amendment was adopted by voice vote.

#### *Second Session—Legislative Action*

On February 1, 2023, Representative Walberg introduced H.R. 736, the PROTECT Kids Act. The bill was referred solely to the Committee on Education and the Workforce. On September 11, 2024, the Committee considered H.R. 736 in a legislative session and reported it favorably, as amended, to the House of Representatives by a recorded vote of 22–12. The Committee considered the following amendment to H.R. 736:

1. Representative Walberg offered an ANS that struck section 2 and amended section 3 to apply the funding condition of the bill only to funds received under ESEA. The ANS was adopted by voice vote.

#### 119TH CONGRESS

#### *First Session—Hearing*

On February 5, 2025, the Committee on Education and Workforce held a hearing on “The State of American Education.” The purpose of the hearing was to examine the state of American edu-

cation. During the hearing, Representative Mark Harris (R–NC) asked witness Mrs. Nicole Neily to provide an example of parental rights violations related to gender identity in schools. Mrs. Neily mentioned a school district in Wisconsin that provided teacher training materials that told teachers parents must earn the right to know their child’s gender identity. Testifying before the Committee were Mrs. Nicole Neily, President, Parents Defending Education, Arlington, VA; Dr. Preston Cooper, Senior Fellow, American Enterprise Institute, Washington, D.C.; Mrs. Janai Nelson, President and Director-Counsel, NAACP Legal Defense Fund, Washington, D.C.; and Mr. Johnny C. Taylor, Jr., President and CEO, Society for Human Resource Management, Alexandria, VA.

#### *Legislative Action*

On April 3, 2025, H.R. 2617, the *Say No to Indoctrination Act*, was introduced by Rep. Owens. The bill was referred solely to the Committee on Education and Workforce. On April 9, 2025, the Committee considered H.R. 2617 in legislative session and reported it favorably, as amended, to the House of Representatives by a vote of 18–12. The Committee considered the following amendment to H.R. 2617:

1. Rep. Owens offered an ANS that made minor technical changes. The amendment was adopted by voice vote.

### COMMITTEE VIEWS

#### INTRODUCTION

The Committee is steadfast in its support for families and for the role of parents in shaping their children’s lives. This includes ensuring that students are not indoctrinated with radical ideology about the nature of gender. Many schools have begun teaching students that gender is a spectrum, that gender is a personal choice, and that feelings primarily determine one’s gender. These teachings have no basis in biological reality. What’s worse is that some schools have assisted students in transitioning to a different gender and have even hidden these efforts from the child’s parents. This is wrong. School administrators should not suggest to young children the possibility that they were born in the wrong body. Parents, not school administrators, should make decisions about their child.

#### BACKGROUND ON RADICAL GENDER THEORY IN SCHOOLS

According to Parents Defending Education, at least 21,000 schools in 1,200 districts (covering over 12 million students) have policies that prevent faculty and staff from disclosing a student’s gender identity to his or her parents without that student’s permission.<sup>1</sup> Such policies are detrimental to all children and also violate parents’ rights to direct the upbringing and education of their own child.

While the precise details of each of these district’s policies may vary, they are unified by a radical leftist vision of sex and gender. One of these 1,200 districts is the Los Angeles Unified School Dis-

<sup>1</sup> <https://defending.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>.

tract (LAUSD), whose guidance defines “gender” as “a person’s actual or perceived sex, and includes a person’s gender identity and gender expression” (emphasis added). The guidance further clarifies that a student’s professed gender identity may be different “from that traditionally associated with the person’s physiology or assigned sex at birth.” Students are not restricted to choosing between two sexes. LAUSD affirms that students may be “agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming or gender variant.”<sup>2</sup>

Chicago Public Schools similarly defines “gender identity” as “the deeply held sense or psychological knowledge that individuals have of their gender, regardless of the biological sex they were assigned at birth,” and that “common examples may include ‘male/man/boy,’ ‘female/woman/girl,’ ‘trans/transgender,’ ‘gender variant,’ ‘gender nonconforming,’ ‘agender,’ ‘gender nonbinary,’ or any combination of these terms.” Chicago also asserts that “preferred gender pronouns” may include “common” words such as “ze.”<sup>3</sup>

Pittsburgh Public Schools teaches that “[o]ne’s gender identity can be the same or different from [his or her] sex assigned at birth.”<sup>4</sup> Seattle Public Schools asserts that students may be “gender-expansive,” which they define as “a wider, more flexible range of gender identities than those typically associated with the binary,” and that students may proceed “from living and identifying as one gender to living and identifying as another.”<sup>5</sup>

#### BACKGROUND ON POLICIES TO EXCLUDE PARENTS AND DISCIPLINE DISSENTING TEACHERS

Local district policy can keep parents in the dark about what their child is learning about gender and what gender the child identifies as. LAUSD’s guidance, for example, mandates that “[s]tudents shall be addressed by the name and pronoun that corresponds to their gender identity asserted at school *without* obtaining a court order, changing their pupil records or *obtaining parent/legal guardian permission*” (emphasis added). Further, the guidance openly acknowledges that parents may not be aware of their student’s attempts to transition genders: “school personnel should be aware that the student may not have disclosed their gender identity to their parents.” In fact, the guidance mandates that, before school administrators talk to parents, administrators should consider whether “the parent is aware of the student’s gender identity or expression and is supportive of the student.” If administrators deem a parent not “supportive,” there is no requirement that parents be informed at all when a school acts to transition a student.<sup>6</sup>

Chicago Public Schools states that correctly identifying a student by his or her biological sex could be grounds for disciplinary action: “The intentional or persistent refusal by students or school staff to

<sup>2</sup> <https://ca01000043.schoolwires.net/cms/lib/CA01000043/Centricity/Domain/383/BUL-6224.2%20Transgender%20Policy%205%2013%2019.pdf>.

<sup>3</sup> [https://www.cps.edu/globalassets/cps-pages/about-cps/department-directory/education-policy-and-procedures/tl\\_transgendernonconformingstudents\\_guidelines.pdf](https://www.cps.edu/globalassets/cps-pages/about-cps/department-directory/education-policy-and-procedures/tl_transgendernonconformingstudents_guidelines.pdf).

<sup>4</sup> [https://go.boarddocs.com/pa/pghboe/Board.nsf/files/AAVNG25B8B5D/\\$file/102.3\\_Nondiscrimination\\_Transgender\\_and\\_Gender\\_Expansive\\_Students\\_June2016.pdf](https://go.boarddocs.com/pa/pghboe/Board.nsf/files/AAVNG25B8B5D/$file/102.3_Nondiscrimination_Transgender_and_Gender_Expansive_Students_June2016.pdf).

<sup>5</sup> [https://www.seattleschools.org/wp-content/uploads/2021/07/I09\\_20200624\\_Approval-of-new-BP-No.-3211-Gender-Inclusive-Schools.pdf](https://www.seattleschools.org/wp-content/uploads/2021/07/I09_20200624_Approval-of-new-BP-No.-3211-Gender-Inclusive-Schools.pdf).

<sup>6</sup> <https://ca01000043.schoolwires.net/cms/lib/CA01000043/Centricity/Domain/383/BUL-6224.2%20Transgender%20Policy%205%2013%2019.pdf>.

respect a student’s gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student’s gender identity) is a violation of these Guidelines, the Student Code of Conduct, and Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy. Such violations will result in appropriate consequences for offending staff and students.”<sup>7</sup>

Portland Public Schools in Oregon also pledges to cut out parents and discipline any school staff that dissents, stating in district policy guidance that “[t]he District will not require caregiver/guardian consent before honoring the student’s self-reported gender identity, asserted name, and gender expression” and that “[r]efusal to use a student’s pronouns may result in disciplinary action.”<sup>8</sup>

Local district policies often include no provisions protecting or exempting school staff who have conscientious objections or sincerely held religious beliefs against addressing students as anything other than the student’s sex. On the contrary, LAUSD’s guidance threatens that “persistent refusal to respect a student’s gender identity is a violation of District policy and may constitute discrimination under State law.”<sup>9</sup>

#### BACKGROUND ON FEDERAL LAW AND RADICAL GENDER THEORY

Title IX of the *Education Amendments of 1972* (Title IX) prohibits any education program or activity receiving federal financial assistance from discriminating on the basis of sex. In practice, Title IX applies to most public elementary and secondary schools (including private elementary and secondary schools participating in the school meals programs) and public and private colleges and universities.<sup>10</sup>

The Biden-Harris administration weaponized Title IX by expanding the definition of “sex” to include sexual orientation and gender identity. Under the Biden-Harris administration’s interpretation, schools were required to allow students to use sex-based facilities such as bathrooms and locker rooms based on the student’s claimed gender identity.<sup>11</sup> The Biden-Harris administration’s rewrite of Title IX drew numerous lawsuits and court orders, and the rewrite was eventually blocked by a nationwide court order.<sup>12</sup> The Trump administration immediately reversed the Biden-Harris administration’s executive overreach on Title IX. On January 31, the Trump Department of Education announced it would enforce the 2020 Title IX regulations in place before the Biden administration’s rewrite of those rules.<sup>13</sup>

<sup>7</sup> [https://www.cps.edu/globalassets/cps-pages/about-cps/department-directory/education-policy-and-procedures/tl\\_transgendernonconformingstudents\\_guidelines.pdf](https://www.cps.edu/globalassets/cps-pages/about-cps/department-directory/education-policy-and-procedures/tl_transgendernonconformingstudents_guidelines.pdf).

<sup>8</sup> <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/4.30.061-AD.pdf>.

<sup>9</sup> <https://ca01000043.schoolwires.net/cms/lib/CA01000043/Centricity/Domain/383/BUL-6224.2%20Transgender%20Policy%205%2013%2019.pdf>.

<sup>10</sup> <https://www.govinfo.gov/content/pkg/COMPS-11127/pdf/COMPS-11127.pdf>.

<sup>11</sup> <https://heritageaction.com/toolkit/stop-bidens-title-ix-rule-change>.

<sup>12</sup> <https://www.politico.com/news/2025/01/09/federal-judge-vacates-bidens-title-ix-rule-00197353>; <https://www.edweek.org/policy-politics/which-states-have-sued-to-stop-bidens-title-ix-rule/2024/07>; <https://www.insidehighered.com/news/government/2024/07/17/title-ix-rule-hold-more-670-colleges> <https://hechingerreport.org/title-ix-regulations-on-sex-discrimination-can-be-trump-era-or-biden-era-depending-on-your-state-or-school/>; <https://www.insidehighered.com/news/government/politics-elections/2025/02/03/department-education-reverts-trumps-title-ix-rule>.

<sup>13</sup> <https://www.insidehighered.com/news/government/politics-elections/2025/02/03/department-education-reverts-trumps-title-ix-rule>.

The Trump administration has rejected the Biden-Harris administration's radical view of gender. On January 20, 2025, President Trump issued an executive order stating that “[i]t is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality.” The executive order rejects “gender ideology,” which it defines as a construct that “replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity,” permits “the false claim that males can identify as and thus become women and vice versa,” and includes “the idea that there is a vast spectrum of genders that are disconnected from one’s sex.” The Trump executive order clearly articulates the problem of gender ideology as “maintain[ing] that it is possible for a person to be born in the wrong sexed body.”<sup>14</sup> The current administration’s policy regarding there being two genders determined by biology should be codified in law so that this policy remains constant regardless of presidential administration.

Any school receiving federal funds that facilitates a child’s gender transition and then deceives parents is already in violation of federal law. The *Family Educational Rights and Privacy Act* (FERPA) requires recipients of Department of Education funding to provide parents (or students once they reach age 18 or that are attending an institution of higher education) access to the education records of their children.<sup>15</sup> While the Biden-Harris administration failed to properly apply and enforce the law, on March 28, 2025, Secretary McMahon issued a Dear Colleague Letter correctly reminding school districts that FERPA “does require that a school provide a parent with an opportunity to inspect and review education records of their child, upon request,” including any documentation of gender transition plans.<sup>16</sup> The Department has opened FERPA investigations into California and Maine related to those states’ policies of withholding gender transition information from parents.<sup>17</sup>

While these actions are in the right direction, it should not take deception of parents for schools to be caught running afoul of federal law. No school should be able to use the privilege of federal taxpayer funds to facilitate a gender transition or teach radical gender theory.

#### CONCLUSION

There are only two sexes: male and female. Sex is a biological classification and not subject to gender identity ideologies: a boy is a boy; a girl is a girl. Throughout human history, none of these statements would have provoked much controversy—until today. Unfortunately, these biological truths are increasingly under attack in school districts. The radical Left is pushing a vision of gender that is extremist, ignores basic biology, and is at odds with what the vast majority of parents believe. Classrooms should be places

<sup>14</sup> <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>.

<sup>15</sup> *General Education Provisions Act*, § 444.

<sup>16</sup> [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/Secretary\\_Comb\\_SPPD\\_DCL\\_Annual%20Notice\\_0.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Secretary_Comb_SPPD_DCL_Annual%20Notice_0.pdf).

<sup>17</sup> <https://www.chalkbeat.org/2025/03/28/schools-must-share-child-gender-identity-info-with-parents-trump-education-department-says/>.

of learning, growth, and achievement—not taxpayer-funded political activism.

#### SUMMARY

On April 3, 2025, Rep. Owens introduced H.R. 2617, the *Say No to Indoctrination Act*, which would effectively codify President Trump’s January 20th executive order as it relates to K–12 schools. The bill stipulates that no school may use federal funds received under ESEA to teach or advance radical “gender ideology” as defined by the Trump executive order.

#### H.R. 2617 SECTION-BY-SECTION SUMMARY

##### *Section 1—Short title*

- Names the bill the “*Say No to Indoctrination Act*.”

##### *Section 2—Prohibiting use of ESEA funds to teach gender ideology*

- Amends the *Elementary and Secondary Education Act* to stipulate that no funds under the Act may be used to teach or advance concepts related to “gender ideology,” as defined in President Trump’s January 20 Executive Order “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”

#### EXPLANATION OF AMENDMENTS

The amendment in the nature of a substitute is explained in the body of this report.

#### APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 2617 amends the *Elementary and Secondary Education Act of 1965* to prevent the use of funds under such Act to teach or advance concepts related to gender ideology, and for other purposes. H.R. 2617 is applicable to elementary and secondary schools that receive funds under the *Elementary and Secondary Education Act of 1965* and therefore does not apply to the Legislative Branch.

#### UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the Congressional Budget and Impoundment Control Act of 1974, Pub. L. No. 93–344 (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act of 1995, Pub. L. No. 104–4), the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 402 of the Congressional Budget and Impoundment Control Act of 1974.

#### EARMARK STATEMENT

H.R. 2617 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House rule XXI.

## ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

Date: 4/9/25

**COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE**

Roll Call: 1 Bill: H.R. 2617 Amendment Number: N/A

Disposition: Adopted by a Full Committee Roll Call Vote (18y- 12n)

Sponsor/Amendment: Motion to Report bill; as amended

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. COURTNEY (CT))		X	
Mrs. FOXX (NC)	X			Ms. WILSON (FL)		X	
Mr. THOMPSON (PA)	X			Ms. BONAMICI (OR)		X	
Mr. GROTHMAN (WI)	X			Mr. TAKANO (CA))		X	
Ms. STEFANIK (NY)			X	Ms. ADAMS (NC)		X	
Mr. ALLEN (GA)	X			Mr. DESAULNIER (CA)		X	
Mr. COMER (KY)			X	Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)	X			Ms. MCBATH (GA)			X
Ms. MCCLAIN (MI)			X	Ms. HAYES (CT)		X	
Mrs. MILLER (IL)	X			Ms. OMAR (MN)		X	
Ms. LETLOW (LA)	X			Ms. STEVENS (MI)			X
Mr. KILEY (CA)	X			Mr. CASAR (TX)		X	
Mr. RULLI (OH)	X			Ms. LEE (PA)		X	
Mr. MOYLAN (GU)	X			Mr. MANNION (NY)		X	
Mr. ONDER (MO)	X						
Mr. MACKENZIE (PA)	X						
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)	X						
Mr. MESSMER (IN)	X						
Mr. FINE (FL)	X						

TOTALS: Ayes: 18

Nos: 12

Not Voting: 6

Total: 36 / Quorum: / Report: 18y-12n

(21 R - 16 D)

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House rule XIII, the goal of H.R. 2617, is to amend the *Elementary and Secondary Education Act of 1965* to prevent the use of funds under such Act to teach or advance concepts related to gender ideology, and for other purposes.

## DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 2617 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF  
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

## REQUIRED COMMITTEE HEARING

In compliance with clause 3(c)(6) of rule XIII the following hearing held during the 119th Congress was used to develop or consider H.R. 2617: On February 5, 2025, the Committee on Education and Workforce held a hearing on “The State of American Education.”

## NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the cost estimate for the bill prepared by the Director of the Congressional Budget Office.

<b>H.R. 2617, Say No to Indoctrination Act</b>			
As ordered reported by the House Committee on Education and Workforce on April 9, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply? No	
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate? No	
		Contains private-sector mandate? No	
* = between zero and \$500,000.			

H.R. 2617 would prohibit schools from using funds authorized by the Elementary and Secondary Education Act of 1965 to teach or advance concepts related to gender ideology as defined in Executive Order 14168, published in January 2025.<sup>1</sup>

CBO expects schools to comply with the requirements in H.R. 2617 and that any federal funds that would have been used for that purpose under current law would be used for other purposes.

Based on the cost of implementing similar prohibitions, CBO estimates that the costs to the Department of Education to implement H.R. 2617 would be insignificant; any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Garrett Quenneville. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 2617. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when, as with the present report, the Committee adopts as its own the cost estimate for the bill prepared by the Director of the Congressional Budget Office.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

<sup>1</sup> Executive Order 14168, "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," Presidential Document, 90 *Fed. Reg.* 8615 (January 20, 2025) <https://tinyurl.com/yjdsy7bn>.

and existing law in which no change is proposed is shown in roman):

**ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965**

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**TITLE VIII—GENERAL PROVISIONS**

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**PART F—UNIFORM PROVISIONS**

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**Subpart 2—Other Provisions**

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**SEC. 8526. PROHIBITED USES OF FUNDS.**

No funds under this Act may be used—

(1) for construction, renovation, or repair of any school facility, except as authorized under this Act;

(2) for transportation unless otherwise authorized under this Act;

(3) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;

(4) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

(5) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence;

(6) to operate a program of contraceptive distribution in schools; **[or]**

*(7) to teach or advance concepts related to gender ideology, as defined in section 2 of Executive Order 14168 (90 Fed. Reg. 8615; relating to defending women from gender ideology extremism and restoring biological truth to the Federal Government); or*

**[(7)]** (8) for the provision to any person of a dangerous weapon, as defined in section 930(g)(2) of title 18, United States Code, or training in the use of a dangerous weapon, except that this paragraph shall not apply to the use of funds under this Act for activities carried out under programs authorized by this Act that are otherwise permissible under such programs and that provide students with educational instruction or educational enrichment activities, such as archery, hunting, other shooting sports, or culinary arts.

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## MINORITY VIEWS

### INTRODUCTION

H.R. 2617, the *Say No to Indoctrination Act*, would prohibit public schools from using funds provided through programs authorized by the *Elementary and Secondary Education Act*<sup>1</sup> (ESEA), “to teach or advance concepts related to gender ideology” as defined in the recently issued executive order claiming to “defend women from gender ideology.”<sup>2</sup> This bill is yet another attempt to promote culture wars by forcing public schools to follow partisan ideology in the use of federal education funds. The bill negatively targets transgender youth under the guise of “biological truth and defending women.”<sup>3</sup> In actuality, this bill does nothing to protect girls in the classroom, however it does have the potential to cause further marginalization and harm to trans students. Ultimately, this bill does nothing to address actual challenges public K–12 schools are facing.

### SUMMARY OF CONCERNS

#### *This Bill Aims To Infuse Curriculum and All Other Aspects of Public Schools With Divisive Ideology*

ESEA already states that schools cannot use federal dollars provided by programs authorized by the ESEA to promote sexual activity (whether homosexual or heterosexual), distribute or aid in the distribution of legally obscene materials to minors on school grounds, teach sex education/ HIV prevention, or distribute contraception in schools.<sup>4</sup> This provision does not tell school districts how or what they can teach, but merely prohibits how federal funds can be spent. As such it does not infringe on the longstanding prohibition that prevents the federal government from exercising “any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system . . . .”<sup>5</sup> Schools are free to use their own funds to provide sex education and HIV prevention classes, and often do, tailoring their curricula and programs to the prevailing opinions of the locality and not the federal government.

On its face, it would appear that the prohibition in H.R. 2617 operates in the same manner. This bill prohibits schools from using federal funds to “teach or advance gender ideology”. The problem

<sup>1</sup> 20 U.S.C. § 7906.

<sup>2</sup> *Say No to Indoctrination Act*, H.R. 2617, 119th Cong. (April 9, 2025) <https://www.congress.gov/119/bills/hr2617/BILLS-119hr2617ih.pdf>; Exec. Order 14,168, 90 Fed. Reg. 8,615 (Jan. 20, 2025).

<sup>3</sup> *Id.*

<sup>4</sup> 20 U.S.C. § 7906. Even the provision prohibiting sex education allows for federal funds to be used if, “that instruction is age appropriate and includes the health benefits of abstinence;”.

*Id.*

<sup>5</sup> 20 U.S.C. § 1232a.

comes however, in the use of the legally ambiguous term “advance” and the codification of the radical definition of “gender ideology” from Executive Order (EO) 14168. Taken together this phrase will make it difficult for schools to use their funds to take any position on gender counter to those espoused in EO 14168, effectively limiting how state and local education authorities can use their own funding.

This is how EO 14168 defines gender ideology:

“Gender ideology” replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one’s sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.

This definition also includes several other terms defined within the EO itself, including “sex”, “gender identity”, “male”, and “women”.<sup>6</sup> Both the definitions of “gender ideology” and other terms cross-referenced within the EO are defined counter to prevailing scientific and psychological discourse regarding sex and gender. Trans people exist and are recognized in scientific study and research.<sup>7</sup> However, in a suit filed to block the EO, the National Urban League, National Fair Housing Alliance, and the AIDS Foundation of Chicago argue that “[t]he Anti-Gender Order seeks to erase transgender people from public life and poses an existential threat to transgender people themselves.”<sup>8</sup>

By prohibiting the use of ESEA funds to “advance” the concept of gender identity generally, schools would have to make critical decisions on issues of curricula, program of instruction, administration, and personnel, all aspects of school governance that federal law prohibits Departmental involvement. Any school that receives ESEA funds would have to ensure that actions taken with those funds would not “advance gender ideology”. ESEA funds can support a wide array of activities including: teacher salaries, programs to help students meet challenging state academic standards, well-rounded education services, and school-based mental health programs. Any service or program where a transgender student or teacher could be involved would force a school to confront whether ESEA funds could be spent for that service if doing so would “advance gender ideology”. In practice this would be an unworkable standard for schools. Schools should be able to use federal dollars

<sup>6</sup> Exec. Order 14,168, 90 Fed. Reg. 8,615 (Jan. 20, 2025).

<sup>7</sup> Hillary B. Nguyen et al., *Gender-Affirming Hormone Use in Transgender Individuals: Impact on Behavioral Health and Cognition*, 20 *Curr Psychiatry Reps.* 110 (2018), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6354936/>; Carme Uribe et al., *Brain Network Interactions in Transgender Individuals with Gender Incongruence*, 211 *NeuroImage*, 116613 (2020), <https://www.sciencedirect.com/science/article/pii/S1053811920301002?via%3Dihub#sec3>.

<sup>8</sup> Complaint at 10, *Nat’l Urb. League v. Trump*, No. 1:25-cv-00471, (D.D.C. Feb. 19, 2025), <https://www.naacpld.org/wp-content/uploads/2025.02.19-ECF-1-Complaint.pdf>.

without the threat of micromanagement of every decision to determine if it adheres to the Majority's ideology.

*The Bill Does Nothing To Address Real Issues for Schools and Students and Intentionally Causes Harm for a Vulnerable Population of Young People*

While the Majority continues to center culture war issues as Committee business, K–12 schools continue to face pressing issues. During the markup, Rep. Mark Takano (D CA) highlighted that this bill is a “waste of time and energy” and that this bill targets “an already vulnerable population of students and ensuring that they won't be able to find support or representation in the place where they go to learn every day.”<sup>9</sup> H.R. 2617 does nothing to address the slew of concerns public schools have faced since January. Late in March, the Department of Education (ED) canceled late liquidation for Elementary and Secondary School Emergency Relief (ESSER) dollars under the American Rescue Plan (ARP) Act creating a loss of over \$2.5 billion for public K–12 schools across the nation.<sup>10</sup> Additionally, a court ruled the Administration could move forward with canceling all Teacher Quality Partnership (TQP) and Supporting Effective Educator Development (SEED) grants<sup>11</sup> at a time when educator preparedness is at a crisis level in many states.<sup>12</sup> Finally, the Administration is attempting to illegally dismantle ED through executive order<sup>13</sup> and a Reduction in Force (RIF) which cut ED staff in half<sup>14</sup>, which has resulted in a delay in federal funds to states<sup>15</sup> with little to no options for recourse.<sup>16</sup> Now is simply not the time to consider H.R. 2617.

DEMOCRATIC AMENDMENTS OFFERED DURING MARKUP OF H.R. 2617

Committee Democrats did not offer any amendments to H.R. 2617.

<sup>9</sup>Markup Hearing of H.R. 2617 Before the H. Comm. On Educ. & the Workforce, 119th Cong. (Statement of Rep. Mark Takano); Kara Arundel, House committee advances 'gender ideology' bills, K–12 Dive (Apr. 9, 2025), <https://www.k12dive.com/news/house-committee-advances-gender-ideology-in-schools-bills/744950/>.

<sup>10</sup>Juan Perez Jr., States scramble to address 'catastrophic' halt to federal pandemic education aid, Politico, Apr. 1, 2025, <https://www.politico.com/news/2025/04/01/maryland-new-jersey-and-other-states-scramble-to-address-halt-to-covid-19-education-aid-00262345>.

<sup>11</sup>Josh Gerstein, Supreme Court, in a win for Trump, lets admin cancel \$65M in teaching grants, Politico, Apr. 4, 2025, <https://www.politico.com/news/2025/04/04/supreme-court-ruling-education-grants-00273427>; Press Release, Notice to Members” Fourth Circuit Decision in AACTE, NCTR and MACTE v. McMahon, (Apr. 10, 2025) <https://aacte.org/2025/04/notice-to-members-fourth-circuit-decision-in-aacte-nctr-and-macte-v-mcmahon/>.

<sup>12</sup>Julia H. Kaufman, Teacher Preparation Needs to Catch Up with School Reform, RAND, Feb. 28, 2025, <https://www.rand.org/pubs/commentary/2025/02/teacher-preparation-needs-to-catch-up-with-school-reform.html>.

<sup>13</sup>Fact Sheet, The White House, President Donald J. Trump Empowers Parents, States, and Communities to Improve Education Outcomes, Mar. 20, 2025, <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-empowers-parents-states-and-communities-to-improve-education-outcomes/>.

<sup>14</sup>Press Release, U.S. Dep't of Educ., U.S. Department of Education Initiates Reduction in Force, Mar. 11, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>.

<sup>15</sup>Jonaki Mehta, How the Education Department Cuts Could Hurt Low-Income and Rural Schools, NPR, Mar. 21, 2025, <https://www.npr.org/2025/03/21/nx-s1-5330917/trump-schools-education-department-cuts-low-income>; Mark Lieberman, States Get Antsy as Education Department Layoffs Delay Millions for Schools, EducationWeek, Mar. 27, 2025, <https://www.edweek.org/policy-politics/states-get-antsy-as-education-department-layoffs-delay-millions-for-schools/2025/03>.

<sup>16</sup>Press Release, U.S. Dep't of Educ., *supra* note 14.

## CONCLUSION

This Committee should be laser focused on issues that would help address pandemic learning loss, teacher shortages, and the harrowing effect of efforts to dismantle the Department of Education. Instead, H.R. 2617 attempts to circumvent longstanding prohibitions on federal control over aspects of education. It does so by forcing local states and districts to adopt a partisan, divisive viewpoint. If they do not, they may be prohibited from using funds Congress authorized to support our most vulnerable students through the ESEA.<sup>17</sup> For the reasons stated above, all Committee Democrats present opposed H.R. 2617 when the Committee on Education and the Workforce considered it on April 9, 2025. We urge the House of Representatives to do the same.

ROBERT C. "BOBBY" SCOTT,  
*Ranking Member.*  
JOE COURTNEY,  
MARK TAKANO,  
MARK DESAULNIER,  
SUMMER LEE,  
YASSAMIN ANSARI,  
*Members of Congress.*

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<sup>17</sup>Mehta, *supra* note 15; Collin Binkley, *K-12 Schools Must Sign Certification Against DEI to receive federal money, administration says*, AP, Apr. 3, 2025, <https://apnews.com/article/dei-trump-school-discrimination-federal-funding-7d1025753b9bd924711ace4069fca399>.