

118TH CONGRESS
1ST SESSION

H. R. 6592

To authorize the Secretary of Education to provide grants to local educational agencies to cover the costs of challenges to determinations not to discontinue the use of specific instructional materials, or the availability of specific school library materials, in public elementary and secondary schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2023

Mr. FROST (for himself, Mr. RASKIN, Ms. WILSON of Florida, Ms. ADAMS, Mr. AGUILAR, Mr. BERA, Mr. BLUMENAUER, Mr. BOWMAN, Ms. BROWN, Mr. CARSON, Mr. CASAR, Mr. CASTEN, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Mrs. CHERFILUS-McCORMICK, Ms. CLARKE of New York, Ms. CROCKETT, Ms. LOIS FRANKEL of Florida, Mr. ROBERT GARCIA of California, Mr. GOLDMAN of New York, Mr. HORSFORD, Mr. IVEY, Ms. JACKSON LEE, Ms. JACOBS, Mr. JOHNSON of Georgia, Mr. KHANNA, Ms. LEE of California, Ms. LEE of Pennsylvania, Mr. MOSKOWITZ, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. PAYNE, Mr. PETERS, Ms. PETTERSEN, Mr. POCAN, Ms. PORTER, Ms. PRESSLEY, Mrs. RAMIREZ, Ms. SCHAKOWSKY, Ms. SEWELL, Mr. SOTO, Ms. STANSBURY, Mr. TAKANO, Mr. THANEDAR, Ms. TITUS, Ms. TLAIB, Ms. TOKUDA, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, and Mr. MFUME) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To authorize the Secretary of Education to provide grants to local educational agencies to cover the costs of challenges to determinations not to discontinue the use of specific instructional materials, or the availability of spe-

cific school library materials, in public elementary and secondary 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 “Fight Book Bans Act”.

5 **SEC. 2. GRANTS TO REIMBURSE CERTAIN COSTS OF CHAL-**
 6 **LENGES TO CONTINUED USE OF INSTRUC-**
 7 **TIONAL AND LIBRARY MATERIALS.**

8 (a) DEFINITIONS.—For purposes of this section:

9 (1) APPLICABLE PROGRAM.—The term “appli-
 10 cable program” means any program for which the
 11 Secretary of Education has administrative responsi-
 12 bility as provided by law or by delegation of author-
 13 ity pursuant to law.

14 (2) COVERED LOCAL EDUCATIONAL AGENCY.—
 15 The term “covered local educational agency” means
 16 a local educational agency that has the duty and re-
 17 sponsibility under law—

18 (A) to select and provide instructional ma-
 19 terials and school library materials for students
 20 attending public elementary schools or public
 21 secondary schools under the jurisdiction of the
 22 agency;

23 (B) to provide, or participate in, a proc-
 24 ess—

1 (i) to provide for resolution of an ob-
2 jection by a parent or other person to—

3 (I) the use of a specific instruc-
4 tional material; or

5 (II) the availability of a specific
6 school library material; and

7 (ii) to discontinue the use of the in-
8 structional material, or the availability of
9 the school library material, for any grade
10 level or age group if the local educational
11 agency determines that the material is in-
12 appropriate or unsuitable; and

13 (C) to provide, or participate in, a process
14 (including any administrative proceeding or
15 court case) under which a parent or other per-
16 son who disagrees with a determination made
17 by the covered local educational agency pursu-
18 ant to subparagraph (B)(ii) to discontinue or
19 not to discontinue the use of an instructional
20 material, or the availability of a school library
21 material, may appeal, or otherwise request re-
22 consideration of, the determination.

23 (3) ESEA TERMS.—The terms “elementary
24 school”, “parent”, “secondary school”, and “Sec-
25 retary” have the meaning given those terms in sec-

1 tion 8101 of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 7801).

3 (4) INSTRUCTIONAL MATERIAL.—The term “in-
4 structional material” means instructional content
5 that is provided to a student, regardless of its for-
6 mat, including printed or representational materials,
7 audio-visual materials, and materials in electronic or
8 digital formats (such as materials accessible through
9 the Internet). The term does not include academic
10 tests or academic assessments.

11 (5) LOCAL EDUCATIONAL AGENCY.—The term
12 “local educational agency” means a public elemen-
13 tary school, public secondary school, school district,
14 or local board of education that is the recipient of
15 funds under an applicable program.

16 (6) SCHOOL LIBRARY MATERIAL.—The term
17 “school library material” means any material avail-
18 able to a student via the student’s school library, re-
19 gardless of its format, including printed or represen-
20 tational materials, audio-visual materials, and mate-
21 rials in electronic or digital formats (such as mate-
22 rials accessible through the Internet).

23 (7) STUDENT.—The term “student” means any
24 public elementary school or public secondary school
25 student.

1 (b) GRANTS.—

2 (1) IN GENERAL.—The Secretary of Education
3 is authorized to make grants to covered local edu-
4 cational agencies to reimburse such agencies for the
5 costs (including costs such as attorneys' fees and
6 court costs) incurred in connection with a process
7 described in subsection (a)(2)(C), if—

8 (A) such costs are not reimbursed by the
9 State or any other person; and

10 (B) such process was initiated due to a de-
11 termination by the covered local educational
12 agency not to discontinue the use of an instruc-
13 tional material or the availability of a school li-
14 brary material.

15 (2) APPLICATION.—A covered local educational
16 agency desiring to receive an award under paragraph
17 (1) shall submit an application to the Secretary at
18 such time and in such manner as the Secretary shall
19 require.

20 (3) MAXIMUM AMOUNT.—The maximum
21 amount that a covered local educational agency is el-
22 igible to receive under this subsection is \$100,000
23 for each determination described in paragraph
24 (1)(B).

1 (4) AWARD PROCESS.—In awarding grants
2 under this subsection, the Secretary shall ensure
3 that the award process is based on content-neutral
4 and viewpoint-neutral criteria and does not take into
5 account the content of the instructional material or
6 school library material concerned.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
8 out this section, there are authorized to be appropriated
9 a total of \$15,000,000 for fiscal years 2024 through 2028.

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