

118TH CONGRESS  
1ST SESSION

# S. 2394

To amend the Child Abuse Prevention and Treatment Act to disqualify any State that discriminates against parents or guardians who oppose medical, surgical, pharmacological, psychological treatment, or clothing and social changes related to affirming the subjective claims of gender identity expressed by any minor if such claimed identity is inconsistent with such minor's biological sex from receiving funding under such Act.

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## IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Mr. COTTON (for himself, Mr. VANCE, Mr. HAWLEY, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

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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 “Guaranteeing  
3 Unalienable and Anatomical Rights for Dependents” or  
4 the “GUARD Act”.

5 **SEC. 2. STATE GRANT REQUIREMENTS.**

6 The Child Abuse Prevention and Treatment Act (42  
7 U.S.C. 5101 et seq.) is amended by inserting after section  
8 3 the following:

9 **“SEC. 4. STATE GRANT REQUIREMENTS.**

10 “(a) IN GENERAL.—Notwithstanding any other pro-  
11 vision of law, no State may receive funding under this Act  
12 if such State takes any adverse action or otherwise dis-  
13 criminate against parents, guardians, or legal representa-  
14 tives who oppose medical, surgical, pharmacological, psy-  
15 chological treatment, or other medical intervention, or  
16 clothing, name or pronoun use, or other social changes or  
17 practices related to transitioning to or affirming the  
18 claims or expressions of gender identity of any minor  
19 under the charge, care, or supervision of the parent,  
20 guardian, or legal representative, if such gender identity  
21 is inconsistent, in such parent’s, guardian’s, or legal rep-  
22 resentative’s estimation, with such minor’s biological sex,  
23 as determined definitively at or before birth, regardless of  
24 any medical diagnosis or indication of gender dysphoria,  
25 body dysphoria, dissociative identity disorder, or social  
26 anxiety disorder.

1       “(b) ENFORCEMENT.—In the case of an award made  
2 by the Secretary under this Act in violation of subsection  
3 (a), any parent, guardian, or legal representative who ex-  
4 perienceed an adverse action or other discrimination de-  
5 scribed in subsection (a) by a State receiving funding  
6 under this Act may bring an action, in an appropriate  
7 Federal district court of the United States or State court,  
8 against the Department of Health and Human Services,  
9 seeking to enjoin the Secretary from continuing such  
10 award to such State and to require the State awarded  
11 amounts in violation of subsection (a) to return such funds  
12 to the Treasury.”.

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