

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 5  
OFFERED BY MR. CULBERSON OF TEXAS**

Page 481, after line 22, insert the following new subpart:

1 **“Subpart 4—Restoration of State Sovereignty Over**  
2 **Public Education and Parental Rights Over the**  
3 **Education of Their Children**

4 **“SEC. 5561. STATES TO RETAIN RIGHTS AND AUTHORITIES**  
5 **THEY DO NOT EXPRESSLY WAIVE.**

6 “(a) RETENTION OF RIGHTS AND AUTHORITIES.—  
7 No officer, employee, or other authority of the Secretary  
8 shall enforce against an authority of a State, nor shall  
9 any authority of a State have any obligation to obey, any  
10 requirement imposed as a condition of receiving assistance  
11 under a grant program established under this Act, nor  
12 shall such program operate within a State, unless the leg-  
13 islature of that State shall have by law expressly approved  
14 that program and, in doing so, have waived the State’s  
15 rights and authorities to act inconsistently with any re-  
16 quirement that might be imposed by the Secretary as a  
17 condition of receiving that assistance.

1           “(b) AMENDMENT OF TERMS OF RECEIPT OF FED-  
2 ERAL FINANCIAL ASSISTANCE.—An officer, employee, or  
3 other authority of the Secretary may release assistance  
4 under a grant program established under this Act to a  
5 State only after the legislature of the State has by law  
6 expressly approved the program (as described in sub-  
7 section (a)). This approval may be accomplished by a vote  
8 to affirm a State budget that includes the use of such Fed-  
9 eral funds and any such State budget must expressly in-  
10 clude any requirement imposed as a condition of receiving  
11 assistance under a grant program established under this  
12 Act so that by approving the budget, the State legislature  
13 is expressly approving the grant program and, in doing  
14 so, waiving the State’s rights and authorities to act incon-  
15 sistently with any requirement that might be imposed by  
16 the Secretary as a condition of receiving that assistance.

17           “(c) SPECIAL RULE FOR STATES WITH BIENNIAL  
18 LEGISLATURES.—In the case of a State with a biennial  
19 legislature—

20                   “(1) during a year in which the State legisla-  
21 ture does not meet, subsections (a) and (b) shall not  
22 apply; and

23                   “(2) during a year in which the State legisla-  
24 ture meets, subsections (a) and (b) shall apply, and,  
25 with respect to any grant program established under

1 this Act during the most recent year in which the  
2 State legislature did not meet, the State may by law  
3 expressly disapprove the grant program, and, if such  
4 disapproval occurs, an officer, employee, or other au-  
5 thority of the Secretary may not release any addi-  
6 tional assistance to the State under that grant pro-  
7 gram.

8 “(d) DEFINITION OF STATE AUTHORITY.—As used  
9 in this section, the term ‘authority of a State’ includes  
10 any administering agency of the State, any officer or em-  
11 ployee of the State, and any local government authority  
12 of the State.

13 “(e) EFFECTIVE DATE.—This section applies in each  
14 State beginning on the 90th day after the end of the first  
15 regular session of the legislature of that State that begins  
16 5 years after the date of the enactment of the Student  
17 Success Act and shall continue to apply in subsequent  
18 years until otherwise provided by law.

19 **“SEC. 5562. DEDICATION OF SAVINGS TO DEFICIT REDUC-**  
20 **TION.**

21 “Notwithstanding any formula reallocations stipu-  
22 lated under the Student Success Act, any funds under  
23 such Act not allocated to a State because a State did not  
24 affirmatively agree to the receipt of such funds shall not  
25 be reallocated among the States.

1 **“SEC. 5563. DEFINITION OF STATE WITH BIENNIAL LEGIS-**  
2 **LATURE.**

3 “In this Act, the term ‘State with a biennial legisla-  
4 ture’ means a State the legislature of which meets every  
5 other year.

6 **“SEC. 5564. INTENT OF CONGRESS.**

7 “It is the intent of Congress that other than the  
8 terms and conditions expressly approved by State law  
9 under the terms of this subpart, control over public edu-  
10 cation and parental rights to control the education of their  
11 children are vested exclusively within the autonomous zone  
12 of independent authority reserved to the States and indi-  
13 vidual Americans by the United States Constitution, other  
14 than the Federal Government’s undiminishable obligation  
15 to enforce minimum Federal standards of equal protection  
16 and due process.”.

