

_____ Member's signature: John Albany Culberson
(H. R. #/H. J. Res. #) Member's name (printed): John A. Culberson

CONSTITUTIONAL AUTHORITY STATEMENT

To accompany: *Restoration of Parental Rights and State Sovereignty Act of 2015:*

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Congress has the power to enact this legislation pursuant to the following: Article I, Section 1 and Section 9. This legislation changes the terms and conditions for receipt of federal dollars in order to reaffirm and restore the autonomous sovereign authority of the States over public education. The Constitution contains no reference to public education. Therefore, under the Tenth Amendment and the structure and text of the Constitution, control over public education is reserved to the States and the people of the United States.


Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R.

To amend the Elementary and Secondary Education Act of 1965 to restore State sovereignty over public education and parental rights over the education of their children.

IN THE HOUSE OF REPRESENTATIVES

Mr. CULBERSON introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Elementary and Secondary Education Act of 1965 to restore State sovereignty over public education and parental rights over the education of their children.

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 "Restoration of Paren-
5 tal Rights and State Sovereignty Act of 2015".

1 **SEC. 2. RESTORATION OF STATE SOVEREIGNTY OVER PUB-**
2 **LIC EDUCATION AND PARENTAL RIGHTS**
3 **OVER THE EDUCATION OF THEIR CHILDREN.**

4 Part E of title IX of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7881 et seq.) is amend-
6 ed by adding at the end the following:

7 **“Subpart 3—Restoration of State Sovereignty Over**
8 **Public Education and Parental Rights Over the**
9 **Education of Their Children**

10 **“SEC. 9541. STATES TO RETAIN RIGHTS AND AUTHORITIES**
11 **THEY DO NOT EXPRESSLY WAIVE.**

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

24 “(b) **AMENDMENT OF TERMS OF RECEIPT OF FED-**
25 **ERAL FINANCIAL ASSISTANCE.—**An officer, employee, or
26 other authority of the Secretary may release assistance

1 under a grant program established under this Act to a
2 State only after the legislature of the State has by law
3 expressly approved the program (as described in sub-
4 section (a)). This approval may be accomplished by a vote
5 to affirm a State budget that includes the use of such Fed-
6 eral funds and any such State budget must expressly in-
7 clude any requirement imposed as a condition of receiving
8 assistance under a grant program established under this
9 Act so that by approving the budget, the State legislature
10 is expressly approving the grant program and, in doing
11 so, waiving the State's rights and authorities to act incon-
12 sistently with any requirement that might be imposed by
13 the Secretary as a condition of receiving that assistance.

14 “(c) SPECIAL RULE FOR STATES WITH BIENNIAL
15 LEGISLATURES.—In the case of a State with a biennial
16 legislature—

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

20 “(2) during a year in which the State legisla-
21 ture meets, subsections (a) and (b) shall apply, and,
22 with respect to any grant program established under
23 this Act during the most recent year in which the
24 State legislature did not meet, the State may by law
25 expressly disapprove the grant program, and, if such

1 disapproval occurs, an officer, employee, or other au-
2 thority of the Secretary may not release any addi-
3 tional assistance to the State under that grant pro-
4 gram.

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

10 “(e) EFFECTIVE DATE.—This section applies in each
11 State beginning on the 90th day after the end of the first
12 regular session of the legislature of that State that begins
13 5 years after the date of the enactment of the Restoration
14 of Parental Rights and State Sovereignty Act of 2015 and
15 shall continue to apply in subsequent years until otherwise
16 provided by law.

17 **“SEC. 9542. DEDICATION OF SAVINGS TO DEFICIT REDUC-**
18 **TION.**

19 “Notwithstanding any formula reallocations stipu-
20 lated under this Act, any funds under this Act not allo-
21 cated to a State because a State did not affirmatively
22 agree to the receipt of such funds shall not be reallocated
23 among the States.

1 **“SEC. 9543. 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. 9544. 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.”.

17 **SEC. 3. TABLE OF CONTENTS.**

18 The table of contents in section 2 of the Elementary
19 and Secondary Education Act of 1965 (20 U.S.C. 6301
20 et seq.) is amended by inserting after the item relating
21 to subpart 2 of part E of title IX the following:

“SUBPART 3—RESTORATION OF STATE SOVEREIGNTY OVER PUBLIC EDU-
CATION AND PARENTAL RIGHTS OVER THE EDUCATION OF THEIR CHIL-
DREN

“9541. States to retain rights and authorities they do not expressly waive.

“9542. Dedication of savings to deficit reduction.

“9543. Definition of State with biennial legislature.

“9544. Intent of Congress.”.