

112TH CONGRESS  
1ST SESSION

# H. R. 2917

To restore State sovereignty, and to dedicate excess grant funds to deficit reduction.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2011

Mr. CULBERSON (for himself and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To restore State sovereignty, and to dedicate excess grant funds to deficit reduction.

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 State  
5 Sovereignty Act of 2011”.

1 **SEC. 2. STATES TO RETAIN RIGHTS AND AUTHORITIES**  
2 **THEY DO NOT EXPRESSLY WAIVE.**

3 (a) RETENTION OF RIGHTS AND AUTHORITIES.—No  
4 officer, employee, or other authority of the Federal Gov-  
5 ernment shall enforce against an authority of a State, nor  
6 shall any authority of a State have any obligation to obey,  
7 any requirement imposed as a condition of receiving Fed-  
8 eral financial assistance under a grant program estab-  
9 lished under Federal law, nor shall such program operate  
10 within a State, unless the legislature of that State shall  
11 have by law expressly approved that program and, in doing  
12 so, have waived the State's rights and authorities to act  
13 inconsistently with any requirement that might be imposed  
14 by the Federal Government as a condition of receiving  
15 that assistance.

16 (b) AMENDMENT OF TERMS OF RECEIPT OF FED-  
17 ERAL FINANCIAL ASSISTANCE.—An officer, employee, or  
18 other authority of the Federal Government may release  
19 Federal financial assistance under a grant program estab-  
20 lished under Federal law to a State only after the legisla-  
21 ture of the State has by law expressly approved the pro-  
22 gram (as described in subsection (a)) or amended the re-  
23 quirements imposed by the Federal Government as condi-  
24 tions of receiving that assistance. In the case of amend-  
25 ments made by a State pursuant to the preceding sen-  
26 tence, such an officer, employee, or other authority may

1 not release such Federal financial assistance to the extent  
2 that any such amendments are inconsistent with the Fed-  
3 eral law under which the assistance is provided.

4 (c) EXCEPTIONS FOR CERTAIN GRANT PROGRAMS.—  
5 Subsections (a) and (b) shall not apply with respect to  
6 any grant program under either of the following:

7 (1) The Individuals with Disabilities Education  
8 Act (20 U.S.C. 1400 et seq.).

9 (2) Title 38, United States Code.

10 (d) SPECIAL RULE FOR STATES WITH BIENNIAL  
11 LEGISLATURES.—In the case of a State with a biennial  
12 legislature—

13 (1) during a year in which the State legislature  
14 does not meet, subsections (a) and (b) shall not  
15 apply; and

16 (2) during a year in which the State legislature  
17 meets, subsections (a) and (b) shall apply, and, with  
18 respect to any grant program established under Fed-  
19 eral law during the most recent year in which the  
20 State legislature did not meet, the State may by law  
21 expressly disapprove the grant program, and, if such  
22 disapproval occurs, an officer, employee, or other au-  
23 thority of the Federal Government may not release  
24 any additional Federal financial assistance to the  
25 State under that grant program.

1 (e) DEFINITION OF STATE AUTHORITY.—As used in  
2 this section, the term “authority of a State” includes any  
3 administering agency of the State, any officer or employee  
4 of the State, and any local government authority of the  
5 State.

6 (f) EFFECTIVE DATE.—This section applies in each  
7 State beginning on the 90th day after the end of the first  
8 regular session of the legislature of that State that begins  
9 5 years after the date of the enactment of this Act and  
10 shall continue to apply in subsequent years until otherwise  
11 provided by law.

12 **SEC. 3. DEDICATION OF SAVINGS TO DEFICIT REDUCTION.**

13 (a) STATEMENT OF EXCESS GRANT FUNDS.—Upon  
14 the determination of an officer, employee, or other author-  
15 ity of the Federal Government under section 2(b) that  
16 Federal financial assistance under a grant program may  
17 not be released to a State for a fiscal year, the officer,  
18 employee, or other authority shall prepare a statement of  
19 the determination and the amount of excess grant funds  
20 involved, provide the statement to the Director of the Of-  
21 fice of Management and Budget, and include the state-  
22 ment on the official public Internet website of the Federal  
23 department or agency involved.

24 (b) RESCISSION OF EXCESS GRANT FUNDS.—Upon  
25 the receipt of a statement under subsection (a) by the Di-

1 rector of the Office of Management and Budget, the  
2 amount involved shall be rescinded from the funds made  
3 available for the grant program in the applicable appro-  
4 priation Act for the fiscal year. All such rescinded  
5 amounts shall be used only for reducing the deficit in the  
6 budget of the Government for that fiscal year.

7 (c) OMB ANNUAL REPORT.—Within 30 days after  
8 the end of each fiscal year, the Director of the Office of  
9 Management and Budget shall submit to the Committees  
10 on Appropriations of the House of Representatives and the  
11 Senate, and include on its official public Internet website,  
12 a report specifying the total amount of rescissions made  
13 during the fiscal year under subsection (b) and delineating  
14 the rescissions by appropriation Acts, accounts, and pro-  
15 grams, projects, and activities.

16 (d) SPECIAL RULE FOR STATES WITH BIENNIAL  
17 LEGISLATURES.—In the case of a State with a biennial  
18 legislature, any statement required under subsection (a)  
19 shall be prepared only with respect to a fiscal year during  
20 which the State legislature meets.

1 **SEC. 4. DEFINITION OF STATE WITH BIENNIAL LEGISLA-**  
2 **TURE.**

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.

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