

108TH CONGRESS
2D SESSION

H. R. 5045

To restore State sovereignty.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2004

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

A BILL

To restore State sovereignty.

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 2004”.

6 **SEC. 2. STATES TO RETAIN RIGHTS AND AUTHORITIES**

7 **THEY DO NOT EXPRESSLY WAIVE.**

8 (a) RETENTION OF RIGHTS AND AUTHORITIES.—No
9 officer, employee, or other authority of the Federal Gov-
10 ernment shall enforce against an authority of a State, nor
11 shall any authority of a State have any obligation to obey,
12 any requirement imposed as a condition of receiving Fed-

1 eral financial assistance under a grant program estab-
2 lished under Federal law, nor shall such program operate
3 within a State, unless the legislature of that State shall
4 have by law expressly approved that program and, in doing
5 so, have waived the State’s rights and authorities to act
6 inconsistently with any requirement that might be imposed
7 by the Federal Government as a condition of receiving
8 that assistance.

9 (b) DEFINITION OF STATE AUTHORITY.—As used in
10 this section, the term “authority of a State” includes any
11 officer or employee of the State and any local government
12 authority of the State.

13 (c) EFFECTIVE DATE.—This section applies in each
14 State beginning at the end of the first regular session of
15 the legislature of that State that begins after the date of
16 the enactment of this Act and shall continue to apply in
17 subsequent years until otherwise provided by law.

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