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AMENDMENT TO H.R. 2346, AS REPORTED

OFFERED BY MR. DOGGETT OF TEXAS

At the end of the bill (before the short title), insert the following (and redesignate provisions accordingly):

STATE FISCAL STABILIZATION FUND REQUIREMENTS FOR CERTAIN STATES

SEC. 30004. (a) Section 14002(a) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 279) is amended by adding at the end the following:

"(4) REQUIREMENTS FOR STATES MEETING CERTAIN BUDGET CRITERIA.—If a State meets the criteria described in paragraph (5), the Governor shall—

"(A) not later than August 1, 2009, certify to the Secretary of Education that the State will, in each of fiscal years 2009, 2010, and 2011—

"(i) provide the amount of funds, taking into account inflation and student and local educational agency weights, that are needed to maintain the State primary elementary and secondary funding formulae

1 at least at the level of per student own-
2 source revenue State support in fiscal year
3 2008;
4 "(ii) provide the amount of funds that
5 are needed to maintain State support for
6 public institutions of higher education (not
7 including support for capital projects or for
8 research and development or tuition and
9 fees paid by students) at least at the level
10 of such support in fiscal year 2008; and
11 "(iii) provide State support for ele-
12 mentary and secondary education text-
13 books and instructional materials in an
14 amount greater than or equal to
15 $900,000,000; and
16 "(B) not later than September 30, 2009,
17 use the funds described in paragraph (1) to
18 provide local educational agencies in the State
19 with subgrants based on their relative shares of
20 funding under part A of title I of the Elemen-
21 tary and Secondary Education Act of 1965 (20
22 U.S.C. 6311 et seq.) for the most recent year
23 for which data are available.

1 "(5) CRITERIA.—The requirements under para-
2 graph (4) only apply to States that meet each of the
3 following criteria:
4 "(A) On or before January 1, 2009, the
5 State's reserve or rainy day fund contained an
6 amount greater than or equal to
7 $3,000,000,000; and
8 "(B) The State's share of Federal, State
9 and local funding of elementary and secondary
10 education was below national average based on
11 data from the National Center for Education
12 Statistics for the most recent fiscal year for
13 which such data are available.".
14 (b) Section 14012(a) of the American Recovery and
15 Reinvestment Act of 2009 (Public Law 111-5; 123 Stat.
16 279) is amended by inserting before the period the fol-
17 lowing: "or the requirements described in section
18 14002(a)(4)"