

**AMENDMENT TO H.R. 1, AS REPORTED  
OFFERED BY MR. HILLEARY OF TENNESSEE**

After part A of title IX of the bill, insert the following (and redesignate provisions accordingly):

1     **PART B—EQUAL ACCESS TO PUBLIC SCHOOL**  
2                                                             **FACILITIES**

3     **SEC. 921. SHORT TITLE.**

4             This part may be cited as the “Boy Scouts of Amer-  
5     ica Equal Access Act”.

6     **SEC. 922. EQUAL ACCESS.**

7             (a) **IN GENERAL.**—Notwithstanding any other provi-  
8     sion of law, no funds made available through the Depart-  
9     ment of Education shall be provided to any public elemen-  
10    tary school, public secondary school, local educational  
11    agency, or State educational agency, if the school or a  
12    school served by the agency—

13                 (1) has a designated open forum; and

14                 (2) denies equal access or a fair opportunity to  
15     meet to, or discriminates against, any group affili-  
16     ated with the Boy Scouts of America or any other  
17     youth group that wishes to conduct a meeting within  
18     that designated open forum, on the basis of the  
19     membership or leadership criteria of the Boy Scouts  
20     of America or of the youth group that prohibit the

1 acceptance of homosexuals, or individuals who reject  
2 the Boy Scouts' or the youth group's oath of alle-  
3 giance to God and country, as members or leaders.

4 (b) TERMINATION OF ASSISTANCE AND OTHER AC-  
5 TION.—

6 (1) DEPARTMENTAL ACTION.—The Secretary is  
7 authorized and directed to effectuate subsection (a)  
8 by issuing, and securing compliance with, rules or  
9 orders with respect to a public school or agency that  
10 receives funds made available through the Depart-  
11 ment of Education and that denies equal access, or  
12 a fair opportunity to meet, or discriminates, as de-  
13 scribed in subsection (a).

14 (2) PROCEDURE.—The Secretary shall issue  
15 and secure compliance with the rules or orders,  
16 under paragraph (1), in a manner consistent with  
17 the procedure used by a Federal department or  
18 agency under section 602 of the Civil Rights Act of  
19 1964 (42 U.S.C. 2000d-1).

20 (3) JUDICIAL REVIEW.—Any action taken by  
21 the Secretary under paragraph (1) shall be subject  
22 to the judicial review described in section 603 of  
23 that Act (42 U.S.C. 2000d-2). Any person aggrieved  
24 by the action may obtain that judicial review in the

1 manner, and to the extent, provided in section 603  
2 of that Act.

3 (c) DEFINITIONS AND RULE.—

4 (1) DEFINITIONS.—In this section:

5 (A) ELEMENTARY SCHOOL; LOCAL EDU-  
6 CATIONAL AGENCY; SECONDARY SCHOOL; STATE  
7 EDUCATIONAL AGENCY.—The terms “elemen-  
8 tary school”, “local educational agency”, “sec-  
9 ondary school”, and “State educational agency”  
10 have the meanings given the terms in section  
11 8101 of the Elementary and Secondary Edu-  
12 cation Act of 1965 (as in effect after the effec-  
13 tive date of this Act).

14 (B) SECRETARY.—The term “Secretary”  
15 means the Secretary of Education, acting  
16 through the Assistant Secretary for Civil Rights  
17 of the Department of Education.

18 (C) YOUTH GROUP.—The term “youth  
19 group” means any group or organization in-  
20 tended to serve young people under the age of  
21 21.

22 (2) RULE.—For purposes of this section, an el-  
23 elementary school or secondary school has a des-  
24 ignated open forum whenever the school involved  
25 grants an offering to or opportunity for 1 or more

1 youth or community groups to meet on school prem-  
2 ises or in school facilities before or after the hours  
3 during which attendance at the school is compulsory.

4 **SEC. 923. EFFECTIVE DATE.**

5 Notwithstanding section 5, this part takes effect 1  
6 day after the date of the enactment of this Act.