

104TH CONGRESS
2D SESSION

H. R. 4062

To authorize appropriations to reimburse States for costs of educating certain illegal alien students.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 1996

Mr. BILBRAY (for himself, Mr. DOOLITTLE, Mr. HERGER, Mr. MOORHEAD, Mr. RIGGS, Mr. BONO, Mr. PACKARD, Mr. McKEON, Mrs. SEASTRAND, Mr. HUNTER, Mr. BAKER of California, Mr. CALVERT, and Mr. DREIER) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To authorize appropriations to reimburse States for costs of educating certain illegal alien students.

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 “Illegal Alien Edu-
5 cational Impact Aid Act of 1996”.

1 **SEC. 2. REIMBURSEMENT OF STATES FOR CERTAIN EDU-**
2 **CATIONAL COSTS FOR ILLEGAL ALIEN STU-**
3 **DENTS.**

4 (a) **GRANTS TO STATES.**—From the amount appro-
5 priated pursuant to subsection (e), subject to the succeed-
6 ing provisions of this section, the Secretary of Education
7 shall provide for payment to each eligible State (as defined
8 in subsection (b)) for reimbursable costs (as defined in
9 subsection (e)).

10 (b) **ELIGIBLE STATES.**—In order for a State to be
11 eligible for payment under this section, the State shall pro-
12 vide the Secretary of Education with—

13 (1) such information as the Secretary may re-
14 quire to compute the amount of payment to the
15 State under this section, and

16 (2) assurances that such payments shall be
17 used only for the purpose of reimbursing local edu-
18 cational agencies for reimbursable costs.

19 (c) **REIMBURSABLE COSTS DEFINED.**—For purposes
20 of this section, the term “reimbursable costs” means, with
21 respect to a State, costs incurred by local educational
22 agencies in the State in providing a free public education
23 (as mandated by Federal law) to eligible illegal alien stu-
24 dents (as defined in subsection (d)(1)) who have been
25 identified to the Secretary of Education in a form and
26 manner specified by the Secretary.

1 (d) ELIGIBLE ILLEGAL ALIEN STUDENTS.—

2 (1) IN GENERAL.—For purposes of this section,
3 the term “eligible illegal alien student” means an
4 alien who is not lawfully present in the United
5 States and is enrolled in a public school of a local
6 educational agency in a State in an elementary or
7 secondary school level as of September 30, 1996, but
8 only so long as such alien remains enrolled at a pub-
9 lic school of such local educational agency within
10 such school level.

11 (2) SCHOOL LEVELS DEFINED.—For purposes
12 of this subsection, there shall be 2 school levels:

13 (A) The elementary school level, consisting
14 of kindergarten through the 6th grade.

15 (B) The secondary school level, consisting
16 of the 7th through 12th grades.

17 (e) AMOUNT OF PAYMENT.—

18 (1) IN GENERAL.—The amount of payment to
19 an eligible State for a fiscal year under this section
20 is the amount appropriated pursuant to subsection
21 (f) for the fiscal year multiplied by the ratio of—

22 (A) the product of—

23 (i) the average number determined
24 under paragraph (2)(A) for the State and
25 the fiscal year involved, and

1 (ii) the average expenditures deter-
2 mined under paragraph (2)(B) for the
3 State and fiscal year involved; to

4 (B) the sum of the products under sub-
5 paragraph (A) for all eligible States for the fis-
6 cal year.

7 (2) DETERMINATIONS.—The Secretary of Edu-
8 cation shall determine for each eligible State before
9 the beginning of each fiscal year—

10 (A) the average number of eligible illegal
11 alien students in the State for any school day
12 during the school year ending during the fiscal
13 year, and

14 (B) the average per pupil expenditures for pub-
15 lic education benefits in the State for such school
16 year, as determined based on statistics of the Na-
17 tional Center for Education Statistics relating to ex-
18 penditure per pupil in average daily attendance in
19 public elementary and secondary schools.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated for each fiscal year (be-
22 ginning with fiscal year 1998) such sums as may be re-
23 quired to make grants under this section.

1 (g) STATE DEFINED.—In this section, the term
2 “State” has the meaning given such term in section
3 101(a)(36) of the Immigration and Nationality Act.

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