

108TH CONGRESS
2D SESSION

H. R. 5092

To amend part A of title I of the Elementary and Secondary Education Act of 1965 to include hold-harmless provisions for local educational agencies that no longer meet the minimum eligibility criteria for targeted grants and education finance incentive grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2004

Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend part A of title I of the Elementary and Secondary Education Act of 1965 to include hold-harmless provisions for local educational agencies that no longer meet the minimum eligibility criteria for targeted grants and education finance incentive grants, and for other purposes.

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. HOLD-HARMLESS PROVISIONS.**

4 (a) TARGETED GRANTS.—Paragraph (2) of section
5 1122(c) of the Elementary and Secondary Education Act
6 of 1965 (20 U.S.C. 6332(c)) is amended—

1 (1) by striking “If sufficient funds” and insert-
2 ing the following:

3 “(A) CONCENTRATION GRANTS.—If suffi-
4 cient funds”; and

5 (2) by adding at the end the following:

6 “(B) TARGETED GRANTS.—Notwith-
7 standing the inability of a local educational
8 agency to meet the minimum eligibility criteria
9 described in section 1125(a)(1) for a fiscal
10 year, if sufficient funds are appropriated, the
11 amount made available to the agency under sec-
12 tion 1125 for that year shall be—

13 “(i) if the agency met such minimum
14 eligibility criteria and received a grant
15 under section 1125 for the preceding fiscal
16 year, not less than 67 percent of the
17 amount of such grant; or

18 “(ii) if the agency met such minimum
19 eligibility criteria and received a grant
20 under section 1125 for the second pre-
21 ceding fiscal year (but not the preceding
22 fiscal year), not less than 34 percent of the
23 amount of such grant.

24 “(C) EDUCATION FINANCE INCENTIVE
25 GRANTS.—Notwithstanding the inability of a

1 local educational agency to meet the minimum
2 eligibility criteria described in section 1125A(c)
3 for a fiscal year, if sufficient funds are appro-
4 priated, the amount made available to the agen-
5 cy under section 1125A for that year shall be—

6 “(i) if the agency met such minimum
7 eligibility criteria and received a grant
8 under section 1125A for the preceding fis-
9 cal year, not less than 67 percent of the
10 amount of such grant; or

11 “(ii) if the agency met such minimum
12 eligibility criteria and received a grant
13 under section 1125A for the second pre-
14 ceding fiscal year (but not the preceding
15 fiscal year), not less than 34 percent of the
16 amount of such grant.”.

17 (b) APPLICATION.—The amendments made by this
18 section apply only with respect to funds appropriated for
19 fiscal year 2005 or any subsequent fiscal year.

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