

110TH CONGRESS
1ST SESSION

H. R. 318

To amend the Impact Aid program under the Elementary and Secondary Education Act of 1965 to improve the distribution of school construction payments to better meet the needs of military and Indian land school districts.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. TERRY (for himself, Mr. SAXTON, Mr. HAYES, Mr. ETHERIDGE, Mr. PAUL, Mrs. BLACKBURN, Mr. GRIJALVA, and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Impact Aid program under the Elementary and Secondary Education Act of 1965 to improve the distribution of school construction payments to better meet the needs of military and Indian land school districts.

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. IMPROVED DISTRIBUTION OF CONSTRUCTION**
4 **PAYMENTS.**

5

1 Section 8007(a) of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7707(a))
3 is amended—

4 (1) in paragraph (1), by striking “40 percent”
5 and inserting “80 percent”;

6 (2) in subparagraphs (A) and (B) of paragraph
7 (2), by striking “50 percent” each place it appears
8 and inserting “40 percent”;

9 (3) in paragraph (2) by adding at the end the
10 following new subparagraphs:

11 “(C) The agency is eligible under section
12 8003(b)(2) or is receiving a basic support pay-
13 ment under circumstances described in section
14 8003(b)(2)(B)(ii).

15 “(D) The agency is eligible under section
16 8003(a)(2)(C).”; and

17 (4) by striking paragraph (3) and inserting the
18 following:

19 “(3) AMOUNT OF PAYMENTS.—The amount of
20 a payment to each local educational agency de-
21 scribed in this subsection for a fiscal year shall be—

22 “(A) not less than the greater of the
23 amount appropriated as provided under para-
24 graph (1) for such fiscal year; divided by—

1 “(i) the number of children deter-
2 mined under subparagraphs (B), (C), and
3 (D)(i) of section 8003(a)(1) who were in
4 average daily attendance for all local edu-
5 cational agencies described in paragraph
6 (2), including the number of children at-
7 tending a school facility described in sec-
8 tion 8008(a) if the Secretary does not pro-
9 vide assistance for the school facility under
10 that section for the fiscal year; multiplied
11 by

12 “(ii) the number of children deter-
13 mined for such agency;

14 “(B) not less than \$25,000, except that
15 this subparagraph shall not apply if the amount
16 available to carry out paragraph (1) for such
17 fiscal year is less than \$32,000,000; and

18 “(C) not more than \$3,000,000.”.

19 **SEC. 2. COMPETITIVE EMERGENCY AND MODERNIZATION**
20 **GRANTS.**

21 Section 8007(b) of the Elementary and Secondary
22 Education Act of 1965 (20 U.S.C. 7707(b)) is amended—

23 (1) in paragraph (1) by striking “60 percent”
24 and inserting “20 percent”;

1 (2) in paragraph (3)(A) by inserting after “an
2 emergency grant under paragraph (2)(A)” the fol-
3 lowing: “if the agency is covered by paragraph (7),
4 or”.

5 (3) in paragraph (3)(C)(i)(I) by striking “the
6 agency meets at least one” and all that follows, and
7 inserting “the number of children determined under
8 section 8003(a)(1)(C) for the agency for the pre-
9 ceding school year constituted at least 40 percent of
10 the total student enrollment in the schools of the
11 agency during the preceding school year.”;

12 (4) by striking paragraph (3)(D)(ii)(II) and in-
13 serting the following:

14 “(II) The number of children de-
15 termined under section 8003(a)(1)(C)
16 for the school for the preceding school
17 year constituted at least 40 percent of
18 the total student enrollment in the
19 school during the preceding school
20 year.”;

21 (5) in paragraph (4)(C) by striking “(B), (C),
22 and (D)” and inserting “and (C)”;

23 (6) by redesignating paragraph (7) as para-
24 graph (8); and

1 (7) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) SPECIAL RULE.—Notwithstanding para-
4 graph (3)(C)(i)(I) and (3)(D)(ii)(II), a local edu-
5 cational agency is eligible to receive a grant under
6 this subsection not to exceed \$3,000,000 in any one
7 fiscal year if such agency—

8 “(A) was eligible to receive a payment
9 under section 8003 for the fiscal year prior to
10 the year for which the application is made; and

11 “(B) has had an overall increase in enroll-
12 ment—

13 “(i) during the period between the end
14 of the school year preceding the fiscal year
15 for which the application is made and the
16 beginning of the school year immediately
17 preceding that school year;

18 “(ii) of which not less than 250, or
19 not less than 10 percent (whichever is
20 lower), are children described in—

21 “(I) subparagraphs (A), (B), (C),
22 or (D) of section 8003(a)(1); or

23 “(II) subparagraphs (F) or (G)
24 of section 8003(a)(1), but only to the
25 extent such children are civilian de-

1 pendents of employees of the Depart-
2 ment of Defense; and

3 “(iii) that is the direct result of one or
4 more of the following:

5 “(I) Base realignment and clo-
6 sure or global rebasing, as determined
7 by the Secretary of Defense.

8 “(II) Force structure changes or
9 force relocations.

10 “(III) An action initiated by the
11 Secretary of Interior or other federal
12 agency.”.

○