

106TH CONGRESS
1ST SESSION

H. R. 2849

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1999

Mr. BILBRAY introduced the following bill; which was referred to the Committee on Education and the Workforce

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 1999”.

6 **SEC. 2. REIMBURSEMENT OF STATES FOR CERTAIN EDU-**
7 **CATIONAL COSTS FOR ILLEGAL ALIEN STU-**
8 **DENTS.**

9 (a) GRANTS TO STATES.—From the amount appro-
10 priated pursuant to subsection (e), subject to the suc-

ceeding provisions of this section, the Secretary of Education shall provide for payment to each eligible State (as defined in subsection (b)) for reimbursable costs (as defined in subsection (c)).

(b) ELIGIBLE STATES.—In order for a State to be eligible for payment under this section, the State shall provide the Secretary of Education with—

(1) such information as the Secretary may require to compute the amount of payment to the State under this section; and

(2) assurances that such payments shall be used only for the purpose of reimbursing local educational agencies for reimbursable costs.

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

(d) ELIGIBLE ILLEGAL ALIEN STUDENTS.—

(1) IN GENERAL.—For purposes of this section, the term “eligible illegal alien student” means an alien who is not lawfully present in the United

1 States and is enrolled in a public school of a local
2 educational agency in a State in an elementary or
3 secondary school level as of September 30, 1999, but
4 only so long as such alien remains enrolled at a pub-
5 lic school of such local educational agency within
6 such school level.

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

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

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

13 (e) AMOUNT OF PAYMENT.—

14 (1) IN GENERAL.—The amount of payment to
15 an eligible State for a fiscal year under this section
16 is the amount appropriated pursuant to subsection
17 (f) for the fiscal year multiplied by the ratio of—

18 (A) the product of—

19 (i) the average number determined
20 under paragraph (2)(A) for the State and
21 the fiscal year involved; and

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

1 (B) the sum of the products under sub-
2 paragraph (A) for all eligible States for the fis-
3 cal year.

4 (2) DETERMINATIONS.—The Secretary of Edu-
5 cation shall determine for each eligible State before
6 the beginning of each fiscal year—

7 (A) the average number of eligible illegal
8 alien students in the State for any school day
9 during the school year ending during the fiscal
10 year; and

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

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated for each fiscal year (be-
19 ginning with fiscal year 2001) such sums as may be re-
20 quired to make grants under this section.

21 (g) STATE DEFINED.—In this section, the term
22 “State” has the meaning given such term in section
23 101(a)(36) of the Immigration and Nationality Act.

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