

107TH CONGRESS  
1ST SESSION

# H. R. 1716

To amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2001

Mr. KIRK (for himself, Mr. LARSEN of Washington, Mrs. JO ANN DAVIS of Virginia, Mrs. DAVIS of California, Mr. SCHROCK, Mr. MCHUGH, Mr. THOMPSON of California, Mr. SAXTON, Mr. OBERSTAR, Mr. GREEN of Wisconsin, Mr. FILNER, Mr. SIMMONS, Mr. RUSH, Mr. PLATTS, Mr. COSTELLO, Mrs. EMERSON, Mr. PHELPS, Mr. HONDA, Mr. RODRIGUEZ, Mr. PETERSON of Minnesota, Mr. EDWARDS, and Mr. MCINTYRE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies.

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. AMENDMENTS TO IMPACT AID PROGRAM.**

4       (a) PAYMENTS RELATING TO FEDERAL ACQUISITION  
5       OF REAL PROPERTY.—Section 8002 of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C. 7702)  
2 is amended—

3 (1) in subsection (a), by striking “shall be eligi-  
4 ble” and inserting “is entitled”; and

5 (2) by striking subsections (h), (i), and (j).

6 (b) PAYMENTS FOR ELIGIBLE FEDERALLY CON-  
7 NECTED CHILDREN.—

8 (1) COMPUTATION OF PAYMENT.—Section  
9 8003(a)(1) of the Elementary and Secondary Edu-  
10 cation Act of 1965 (20 U.S.C. 7703(a)(1)) is  
11 amended by striking “is eligible” and inserting “is  
12 entitled”.

13 (2) BASIC SUPPORT PAYMENTS AND PAYMENTS  
14 WITH RESPECT TO FISCAL YEARS IN WHICH INSUF-  
15 FICIENT FUNDS ARE APPROPRIATED.—Section  
16 8003(b) of the Elementary and Secondary Edu-  
17 cation Act of 1965 (20 U.S.C. 7703(b)) is  
18 amended—

19 (A) in the heading, by striking “AND PAY-  
20 MENTS WITH RESPECT TO FISCAL YEARS IN  
21 WHICH INSUFFICIENT FUNDS ARE APPRO-  
22 PRIATED”;

23 (B) in paragraph (1)—

24 (i) in subparagraph (A), by striking  
25 “From the amount appropriated under sec-

1 tion 8014(b) for a fiscal year, the Sec-  
2 retary is authorized to” and inserting  
3 “The Secretary shall”;

4 (ii) in subparagraph (B)—

5 (I) in the heading, by striking  
6 “ELIGIBILITY” and inserting “ENTI-  
7 TLEMENT”; and

8 (II) by striking “is eligible” and  
9 inserting “is entitled”; and

10 (iii) in subparagraph (C)—

11 (I) in the heading, by striking  
12 “MAXIMUM AMOUNT” and inserting  
13 “AMOUNT”;

14 (II) by striking “maximum  
15 amount” and inserting “amount”; and

16 (III) by striking “is eligible” and  
17 inserting “is entitled”;

18 (C) in paragraph (2)—

19 (i) in subparagraph (A)—

20 (I) in clause (i), by striking  
21 “From the amount appropriated  
22 under section 8014(b) for a fiscal  
23 year, the Secretary is authorized to”  
24 and inserting “The Secretary shall”;  
25 and

1 (II) in clause (ii), by striking “el-  
2 ible” and inserting “entitled”;

3 (ii) in subparagraph (B)—

4 (I) in the heading, by striking  
5 “ELIGIBILITY” and inserting “ENTI-  
6 TLEMENT”;

7 (II) in clause (i), by striking “is  
8 eligible” and inserting “is entitled”;

9 (III) in clause (ii)—

10 (aa) in the heading, by  
11 striking “ELIGIBILITY” and in-  
12 serting “ENTITLEMENT”;

13 (bb) by striking “shall be in-  
14 eligible” and inserting “shall not  
15 be entitled”; and

16 (cc) by striking “ineli-  
17 gibility” and inserting “non-entitle-  
18 ment”; and

19 (IV) in clause (iii)—

20 (aa) in the heading, by  
21 striking “ELIGIBILITY” and in-  
22 serting “ENTITLEMENT”;

23 (bb) by striking “becomes  
24 ineligible” and inserting “is not  
25 entitled”; and

1 (cc) by striking “eligibility”  
2 each place it appears and insert-  
3 ing “entitlement”;

4 (iii) in subparagraph (C)—

5 (I) in the heading, by striking  
6 “ELIGIBILITY” and inserting “ENTI-  
7 TLEMENT”;

8 (II) in clause (i), by striking “is  
9 eligible” and inserting “is entitled”;

10 (III) in clause (ii)—

11 (aa) in the heading, by  
12 striking “ELIGIBILITY” and in-  
13 serting “ENTITLEMENT”; and

14 (bb) by striking “becomes  
15 ineligible” and inserting “is not  
16 entitled”; and

17 (IV) in clause (iii), by striking  
18 “becoming ineligible” and inserting  
19 “losing entitlement status”;

20 (iv) in subparagraph (D)—

21 (I) in the heading, by striking  
22 “MAXIMUM AMOUNT” and inserting  
23 “AMOUNT”; and

24 (II) in clause (i)—

1 (aa) by striking “maximum  
2 amount” and inserting  
3 “amount”; and

4 (bb) by striking “is eligible”  
5 and inserting “is entitled”; and

6 (v) in subparagraph (E)—

7 (I) in the heading, by striking  
8 “MAXIMUM AMOUNT” and inserting  
9 “AMOUNT”; and

10 (II) in clause (i)(I)—

11 (aa) by striking “maximum  
12 amount” and inserting  
13 “amount”; and

14 (bb) by striking “is eligible”  
15 and inserting “is entitled”;

16 (D) by striking paragraph (3); and

17 (E) in paragraph (4)—

18 (i) in subparagraph (A), by striking  
19 “paragraph (3)”; and

20 (ii) in subparagraph (B)—

21 (I) in the heading—

22 (aa) by striking “MAXIMUM  
23 AMOUNT” and inserting  
24 “AMOUNT”; and

1 (bb) by striking “AND  
2 THRESHOLD PAYMENT”;

3 (II) by striking “maximum” each  
4 place it appears; and

5 (III) by striking “and the learn-  
6 ing opportunity threshold payment  
7 under subparagraph (B) or (C) of  
8 paragraph (3), as the case may be,”.

9 (3) CHILDREN WITH DISABILITIES.—Section  
10 8003(d)(1) of the Elementary and Secondary Edu-  
11 cation Act of 1965 (20 U.S.C. 7703(d)(1)) is  
12 amended to read as follows:

13 “(1) IN GENERAL.—The Secretary shall pay to  
14 each eligible local educational agency for a fiscal  
15 year the amount equal to the difference between—

16 “(A) the amount equal to the product of—

17 “(i) the number of children described  
18 in subparagraphs (A)(ii), (B), (C), and (D)  
19 of subsection (a)(1) who are eligible to re-  
20 ceive services under the Individuals with  
21 Disabilities Education Act (20 U.S.C.  
22 1400 et seq.); and

23 “(ii) 40 percent of the average per-  
24 pupil expenditure in public elementary and

1 secondary schools in the United States;  
2 and

3 “(B) the amount of a grant that the agen-  
4 cy received under section 611 of the Individuals  
5 with Disabilities Education Act (20 U.S.C.  
6 1411) for the prior fiscal year attributable to  
7 children described in subparagraphs (A)(ii),  
8 (B), (C), and (D) of subsection (a)(1).

9 (4) HOLD HARMLESS.—Section 8003(e) of the  
10 Elementary and Secondary Education Act of 1965  
11 (20 U.S.C. 7703(e)) is amended—

12 (A) in paragraph (2) to read as follows:

13 “(2) AMOUNT.—The total amount provided to a  
14 local educational agency under paragraph (1)(A) for  
15 a fiscal year 2001 shall not exceed the maximum  
16 basic support payment amount for such agency de-  
17 termined under paragraph (1) or (2) of subsection  
18 (b) and the total amount provided to a local edu-  
19 cational agency under paragraph (1)(B) for fiscal  
20 year 2002 shall not exceed the basic support pay-  
21 ment amount for such agency determined under  
22 paragraph (1) or (2) of subsection (b).”; and

23 (B) by striking paragraph (3).

24 (c) POLICIES AND PROCEDURES RELATING TO CHIL-  
25 DREN RESIDING ON INDIAN LANDS.—Section 8004(e)(8)



1 of the Elementary and Secondary Education Act of 1965  
2 (20 U.S.C. 7704(e)(8)) is amended by striking “is eligi-  
3 ble” and inserting “is entitled”.

4 (d) APPLICATION FOR PAYMENTS UNDER SECTIONS  
5 8002 and 8003.—Section 8005(b)(1) of the Elementary  
6 and Secondary Education Act of 1965 (20 U.S.C.  
7 7705(b)(1)) is amended by striking “eligibility” and in-  
8 serting “entitlement”.

9 (e) CONSTRUCTION.—Section 8007 of the Elemen-  
10 tary and Secondary Education Act of 1965 (20 U.S.C.  
11 7707) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “section  
14 8014(e)” and inserting “subsection (c)”; and

15 (B) in paragraph (3), by striking “section  
16 8014(e)” each place it appears and inserting  
17 “subsection (c)”; and

18 (2) in subsection (b)(1), by striking “section  
19 8014(e)” and inserting “subsection (c)”; and

20 (3) by adding at the end the following:

21 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the  
22 purpose of carrying out this section, there are authorized  
23 to be appropriated sums as may be necessary for each of  
24 the fiscal years 2001 through 2003.

1 (f) FACILITIES.—Section 8008 of the Elementary  
2 and Secondary Education Act of 1965 (20 U.S.C. 7708)  
3 is amended—

4 (1) in subsection (a), by striking “section  
5 8014(f)” and inserting “subsection (c)”; and

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

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the  
8 purpose of carrying out this section, there are authorized  
9 to be appropriated sums as may be necessary for each of  
10 the fiscal years 2001 through 2003.

11 (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 8014 of the Elementary and Secondary Education Act of  
13 1965 (20 U.S.C. 7714) is repealed.

14 (h) RULE OF CONSTRUCTION.—Title VIII of the Ele-  
15 mentary and Secondary Education Act of 1965 (20 U.S.C.  
16 7701 et seq.), as amended by this Act, is further amended  
17 by adding at the end the following:

18 **“SEC. 8014. RULE OF CONSTRUCTION.**

19 “Nothing in this title shall be interpreted to entitle  
20 any individual to assistance under any program, project,  
21 or activity of a local education agency, State agency, or  
22 other governmental entity funded under this title.”.

1 **SEC. 2. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect  
3 on October 1, 2002, or the date of the enactment of this  
4 Act, whichever occurs later.

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