

107TH CONGRESS  
2D SESSION

# S. 3171

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 SENATE OF THE UNITED STATES

NOVEMBER 15, 2002

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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

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

3 (2) by striking subsections (h) and (i).

4 (b) PAYMENTS FOR ELIGIBLE FEDERALLY CON-  
5 NECTED CHILDREN.—

6 (1) COMPUTATION OF PAYMENT.—Section  
7 8003(a)(1) of the Elementary and Secondary Edu-  
8 cation Act of 1965 (20 U.S.C. 7703(a)(1)) is  
9 amended by striking “is eligible” and inserting “is  
10 entitled”.

11 (2) DETERMINATION OF WEIGHTED STUDENT  
12 UNITS.—Section 8003(a)(2) of the Elementary and  
13 Secondary Education Act of 1965 (20 U.S.C.  
14 7703(a)(2)) is amended—

15 (A) in subparagraph (D), by striking “by  
16 a factor of .20” and inserting “by a factor of  
17 .50”;

18 (B) in subparagraph (E), by striking “by  
19 a factor of .10” and inserting “by a factor of  
20 .50”; and

21 (C) in subparagraph (F), by striking “by a  
22 factor of .05” and inserting “by a factor of  
23 .50”.

24 (3) BASIC SUPPORT PAYMENTS AND PAYMENTS  
25 WITH RESPECT TO FISCAL YEARS IN WHICH INSUF-

1       FICIENT FUNDS ARE APPROPRIATED.—Section  
 2       8003(b) of the Elementary and Secondary Edu-  
 3       cation Act of 1965 (20 U.S.C. 7703(b)) is amend-  
 4       ed—

5               (A) in the heading, by striking “AND PAY-  
 6       MENTS WITH RESPECT TO FISCAL YEARS IN  
 7       WHICH INSUFFICIENT FUNDS ARE APPRO-  
 8       PRIATED”;

9               (B) in paragraph (1)—

10              (i) in subparagraph (A), by striking  
 11       “From the amount appropriated under sec-  
 12       tion 8014(b) for a fiscal year, the Sec-  
 13       retary is authorized to” and inserting  
 14       “The Secretary shall”;

15              (ii) in subparagraph (B)—

16              (I) in the heading, by striking  
 17       “ELIGIBILITY” and inserting  
 18       “ENTITLEMENT”; and

19              (II) by striking “is eligible” and  
 20       inserting “is entitled”; and

21              (iii) in subparagraph (C)—

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

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

3 (III) by striking “is eligible” and  
4 inserting “is entitled”;

5 (C) in paragraph (2)—

6 (i) in subparagraph (A)—

7 (I) in clause (i), by striking  
8 “From the amount appropriated  
9 under section 8014(b) for a fiscal  
10 year, the Secretary is authorized to”  
11 and inserting “The Secretary shall”;  
12 and

13 (II) in clause (ii), by striking  
14 “eligible” and inserting “entitled”;

15 (ii) in subparagraph (B)—

16 (I) in the heading, by striking  
17 “ELIGIBILITY” and inserting  
18 “ENTITLEMENT”;

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

21 (III) in clause (ii)—

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

1 (bb) by striking “shall be in-  
 2 eligible” and inserting “shall not  
 3 be entitled”; and

4 (cc) by striking  
 5 “ineligibility” and inserting  
 6 “nonentitlement”; and

7 (IV) in clause (iii)—

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

11 (bb) by striking “becomes  
 12 ineligible” and inserting “is not  
 13 entitled”; and

14 (cc) by striking “eligibility”  
 15 each place it appears and insert-  
 16 ing “entitlement”;

17 (iii) in subparagraph (C)—

18 (I) in the heading, by striking  
 19 “ELIGIBILITY” and inserting  
 20 “ENTITLEMENT”;

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

23 (III) in clause (ii)—

1 (aa) in the heading, by  
 2 striking “ELIGIBILITY” and in-  
 3 serting “ENTITLEMENT”; and

4 (bb) by striking “becomes  
 5 ineligible” and inserting “is not  
 6 entitled”; and

7 (IV) in clause (iii), by striking  
 8 “becoming ineligible” and inserting  
 9 “losing entitlement status”;  
 10 (iv) in subparagraph (D)—

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

14 (II) in clause (i)—

15 (aa) by striking “maximum  
 16 amount” and inserting  
 17 “amount”; and

18 (bb) by striking “is eligible”  
 19 and inserting “is entitled”; and

20 (v) in subparagraph (E)—

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

24 (II) in clause (i)(I)—

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

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

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

7 (E) in paragraph (4)—

8 (i) in subparagraph (A), by striking  
 9 “paragraph (3)”; and

10 (ii) in subparagraph (B)—

11 (I) in the heading—

12 (aa) by striking “MAXIMUM  
 13 AMOUNT” and inserting  
 14 “AMOUNT”; and

15 (bb) by striking “AND  
 16 THRESHOLD PAYMENT”;

17 (II) by striking “maximum” each  
 18 place it appears; and

19 (III) by striking “and the learn-  
 20 ing opportunity threshold payment  
 21 under subparagraph (B) or (C) of  
 22 paragraph (3), as the case may be,”.

23 (c) POLICIES AND PROCEDURES RELATING TO CHIL-  
 24 DREN RESIDING ON INDIAN LANDS.—Section 8004(e)(8)  
 25 of the Elementary and Secondary Education Act of 1965

1 (20 U.S.C. 7704(e)(8)) is amended by striking “is eligi-  
 2 ble” and inserting “is entitled”.

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

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

11 (1) in subsection (a)—

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

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

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

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

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 21 are authorized to be appropriated to carry out this section  
 22 such sums as may be necessary for each of the fiscal years  
 23 2003 through 2008.”.



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.—There  
 8 are authorized to be appropriated to carry out this section  
 9 such sums as may be necessary for each of the fiscal years  
 10 2003 through 2008.”.

11 (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
 12 8014 of the Elementary and Secondary Education Act of  
 13 1965 (20 U.S.C. 7714) is amended to read as follows:

14 **“SEC. 8014. APPROPRIATIONS AND RULE OF CONSTRUC-**  
 15 **TION.**

16 “(a) APPROPRIATION.—For the purpose of making  
 17 payments to local educational agencies under sections  
 18 8002 and 8003 for each fiscal year, there is appropriated,  
 19 out of any money in the Treasury not otherwise appro-  
 20 priated, such sums as may be necessary to make such pay-  
 21 ments in each such fiscal year.

22 “(b) ENTITLEMENT.—The provisions of this title re-  
 23 lating to payments under sections 8002 and 8003 shall  
 24 constitute budget authority in advance of appropriations  
 25 Acts and represents the obligation of the Federal Govern-

1 ment to provide for the payment to local educational agen-  
2 cies of amounts provided for under such sections.

3 “(c) RULE OF CONSTRUCTION.—Nothing in this title  
4 shall be interpreted to entitle any individual to assistance  
5 under any program, project, or activity of a local edu-  
6 cational agency, State agency, or other governmental enti-  
7 ty funded under this title.”.

8 **SEC. 2. EFFECTIVE DATE.**

9 The amendments made by this Act shall take effect  
10 on October 1, 2003, or the date of enactment of this Act,  
11 whichever occurs later.

