

108TH CONGRESS
1ST SESSION

S. 777

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.

IN THE SENATE OF THE UNITED STATES

APRIL 3, 2003

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

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—

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

21 (B) in paragraph (1)—

22 (i) in subparagraph (A), by striking
23 “From the amount appropriated under sec-
24 tion 8014(b) for a fiscal year, the Sec-

3 (ii) in subparagraph (B)—

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

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

9 (iii) in subparagraph (C)—

10 (I) in the heading, by striking
11 "MAXIMUM AMOUNT" and inserting
12 "AMOUNT";

13 (II) by striking "maximum
14 amount" and inserting "amount"; and

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

17 (C) in paragraph (2)—

18 (i) in subparagraph (A)—

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

1 (II) in clause (ii), by striking “el-
2 igible” 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 “ineligibility” and inserting “nonentitlement”; and
17
18

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 (c) POLICIES AND PROCEDURES RELATING TO CHIL-
10 DREN RESIDING ON INDIAN LANDS.—Section 8004(e)(8)
11 of the Elementary and Secondary Education Act of 1965
12 (20 U.S.C. 7704(e)(8)) is amended by striking “is eligi-
13 ble” and inserting “is entitled”.

14 (d) APPLICATION FOR PAYMENTS UNDER SECTIONS
15 8002 AND 8003.—Section 8005(b)(1) of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 7705(b)(1)) is amended by striking “eligibility” and in-
18 serting “entitlement”.

19 (e) CONSTRUCTION.—Section 8007 of the Elemen-
20 tary and Secondary Education Act of 1965 (20 U.S.C.
21 7707) is amended—

22 (1) in subsection (a)—
23 (A) in paragraph (1), by striking “section
24 8014(e)” and inserting “subsection (c)”; and

1 (B) in paragraph (3), by striking “section
2 8014(e)” each place it appears and inserting
3 “subsection (c)”;

4 (2) in subsection (b)(1), by striking “section
5 8014(e)” and inserting “subsection (c)”; and

6 (3) 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 2004 through 2009.”.

11 (f) FACILITIES.—Section 8008 of the Elementary
12 and Secondary Education Act of 1965 (20 U.S.C. 7708)
13 is amended—

14 (1) in subsection (a), by striking “section
15 8014(f)” and inserting “subsection (c)”; and

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

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as may be necessary for each of the fiscal years
20 2004 through 2009.”.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
22 8014 of the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 7714) is amended to read as follows:

3 “(a) APPROPRIATION.—For the purpose of making
4 payments to local educational agencies under sections
5 8002 and 8003 for each fiscal year, there is appropriated,
6 out of any money in the Treasury not otherwise appro-
7 priated, such sums as may be necessary to make such pay-
8 ments in each such fiscal year.

9 "(b) ENTITLEMENT.—The provisions of this title re-
10 lating to payments under sections 8002 and 8003 shall
11 constitute budget authority in advance of appropriations
12 Acts and represents the obligation of the Federal Govern-
13 ment to provide for the payment to local educational agen-
14 cies of amounts provided for under such sections.

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

20 SEC. 2. EFFECTIVE DATE.

21 The amendments made by this Act shall take effect
22 on October 1, 2003, or the date of enactment of this Act,
23 whichever occurs later.

