

109TH CONGRESS
1ST SESSION

H. R. 390

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 HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. KIRK (for himself, Mrs. DAVIS of California, Mr. RUSH, Mr. FILNER, Mr. MCINTYRE, Mr. ABERCROMBIE, Mr. LARSEN of Washington, Mr. HINCHHEY, Mr. INSLEE, Mr. SAXTON, Mr. WHITFIELD, Mr. SCOTT of Virginia, Mrs. MCCARTHY, Mr. TAYLOR of Mississippi, Mr. OBERSTAR, Mr. THOMPSON of California, Ms. NORTON, Ms. LEE, Mr. COSTELLO, Mr. MCHUGH, Ms. MILLENDER-MCDONALD, Mr. HERGER, Mrs. KELLY, Mr. UDALL of New Mexico, Mrs. TAUSCHER, Mr. STUPAK, Mr. OWENS, and Ms. CARSON) introduced the following bill; which was referred to the Committee on Education and the Workforce

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. SHORT TITLE.**

4 This Act may be cited as the “Government Reserva-
5 tion Accelerated Development for Education Act”.

1 **SEC. 2. AMENDMENTS TO IMPACT AID PROGRAM.**

2 (a) PAYMENTS RELATING TO FEDERAL ACQUISITION
3 OF REAL PROPERTY.—Section 8002 of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C. 7702)
5 is amended—

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

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

9 (b) PAYMENTS FOR ELIGIBLE FEDERALLY CON-
10 NECTED CHILDREN.—

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

16 (2) BASIC SUPPORT PAYMENTS AND PAYMENTS
17 WITH RESPECT TO FISCAL YEARS IN WHICH INSUF-
18 FICIENT FUNDS ARE APPROPRIATED.—Section
19 8003(b) of the Elementary and Secondary Edu-
20 cation Act of 1965 (20 U.S.C. 7703(b)) is amend-
21 ed—

22 (A) in the heading, by striking “and Pay-
23 ments With Respect to Fiscal Years in Which
24 Insufficient Funds Are Appropriated”;

25 (B) in paragraph (1)—

1 (i) in subparagraph (A), by striking
2 “From the amount appropriated under sec-
3 tion 8014(b) for a fiscal year, the Sec-
4 retary is authorized to” and inserting
5 “The Secretary shall”;

6 (ii) in subparagraph (B)—

7 (I) in the heading, by striking
8 “Eligibility” and inserting “Entitle-
9 ment”; and

10 (II) by striking “is eligible” and
11 inserting “is entitled”; and

12 (iii) in subparagraph (C)—

13 (I) in the heading, by striking
14 “Maximum amount” and inserting
15 “Amount”;

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

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

20 (C) in paragraph (2)—

21 (i) in subparagraph (A)—

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

1 and inserting “The Secretary shall”;
2 and

3 (II) in clause (ii), by striking “el-
4 ible” and inserting “entitled”;
5 (ii) in subparagraph (B)—

6 (I) in the heading, by striking
7 “Eligibility” and inserting “Entitle-
8 ment”;

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

11 (III) in clause (ii)—

12 (aa) in the heading, by
13 striking “eligibility” and insert-
14 ing “entitlement”;

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

18 (cc) by striking “ineligi-
19 bility” and inserting “non-entitle-
20 ment”; and

21 (IV) in clause (iii)—

22 (aa) in the heading, by
23 striking “eligibility” and insert-
24 ing “entitlement”;

1 (bb) by striking “becomes
2 ineligible” and inserting “is not
3 entitled”; and

4 (cc) by striking “eligibility”
5 each place it appears and insert-
6 ing “entitlement”;

7 (iii) in subparagraph (C)—

8 (I) in the heading, by striking
9 “Eligibility” and inserting “Entitle-
10 ment”;

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

13 (III) in clause (ii)—

14 (aa) in the heading, by
15 striking “eligibility” and insert-
16 ing “entitlement”; and

17 (bb) by striking “becomes
18 ineligible” and inserting “is not
19 entitled”; and

20 (IV) in clause (iii), by striking
21 “becoming ineligible” and inserting
22 “losing entitlement status”;

23 (iv) in subparagraph (D)—

1 (I) in the heading, by striking
2 “Maximum amount” and inserting
3 “Amount”; and

4 (II) in clause (i)—

5 (aa) by striking “maximum
6 amount” and inserting
7 “amount”; and

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

10 (v) in subparagraph (E)—

11 (I) in the heading, by striking
12 “Maximum amount” and inserting
13 “Amount”; and

14 (II) in clause (i)(I)—

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

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

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

21 (E) in paragraph (4)—

22 (i) in subparagraph (A), by striking
23 “paragraph (3)”; and

24 (ii) in subparagraph (B)—

25 (I) in the heading—

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

4 (bb) by striking “and
5 threshold payment”;

6 (II) by striking “maximum” each
7 place it appears; and

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

12 (3) CHILDREN WITH DISABILITIES.—Section
13 8003(d)(1) of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7703(d)(1)) is
15 amended to read as follows:

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

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

20 “(i) the number of children described
21 in subparagraphs (A)(ii), (B), (C), and (D)
22 of subsection (a)(1) who are eligible to re-
23 ceive services under the Individuals with
24 Disabilities Education Act (20 U.S.C.
25 1400 et seq.); and

1 “(ii) 40 percent of the average per-
2 pupil expenditure in public elementary and
3 secondary schools in the United States;
4 and

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

11 (4) HOLD HARMLESS.—Section 8003(e) of the
12 Elementary and Secondary Education Act of 1965
13 (20 U.S.C. 7703(e)) is amended—

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

15 “(2) AMOUNT.—The total amount provided to a
16 local educational agency under paragraph (1)(A) for
17 fiscal year 2004 shall not exceed the maximum basic
18 support payment amount for such agency deter-
19 mined under paragraph (1) or (2) of subsection (b)
20 and the total amount provided to a local educational
21 agency under paragraph (1)(B) for fiscal year 2005
22 shall not exceed the basic support payment amount
23 for such agency determined under paragraph (1) or
24 (2) of subsection (b).”; and

25 (B) by striking paragraph (3).

1 (c) POLICIES AND PROCEDURES RELATING TO CHIL-
 2 DREN RESIDING ON INDIAN LANDS.—Section 8004(e)(8)
 3 of the Elementary and Secondary Education Act of 1965
 4 (20 U.S.C. 7704(e)(8)) is amended by striking “is eligi-
 5 ble” and inserting “is entitled”.

6 (d) APPLICATION FOR PAYMENTS UNDER SECTIONS
 7 8002 AND 8003.—Section 8005(b)(1) of the Elementary
 8 and Secondary Education Act of 1965 (20 U.S.C.
 9 7705(b)(1)) is amended by striking “eligibility” and in-
 10 serting “entitlement”.

11 (e) CONSTRUCTION.—Section 8007 of the Elemen-
 12 tary and Secondary Education Act of 1965 (20 U.S.C.
 13 7707) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1), by striking “section
 16 8014(e)” and inserting “subsection (c)”; and

17 (B) in paragraph (3), by striking “section
 18 8014(e)” each place it appears and inserting
 19 “subsection (c)”; and

20 (2) in subsection (b)(1), by striking “section
 21 8014(e)” and inserting “subsection (c)”; and

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

23 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the
 24 purpose of carrying out this section, there are authorized

1 to be appropriated sums as may be necessary for each of
 2 the fiscal years 2004 through 2006.”.

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

6 (1) in subsection (a), by striking “section
 7 8014(f)” and inserting “subsection (c)”; and

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

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—For the
 10 purpose of carrying out this section, there are authorized
 11 to be appropriated sums as may be necessary for each of
 12 the fiscal years 2004 through 2006.”.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
 14 8014 of the Elementary and Secondary Education Act of
 15 1965 (20 U.S.C. 7714) is repealed.

16 (h) RULE OF CONSTRUCTION.—Title VIII of the Ele-
 17 mentary and Secondary Education Act of 1965 (20 U.S.C.
 18 7701 et seq.), as amended by this Act, is further amended
 19 by adding at the end the following:

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

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

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on October 1, 2005, or the date of the enactment of this
4 Act, whichever occurs later.

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