

109TH CONGRESS  
1ST SESSION

# H. R. 598

To amend the Impact Aid program under the Elementary and Secondary Education Act of 1965 to improve the distribution of school construction payments to better meet the needs of military and Indian land school districts.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. TERRY (for himself, Mr. SKELTON, Mr. HAYES, Mr. PAUL, Mr. ETHERIDGE, Mr. SAXTON, Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. RYUN of Kansas, Mr. MENENDEZ, Mr. COSTELLO, Mr. CASE, Mr. PALLONE, and Mrs. BLACKBURN) 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 distribution of school construction payments to better meet the needs of military and Indian land school districts.

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. IMPROVED DISTRIBUTION OF CONSTRUCTION**  
4 **PAYMENTS.**

5 Section 8007(a) of the Elementary and Secondary  
6 Education Act of 1965 (20 U.S.C. 7707(a)) is amended—

1           (1) in paragraph (1), by striking “40 percent”  
2           and inserting “80 percent”;

3           (2) in subparagraphs (A) and (B) of paragraph  
4           (2), by striking “50 percent” each place it appears  
5           and inserting “40 percent”;

6           (3) in paragraph (2) by adding at the end the  
7           following new subparagraphs:

8                     “(C) The agency is eligible under section  
9                     8003(b)(2).

10                    “(D) The agency is eligible under Section  
11                    8003(a)(2)(C). ”; and

12           (4) by striking paragraph (3) and inserting the  
13           following:

14                    “(3) AMOUNT OF PAYMENTS.—The amount of  
15                    a payment to each local educational agency de-  
16                    scribed in this subsection for a fiscal year shall be—

17                             “(A) not less than the greater of the  
18                             amount appropriated as provided under para-  
19                             graph (1) for such fiscal year; divided by—

20                                     “(i) the number of children deter-  
21                                     mined under subparagraphs (B), (C), and  
22                                     (D)(i) of section 8003(a)(1) who were in  
23                                     average daily attendance for all local edu-  
24                                     cational agencies described in paragraph  
25                                     (2), including the number of children at-

tending a school facility described in section 8008(a) if the Secretary does not provide assistance for the school facility under that section for the fiscal year; multiplied by

“(ii) the number of children determined for such agency; or

“(B) \$25,000.”.

**SEC. 2. COMPETITIVE EMERGENCY AND MODERNIZATION GRANTS.**

Section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) is amended—

(1) in paragraph (1) by striking “60 percent” and inserting “20 percent”;

(2) in paragraph (3)(C)(i)(I) by striking “the agency meets at least one” and all that follows, and inserting “the number of children determined under section 8003(a)(1)(C) for the agency for the preceding school year constituted at least 40 percent of the total student enrollment in the schools of the agency during the preceding school year.”;

(3) by striking paragraph (3)(D)(ii)(II) and inserting the following:

“(II) The number of children determined under section 8003(a)(1)(C)

1                   for the school for the preceding school  
2                   year constituted at least 40 percent of  
3                   the total student enrollment in the  
4                   school during the preceding school  
5                   year.”; and

6                   (4) in paragraph (4)(C) by striking “(B), (C),  
7                   and (D)” and inserting “and (C)”.

○