

110TH CONGRESS  
1ST SESSION

# H. R. 318

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. TERRY (for himself, Mr. SAXTON, Mr. HAYES, Mr. ETHERIDGE, Mr. PAUL, Mrs. BLACKBURN, Mr. GRIJALVA, and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Education and Labor

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## 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.**

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1           Section 8007(a) of the Elementary and Sec-  
2           ondary Education Act of 1965 (20 U.S.C. 7707(a))  
3           is amended—

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

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

9           (3) in paragraph (2) by adding at the end the  
10          following new subparagraphs:

11           “(C) The agency is eligible under section  
12           8003(b)(2) or is receiving a basic support pay-  
13           ment under circumstances described in section  
14           8003(b)(2)(B)(ii).

15           “(D) The agency is eligible under section  
16           8003(a)(2)(C).”; and

17          (4) by striking paragraph (3) and inserting the  
18          following:

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

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

“(i) the number of children determined under subparagraphs (B), (C), and (D)(i) of section 8003(a)(1) who were in average daily attendance for all local educational agencies described in paragraph (2), including the number of children attending 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;

“(B) not less than \$25,000, except that this subparagraph shall not apply if the amount available to carry out paragraph (1) for such fiscal year is less than \$32,000,000; and

“(C) not more than \$3,000,000.”.

**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”;

1           (2) in paragraph (3)(A) by inserting after “an  
2           emergency grant under paragraph (2)(A)” the fol-  
3           lowing: “if the agency is covered by paragraph (7),  
4           or”.

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

12          (4) by striking paragraph (3)(D)(ii)(II) and in-  
13          serting the following:

14                       “(II) The number of children de-  
15                       termined under section 8003(a)(1)(C)  
16                       for the school for the preceding school  
17                       year constituted at least 40 percent of  
18                       the total student enrollment in the  
19                       school during the preceding school  
20                       year.”;

21          (5) in paragraph (4)(C) by striking “(B), (C),  
22          and (D)” and inserting “and (C)”;

23          (6) by redesignating paragraph (7) as para-  
24          graph (8); and

1           (7) by inserting after paragraph (6) the fol-  
2       lowing:

3           “(7) SPECIAL RULE.—Notwithstanding para-  
4       graph (3)(C)(i)(I) and (3)(D)(ii)(II), a local edu-  
5       cational agency is eligible to receive a grant under  
6       this subsection not to exceed \$3,000,000 in any one  
7       fiscal year if such agency—

8           “(A) was eligible to receive a payment  
9       under section 8003 for the fiscal year prior to  
10      the year for which the application is made; and

11          “(B) has had an overall increase in enroll-  
12      ment—

13           “(i) during the period between the end  
14      of the school year preceding the fiscal year  
15      for which the application is made and the  
16      beginning of the school year immediately  
17      preceding that school year;

18           “(ii) of which not less than 250, or  
19      not less than 10 percent (whichever is  
20      lower), are children described in—

21           “(I) subparagraphs (A), (B), (C),  
22      or (D) of section 8003(a)(1); or

23           “(II) subparagraphs (F) or (G)  
24      of section 8003(a)(1), but only to the  
25      extent such children are civilian de-

1                   pendents of employees of the Depart-  
2                   ment of Defense; and

3                   “(iii) that is the direct result of one or  
4                   more of the following:

5                   “(I) Base realignment and clo-  
6                   sure or global rebasing, as determined  
7                   by the Secretary of Defense.

8                   “(II) Force structure changes or  
9                   force relocations.

10                  “(III) An action initiated by the  
11                  Secretary of Interior or other federal  
12                  agency.”.

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