

## INTRODUCTION OF THE "EQUITY IN PUBLIC EDUCATION ACT OF 1996"

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 28, 1996*

Ms. HARMAN. Mr. Speaker, earlier today I introduced, with my friend and colleague Representative TOM CAMPBELL, a bill to reimburse the States for the added costs of educating the children of illegal immigrants. According to Gov. Pete Wilson, such costs to the State of California totaled over \$1.5 billion in fiscal year 1994–95 alone.

The Equity in Public Education Act of 1996 is a fair and bipartisan solution for reimbursing the disproportionate costs which States such as California incur by educating illegal alien children in public schools.

Requiring States to foot the bill for the Federal Government's failure to stop illegal immigration is unfair and inequitable. Border control is a Federal responsibility. The Nation's inability to adequately control our borders should not result in additional costs to States. Unfortunately, other efforts to solve the problem have centered on kicking kids out of school or forcing local school administrators to act as INS agents and determine the status of each student.

As nearly every national police organization has noted, the effect of such policies is to put kids on the streets, where they are likely to exacerbate our crime problem, and to render them part of a permanent, unemployable underclass.

Mr. Speaker, there is a better solution to this problem, one that both sides of the aisle can agree on. The bill which we have introduced today authorizes an equitable reimbursement formula for the costs of educating illegal immigrant students without an immigration status determination being made at the school site.

I ask that the text of the bill be printed following my statement.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Equity in Public Education Act of 1996".

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) It is the responsibility of the Federal Government to prevent illegal immigration by enforcing existing laws and enacting new laws and policies.

(2) The Federal Government has, to date, failed to carry out this responsibility, resulting in a large and increasing number of illegal immigrants residing within the borders of the United States.

(3) Under current law, the States are required to provide certain public benefits to their residents, including education benefits for all children residing within their jurisdictions, regardless of immigration status.

(4) The costs of educating illegal aliens are therefore borne primarily by the States.

(5) The citizens of States that have a disproportionate number of illegal immigrants therefore have borne a disproportionate

share of such educational costs, which result from the failures of the Federal Government.

(6) In the interest of equity, the Federal Government should reimburse the States for such educational costs.

**SEC. 3. REIMBURSEMENT OF STATES FOR CERTAIN EDUCATIONAL COSTS FOR ILLEGAL ALIEN STUDENTS.**

(a) GRANTS TO STATES.—Subject to the availability of appropriations and the succeeding provisions of this section, from the amount appropriated under subsection (f), the Secretary of Education shall provide for payment to each eligible State (as defined in subsection (b)) for reimbursable costs (as defined in subsection (c)).

(b) ELIGIBLE STATES.—In order for a State to be eligible for payment under this section, the State—

(1) shall be a State for which the Secretary of Commerce has made a determination with respect to any fiscal year under subsection (e); and

(2) shall provide the Secretary of Education with assurances that—

(A) the State will cooperate with the Secretary of Commerce in carrying out such Secretary's duties under this Act; and

(B) such payments shall be used only for the purpose of reimbursing local educational agencies for reimbursable costs.

(c) REIMBURSABLE COSTS DEFINED.—For purposes of this Act, the term "reimbursable costs" means, with respect to a State, the incremental increase in costs incurred by local educational agencies in the State in providing a free public education (as mandated by Federal law) to eligible illegal alien students (as defined in subsection (d)(1)), as determined by the Secretary of Commerce under subsection (e).

(d) ELIGIBLE ILLEGAL ALIEN STUDENTS.—For purposes of this Act, the term "eligible illegal alien student" means an alien who is not lawfully present in the United States and is enrolled in a public elementary or secondary school of a local educational agency in a State as of the date of a determination made by the Secretary of Commerce under subsection (e)(2).

(e) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—The amount of payment to an eligible State for a fiscal year under this section is the product of—

(A) the average number last determined under paragraph (3)(A) for the State; and

(B) the average incremental increase in expenditures last determined under paragraph (3)(B) for the State.

(2) COMMENCEMENT OF DETERMINATIONS.—

(A) FIRST GROUP OF STATES.—Before the beginning of fiscal year 1998, and before the beginning of every 3d fiscal year thereafter, the Secretary of Commerce shall make a determination under paragraph (3) for the States of California, Texas, and Florida.

(B) SECOND AND THIRD GROUPS OF STATES.—Before the beginning of fiscal year 1999, and before the beginning of every 3d fiscal year thereafter, the Secretary of Commerce shall make a determination under paragraph (3) for at least ½ of the States that are not described in subparagraph (A). Before the beginning of fiscal year 2000, and before the beginning of every 3d fiscal year thereafter, the Secretary of Commerce shall make a determination under paragraph (3) for each of the remaining States. To the maximum extent possible, the Secretary shall make an equal number of determinations under this subparagraph before fiscal year 1999 and before fiscal year 2000.

(3) DETERMINATIONS.—Pursuant to paragraph (2), the Secretary of Commerce shall

determine for a State before the beginning of a fiscal year—

(A) the average number of eligible illegal alien students in the State for any school day during the school year ending during the fiscal year; and

(B) the average incremental increase in per pupil expenditures for public education benefits in the State for such school year that is determined to be attributable to the enrollment of eligible illegal alien students in public elementary and secondary schools, as determined based on statistics of the National Center for Education Statistics relating to expenditure per pupil in average daily attendance in public elementary and secondary schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year (beginning with fiscal year 1998) such sums as may be necessary to make grants under this section.

(g) STATE DEFINED.—In this Act, the term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

GEN. JEREMIAH CRABB: MARYLAND AMERICAN REVOLUTION PATRIOT AND LEGISLATOR

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Saturday, September 28, 1996*

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to Jeremiah Crabb, a Maryland patriot of the Revolutionary War and statesman, on the bicentennial of his resignation in 1796 as Montgomery County's first Member of Congress.

General Crabb was born in 1760, the son of Henry Wright Crabb, former delegate to the Maryland Assembly and Justice of Frederick County during Colonial times. At the onset of the Revolution, Jeremiah Crabb entered the Continental Army as a second lieutenant with the 7th Company, 4th Battalion. He was later promoted to first lieutenant on December 15, 1777.

During the winter of 1777–78, Lieutenant Crabb camped with his unit at Valley Forge. At this time, he endured great hardships, surviving hunger and the cold, and was forced to resign for health reasons. At the end of the war, Gen. George Washington recognized his service and recommended his promotion to General in the Maryland militia. As a result, in 1794, General Crabb was called to service to support Gen. Harry Lee and the Virginia militia in the suppression of the rebellion in Pennsylvania.

The first legislature in the State of Maryland saw Jeremiah Crabb as a delegate in the Maryland Assembly from 1788 to 1792. In 1794, General Crabb was elected to the U.S. Congress, and served from 1795 to 1796. He resigned in 1796, and died in 1800 on his family's farm near Derwood, MD, located in my congressional district.

Next month, on October 19th, the General William Smallwood Chapter of the Sons of the American Revolution will officially mark his grave site for posterity.

Mr. Speaker, I salute this Maryland patriot and former Member of the House of Representatives.