

a rock concert going on on the front lawn, and for people whose windows face that way it was really quite noisy.

I understand people were saying, well, we will not be able to see this show from the Capitol, but you will be able to see the Capitol from the show, is the way I understand it. And I guess I am saying, are there any criteria? Are we just going to wait and be surprised day after day by new ideas that come up on the other side of the aisle for what we should use the Capitol as a showcase for? What about assault weapons? Can we have assault weapon or gun shows around here? Can we have dog and cat shows or horse shows?

Mr. GILCHREST. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I would like to tell the gentlewoman, I think there are a lot of people that share her concerns about commercializing the Capitol Grounds and trivializing the Capitol Grounds. This is the Nation's Capitol, which has a great and grand history of legislating for the Nation's good. So I will tell the gentlewoman that in the future, as these things usually come through the subcommittee of which I am chairman, that we will ensure that Members on both sides of the aisle receive this kind of information and notice well in advance.

Now, there was information about this for the past several months. I realize we are all very busy with a variety of things and do not pick up on all of the activities that are occurring, but certainly I will assure both sides of the aisle that whenever events like this are coming up, I will do my level best, and I know the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Ohio [Mr. TRAFICANT] will help with this, as well as other members of the committee, to make sure the body as a whole realizes these things are coming up and they can be prepared for them.

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, I guess my point is I think we need some criteria. I think before we keep doing this in an ad hoc manner, in which we kind of walk into the cloakroom and hear, wow, elephants are coming, the circus is coming, we are going to have a car lot, do this or that, or have a rock show, I would hope there would be some general criteria, rather than in an ad hoc way, as to what we can and cannot use the Capitol Grounds for.

Otherwise maybe we should rent it out, maybe privatization; they should pay us and we get the money back and we use it for something to maintain the Capitol. I do not know. I must say it is not the car show per se, but it is just the idea that there is more of an ad hoc casual way that they are coming one on one, and there does not seem to be any criteria or any overall agenda that they fit through.

Mr. GILCHREST. Mr. Speaker, if the gentlewoman will continue to yield,

what a number of us have been talking about over the past week is the issue of raising a specific criteria, there ought to be some type of specific or some flexible specific criteria that people can agree on for the type of activities that will go on on the Capitol Grounds.

Mrs. SCHROEDER. Mr. Speaker, would the gentleman be bringing that out of the committee shortly?

Mr. GILCHREST. It is in the early stages of discussion. We have not had any hearings on it. I think it would be a good idea, whether or not we have hearings on it, at which time, if we did have hearings, we could certainly bring in Members to give their perspective on it.

Mrs. SCHROEDER. I thank the gentleman. I really think that would help.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, following up the discussion with the ranking member of the subcommittee, the gentleman from Ohio [Mr. TRAFICANT], discussing the matter of foreign cars, which we have been assured there are not going to be foreign automobiles, the provision of the resolution deals with this issue, section 6, do I understand the chairman's response to mean that in entering into an agreement authorizing the event, that the Architect will include provisions to assure that no foreign manufactured cars will be included in the display?

Mr. GILCHREST. Mr. Speaker, if the gentleman will yield, it is my understanding that since the Architect of the Capitol issues the permit, we would communicate to him that no foreign manufactured vehicle can be on display.

Mr. OBERSTAR. That will be part of the agreement that will be entered into by the Architect with those displaying vehicles?

Mr. GILCHREST. Yes. To the power that I have and the gentleman has, we will directly communicate that with the Architect of the Capitol. I would say to the gentleman from Minnesota [Mr. OBERSTAR], he and I wield considerable power around here.

Mr. OBERSTAR. The gentleman does; the chairman does.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I do not know a lot about this bill we are considering, but in my part of the country, stock car racing is very, very big business, and to my knowledge, there is no foreign participation, to my knowledge, in stock car racing, either in NASCAR or Busch Grand National as we know it today.

Is what we are doing today just setting aside a facility or grounds for the NASCAR people and the Grand National people to come in and display? This is not going to be highlighting individuals, or either Ford or Chrysler or GM, this is not going to be highlighting products, this is just going to be

showcasing NASCAR as we understand it in this country? Is that what this bill does?

Mr. GILCHREST. Mr. Speaker, if the gentleman will yield further, that is correct. It showcases the American automobile over the last 100 years, showcases racing. The gentleman is correct when he says there are no foreign manufactured products in NASCAR racing.

The display goes from 12 noon to 3 p.m. It is not a real long period of time. It is a very short period of time to display the history of racing in the United States.

Mr. HEFNER. Whatever cost is incurred for this or damage they would to the grounds, who picks up the cost?

Mr. GILCHREST. It is completely picked up by the association, not by the U.S. Congress and not by the taxpayers.

Mr. HEFNER. I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I would say that the assurances given by the scholarly gentleman from Maryland [Mr. GILCHREST] are satisfactory to our side and to those who have raised concerns in the course of the debate this afternoon, and I would most certainly hope that we will not have a request for a recorded vote. I think this should pass on voice vote.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 150, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution authorizing the use of the Capitol Grounds for an event displaying racing, restored, and customized motor vehicles and transporters."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### IMPACT AID TECHNICAL AMENDMENTS ACT OF 1996

Mr. CUNNINGHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3269) to amend the impact aid

program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property and for other purposes.

The Clerk read as follows:

H.R. 3269

*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 "Impact Aid Technical Amendments Act of 1996".

#### SEC. 2. HOLD-HARMLESS AMOUNTS FOR PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following new subsections:

"(g) FORMER DISTRICTS.—

"(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994.

"(h) HOLD HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2)(A), the total amount that the Secretary shall pay a local educational agency that is otherwise eligible under subsection (b)—

"(A) for fiscal year 1995 shall not be less than 85 percent of the amount such agency received for fiscal year 1994 under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994; or

"(B) for fiscal year 1996 shall not be less than 85 percent of the amount such agency received for fiscal year 1995 under subsection (b).

"(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

"(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were re-

duced under clause (i) shall be increased on the same basis as such payments were reduced."

"(b) EFFECTIVE DATE.—Subsection (g) of section 8002 of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

#### SEC. 3. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN RESIDING ON MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.

(a) IN GENERAL.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following:

"(4) MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.—For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation on the date for which the Secretary determines the number of children under paragraph (1)."

(b) EFFECTIVE DATE.—Paragraph (4) of section 8003(a) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

#### SEC. 4. COMPUTATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN IN STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.

(a) IN GENERAL.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended by adding at the end the following:

"(3) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—In any of the 50 States in which there is only one local educational agency, the Secretary shall, for purposes of paragraphs (1)(C) and (2) of this subsection and subsection (e), consider each administrative school district in the State to be a separate local educational agency.

"(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—In computing the maximum payment amount under paragraph (1)(C) and the learning opportunity threshold payment under paragraph (2)(B) for an administrative school district described in subparagraph (A)—

"(i) the Secretary shall first determine the maximum payment amount and the total current expenditures for the State as a whole; and

"(ii) the Secretary shall then—

"(I) proportionately allocate such maximum payment amount among the administrative school districts on the basis of the respective weighted student units of such districts; and

"(II) proportionately allocate such total current expenditures among the administrative school districts on the basis of the respective number of students in average daily attendance at such districts."

(b) EFFECTIVE DATE.—Paragraph (3) of section 8003(b) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CUNNINGHAM] and the gentlewoman from Hawaii [Mrs. MINK] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to support H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

The Federal Government has a responsibility to the children attending schools that lose tax revenue associated with a government facility, such as a military base. That is why we have impact aid—to make sure those schools have the resources they need to educate children.

Unfortunately, parts of the impact aid law, last authorized in 1994, are having unintended effects, or are failing to keep up with changing circumstances. Some school districts may not receive the impact aid that their circumstances demand. So H.R. 3269 makes minor technical corrections in the impact aid law, so that federally impacted school districts are treated fairly.

H.R. 3269 makes four changes in the impact aid law. Two are related to Federal property payments. One addresses the effects of military housing renovation. And the last clarifies the intent of Congress with regard to impact aid payments to Hawaii.

#### GRANDFATHERING CONSOLIDATED DISTRICTS

##### FOR SECTION 8002 PAYMENTS

The first change restores a grandfather clause for consolidated school districts impacted by Federal property. A consolidated district is where one district may have met the criteria for section 2 payments, having 10 or more percent of its property owned by the Federal Government, but whose section 2 payment eligibility disappeared when it was consolidated with another district. Prior law allowed these consolidated districts to receive section 2 impact aid payments. And during the conference on the last impact aid authorization, Congress assumed that the Department of Education would continue the eligibility of these consolidated districts. However, the Department has since ruled that they are no longer eligible.

This change, grandfathering these schools and restoring their eligibility for the new section 8002 payments, affects approximately 75 districts, many in South Dakota, Kansas, California, and Indiana.

#### HOLD HARMLESS FOR SECTION 8002 PAYMENTS IN FISCAL YEARS 1995 AND 1996

The second change establishes a hold harmless for current section 8002 recipients, similar to the hold harmless for school payments for federally connected children. The 103d Congress changed the mechanism for determining payments for section 8002. That change directed payments based upon an assessment of the highest and best use of property currently adjoining Federal property, rather than the highest and best use at the time such property was acquired. This change shifts the allocation of certain impact aid dollars. The hold harmless provisions would provide section 8002 district 85

percent of the amount they received in fiscal year 1994 in fiscal year 1995, and 85 percent of what they received in fiscal year 1995 in fiscal year 1996. Because of delays in distributing fiscal year 1995 funds, this hold harmless would still work for fiscal year 1995.

#### EFFECTS OF MASS RENOVATION OF MILITARY HOUSING

The third change addresses a matter related to the refurbishment of military housing. The Department of Defense has started a major renovation of housing across the country. In most cases, families must move off-base during renovation. The Department of Education, as a result, no longer considers children in such families as so-called A kids—those whose families live and work on base. In some areas, this has caused a major reduction in impact aid for a school district, with no corresponding reduction in the number of children they must educate. According to the Pentagon, the average period of time children are off base is 90 to 120 days. But if they are off when impact aid counts are taken, the school district loses funds.

The Department of Defense indicates these mass renovations will go on for years. Allowing these students to continue to be classified as A students should not have an adverse impact on other schools, since it would neither increase nor decrease the amount a district is currently receiving.

#### CLARIFYING CONGRESSIONAL INTENT REGARDING HAWAII

The fourth and last change addresses the Department of Education's calculation of impact aid payments for the State of Hawaii.

Hawaii is the only State in the Nation with only one Local Education Agency, or LEA. However, for the purpose of administering Federal grants, the Department of Education has routinely recognized the seven administrative districts within Hawaii's LEA as individual school districts. This has been the case with impact aid for many years. With over 30,000 federally connected children in Hawaii, certain areas of the State are among the most impacted in America.

When the 103d Congress modified the impact aid law, it did not intend to change the treatment of Hawaii for the purpose of determining impact aid payments.

It fully intended the Department to Treat Hawaii as having seven school districts. However, it was not clearly spelled out in the law, and the Department has decided to treat Hawaii as one LEA. This has cut Hawaii's impact aid payment nearly in half. Chairman GOODLING and Congresswoman MINK wrote the Department to state that such a cut was not the intent of Congress. The Department responded that Congress had to change the

law. This amendment does so, and it has Congresswoman MINK's support. In fact, she is 1 of 3 original cosponsors of this bill.

That summarizes H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

In developing this legislation, we sought to include minor technical corrections in three categories: unintended consequences of the previous authorization, areas where the Department interpreted congressional intent in an unintended way, and issues unforeseen by the 103d Congress. It is not a comprehensive correction, particularly when one considers the many new ways the military is arranging family housing. Furthermore, we have avoided mentioning specific districts in these impact aid technical amendments, so we can maintain fairness, integrity and trust in the impact aid program.

H.R. 3269 was introduced April 18, reported by the Youth Subcommittee on April 24 by voice vote, and by the full Opportunities Committee on May 1 by voice vote. I would like to include for the RECORD letters of support from the National Association of Federally Impacted Schools, and the National Military Impacted Schools Association. I encourage the bill's adoption, without amendments. And I yield back the balance of my time.

I include for the RECORD the following:

NATIONAL ASSOCIATION OF  
FEDERALLY IMPACTED SCHOOLS,  
Washington, DC, April 30, 1996.

Hon. RANDY "DUKE" CUNNINGHAM,  
Chairman, Subcommittee on Early Childhood,  
Youth and Families, Economic and Edu-  
cation Opportunities Committee, E227 Can-  
non House Office Building, Washington,  
DC.

DEAR CHAIRMAN CUNNINGHAM: On behalf of the 1,600 school districts represented by the National Association of Federally Impacted Schools, I write to thank you for your leadership in bringing H.R. 3269 to the Committee and wish to communicate our total support for this very important piece of legisla-  
tion.

As you know, H.R. 3269 only corrects certain provisions of the law that were inadvertently overlooked during consideration of the "Improving America's Schools Act of 1994". These are provisions that are extremely important to those schools receiving funds under section 8002 (federal properties), as it applies to their FY '95 funding as well as FY '96. The bill also insures that the Department of Education in making payments to the State of Hawaii, will do so in the same manner as they did under the previous statute. Again, this provision was mistakenly left out of the 1994 reauthorization. None of the above represents any kind of policy change, rather it simply conforms the present law with the previous statute as it applies to section 8002 and the State of Hawaii.

I also commend you for your foresight in seeing the current problems that are facing many of our heavily impacted military dependent school districts. Because the Department of Defense is now undertaking a national on-base housing renovation project, many of our school districts face uncertainty when it comes to impact aid funding because of the differences in how the law treats children residing with parents living off-base.

Section 3 of H.R. 3269 addresses this problem so that these schools will be allowed to develop school budgets knowing what their on-base student counts will be. Your approach is fair and it is reasonable.

Again Mr. Chairman, NAFIS appreciates your leadership and would only hope that H.R. 3269 can be dispensed with quickly in order that FY '95/FY '96 funding for section 8002 districts and the State of Hawaii, can be allocated by the Department of Education without any additional delay.

Sincerely,

JOHN B. FORKENBROCK,  
Executive Director.

NATIONAL MILITARY IMPACTED  
SCHOOLS ASSOCIATION,  
Bellevue, NE, April 30, 1996.

Hon. WILLIAM GOODLING,  
Chairman, Economic and Education Opportu-  
nities Committee, Rayburn House Office  
Building, Washington, DC.

DEAR CHAIRMAN GOODLING: On behalf of the 500,000 military dependents served by the Impact Aid Program, I want to thank you for bringing H.R. 3269 to your committee. This bill is along overdue and critically needed by schools serving military installations throughout the United States.

Many school districts serving the children of military personnel will benefit from this legislation and in the end it will be good for the children they educate. H.R. 3269 will help school districts cope with the effects of base housing renovations when trying to budget for educational programs for the children they are responsible for serving.

The Military Impacted Schools Association (MISA) is working hard to represent the needs of military school districts and work in conjunction with the National Association of Federally Impacted Schools (NAFIS) to support the Impact Aid Program. We are very fortunate to have leaders in Congress that help take the lead on issues such as addressed in H.R. 3269.

Sincerely,

JOHN F. DEEGAN, Ed.D.,  
Executive Director.

SAN DIEGO CITY SCHOOLS,  
San Diego, CA, April 30, 1996.

Hon. RANDALL "DUKE" CUNNINGHAM,  
House of Representatives,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: The San Diego Unified School District strongly supports H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

This measure, as currently written, will clarify several issues not fully addressed in the reauthorization of Impact Aid last year. Specifically, funding for section 8002 will re-establish eligibility for school districts. Additionally, districts will be protected from temporary fluctuations in their student count due to military housing undergoing renovation.

We appreciate the bipartisan support for public education through the Impact Aid program reflected in this measure. Impact Aid is an important part of our ability to provide a comprehensive education program for our students. Your ongoing support is very much appreciated.

Sincerely,

FRANK TILL,  
Deputy Superintendent.

## DEPARTMENT OF EDUCATION IMPACT AID PROGRAM—CONSOLIDATED DISTRICTS THAT MET SECTION 2 10% ELIGIBILITY CRITERIA BASED UPON ONE OR MORE FORMER DISTRICTS

State	Applicant No.	Applicant name	10% Fed. prop. in any frm. dist. prior to consolidation	Some Fed. prop. in any frm. dist. prior to consol. but <10%	No Fed. prop. in any frm. dist. prior to consol.	Date(s) of consolidation	Date(s) of acquisition	First FY applied for sec. 2 <sup>1</sup>	Last sec. 2 full payment amount	Last FY applied for sec. 2
IN	1301	N. Vermillion	X			1961	1942	1962	\$25,247 (93)	1994
IN	1407	Maconaquah	X			1963	1942-84	1972	5,600 (92)	1994
IN	1413	Nineveh	X			1964	1942	1963	21,252 (92)	1994
IN	2010	Greater Clark	X			1967, 68	1940-44	1969	317,221 (93)	1994
IN	4301	Bartholomew	X			1965	1942	1992	85,315 (93)	1994
IA	2602	North Polk			X	1956, 57	1966-74	1976	34,160 (88)	1989
IA	2701	Woodwd. Grg.			X	1964	1967-71	1976	12,511 (88)	1989
IA	2702	Ankeny			X	1919	1965-70	1976	11,773 (88)	1989
IA	2704	Madrid			X	1955	1967-74	1976	\$3,543 (88)	1989
KS	1731	W.Franklin	X			1965	1959-62	1971	6,646 (92)	1994
KS	1819	Eastern Heights	X			1966	1952-54	1967	25,662 (93)	1994
KS	1820	Wacanda		X		1966	1960-73	1967	63,748 (91)	1994
KS	1833	Perry	X			1965	1963-75	1967	\$8,901 (91)	1994
KS	1836	#340 Jefferson West	X			1966	1964-66	1967	7,089 (93)	1994
KS	1844	Paola			X	1967	1974-79	1979	8,214 (88)	1993
KS	1846	Blue Valley	X			1959	1953-65	1967	55,044 (92)	1994
KS	1855	Lawrence			X			1975	42,837 (88)	1989
KS	1856	White Rock	X			1983	1956-70	1967	2,861 (93)	1994
KS	1919	Marais des Cygnes			X			1970	7,884 (88)	1989
KS	1922	Eureka	X			1966	1946-58	1968	8,900 (92)	1994
KS	2007	Burlington	X			1965	1961-65	1970	6,276 (92)	1994
KS	2102	Norton	X			1967	1961-65	1970	7,346 (93)	1994
KS	2302	Mankato	X			1966	1955-57	1972	3,223 (93)	1994
MO	0208	Ft. Osage	X			1949	1940-42	1980	7,490 (93)	1994
MO	0404	Smithville			X	1962	1972-81	1975	36,916 (93)	1994
MO	1411	Clinton	X			1971, 80	1968-79	1976	5,608 (93)	1993
MO	1503	Phelps Co.	X			1965	1939-82	1976	686 (88)	1989
MO	1901	Fredericktown	X			1968	1939-84	1972	833 (92)	1993
MO	2304	Richards <sup>2</sup>					1939-44	1972	481 (88)	1989
MO	2307	Alton	X	X		1959	1939-81	1972	1,092 (87)	1994
MO	2607	Plattsburg			X	1944, 48, 49, 60	1976-80	1978	4,101 (92)	1994
MO	2608	Sullivan			X	1947, 48, 56	1968-76	1975	4,261 (93)	1994
MO	2705	Lesterville	X			1956	1939-81	1979	234 (87)	1994
MO	2902	S. Reynolds Co.	X			43, 44, 45, 47, 48	1941-48	1978	2,551 (93)	1993
MO	3104	Valley R-VI	X			1951	1939-44	1980	304 (88)	1988
NE	0206	Alda	X			1982	1942	1987	\$2,631 (93)	1994
NE	1202	Loup City	X			1965	1959-61	1970	12,007 (93)	1994
NE	1703	N.W. HSD	X			1955 & 56	1942	1982	15,753 (93)	1994
NE	1802	Cedar Hollow #3	X			1990	1942	1990	4,580 (92)	1994
NE	3802	Plain View	X			1982, 84, 88	1942	1987	1,695 (93)	1994
NE	3803	SD #1-R	X			1986	1942	1987	8,787 (93)	1994
NY	0009	Indian River	X			1957	1942	1951	3,517 (89)	1994
ND	0202	Hazen	X			1966	1948-80	1991	4,861 (93)	1994
ND	2406	Turtle Lake	X			1959	1948-50	1991	2,689 (93)	1994
ND	4202	Beulah	X			1950	1948-49	1991	5,878 (92)	1992
OH	1305	Maplewood	X			1960	1943-44	1962	37,932 (93)	1994
OK	0036	Canadian	X			1964-65	1959-63	1964	1,720 (92)	1994
OK	0040	Fanshawe	X			1968	1947-49	1953	4,927 (92)	1994
OK	0413	Sand Springs	X			1968	1957-60	1968	103 (92)	1994
OK	0856	Snyder MT.Pk	X			1982	1971-73	1983	2,264 (92)	1994
OK	1011	Wister	X			1950's	1946-47	1959	4,919 (90)	1993
OK	1507	Stringtown			X	1962	1981-83	1983	778 (93)	1994
OK	1608	Marietta	X			1966	1939-43	1965	2,418 (92)	1994
OK	2006	Haworth	X			1921, 45, 50, 63, 65-68	1940-65	1976	764 (92)	1994
PA	1808	Centennial	X			1967	1944-53	1967	630,719 (93)	1994
PA	2220	E. Stroudsburg			X	1955	1966-82	1979	317,434 (88)	1994
PA	3401	Delaware Valley			X	1966	1969-90	1983	200,086 (89)	1992
SD	0005	Pierre	X			1968	1954-74	1991	33,003 (93)	1994
SD	0010	Andes Central	X			1968, 69	1947-86	1989	17,984 (93)	1994
SD	0012	Lemmon	X			1969, 70	1939-54	1992	38,558 (93)	1994
SD	0401	Yankton	X			1965, 68	1953-56	1992	7,891 (92)	1994
SD	0505	Geddes	X			1967	1947-52	1991	22,069 (93)	1994
SD	0902	Mobridge	X			1990	1960-61	1991	3,465 (93)	1994
SD	1406	Platte	X			1969	1949-54	1991	25,975 (93)	1994
SD	2101	Bonesteel	X			1958-62	1940-52	1988	25,314 (93)	1994
SD	2201	Kadoka	X			1970	1939-90	1993	15,884 (93)	1994
SD	2204	Lyman	X	X		1970	1939-73	1991	3,017 (93)	1994
SD	2401	Gregory	X			1970	1950-53	1991	16,211 (93)	1994
SD	2402	Bison	X			1968	1939-89	1991	13,048 (93)	1994
SD	2403	Northwest	X			1968	1939-86	1991	13,163 (93)	1994
SD	4201	Bon Homme	X			1972	1953-58	1991	26,868 (93)	1994
SD	4202	Burke	X			1968	1950-53	1991	11,140 (93)	1994
SD	4203	Oelrichs	X			1968	1939-70	1991	7,015 (93)	1994
SD	0403	Custer	X			1944, 64, 70	1939-88	1992	12,416 (93)	1994
TX	0702	Liberty-Eylau	X			1955	1949-53	1981	22,714 (93)	1994
WI	1009	Crandon	X			1950	1939-76	1982	8,990 (93)	1994
WI	1306	Laona	X			1970	1939-84	1982	19,895 (93)	1993
WI	1308	Sauk-Prairie	X			1963	1940-74	1975	89,618 (93)	1994
WI	1703	Florence Co.	X			1958	1939-78	1983	27,667 (92)	1994
WI	1901	La Farge			X	1965	1968-78	1972	35,588 (93)	1994
Total		80	64	3	14					

<sup>1</sup> These dates reflect the oldest Impact Aid Program payment records located for each district.<sup>2</sup> No Department records are available concerning the Federal acquisition of property in the former districts.

Note: This report is based upon data contained in Impact Aid program files and is accurate to the best of our knowledge.

□ 1515

Mr. CUNNINGHAM. Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks and to include extraneous material.)

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in strong support of H.R.

3269, the impact aid technical amendments of 1996, which corrects certain situations which have been brought to our attention since the authorization of the law in 1994.

As has been stated by the subcommittee chair, this is truly a bipartisan effort supported by the impact aid communities to make technical corrections necessary to assure that this program is administered in a fair and appropriate manner.

There are basically four changes to the legislation dealing with: First, the grandfathering of consolidated school districts who receive payments for Federal property in what is commonly known as section 2 payments; the second establishes a hold harmless for Federal property or section 2 payments; the third, assuring that students who are temporarily housed off base because of renovation of military

housing are still counted as "A" category children; and fourth, the provision which corrects the situation and the treatment of Hawaii's school districts.

These provisions have already been described by the subcommittee chair, so I will not go into detail with respect to three, but I would like to say a few words about Hawaii's provisions. And in that context, I extend my deep appreciation to the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. CUNNINGHAM], who have both assisted in helping me to correct this situation.

Mr. Speaker, the conference committee in which we all sat dealing with the amendments to impact aid were distributed sheets which indicated how the funds would be distributed under the new formula. And in those sheets where the distribution was tallied, the assumption was that Hawaii would be considered as it has always been in the past as having seven districts, even though we only have one statewide system.

Mr. Speaker, it was under the assumption that this would be the interpretation of the language in the legislation that I gave it my support, only to find out later that that was not the case and that the language was ambiguous at best.

So, I especially appreciate the efforts of the gentleman from Pennsylvania [Mr. GOODLING] to try to help me try to obtain clarification with the administration through a letter which we jointly submitted. Unfortunately, the administration felt that the only way to correct the difficulty, which was unintended, was through this legislation. I appreciate the efforts in bringing this bill up promptly, because it would have a very drastic impact on the funding of our school systems if this were not corrected as it is about to be corrected, hopefully, this year.

Hawaii is unique in the whole country. It has only one school agency, but seven districts. And so, it is important that that concept be continued as it has been used as the basis for distributing other formula grants.

Mr. Speaker, I agree certainly with all that the subcommittee chairman has said; that this was an unintended error made by the committee then under the control of the Democratic Party. So, we are certainly responsible for the difficulties that were created. In that context, I am especially appreciative of this assistance in helping to correct this problem.

Mr. Speaker, the letter which I would like to submit for the RECORD is a letter which was signed by the gentleman from Pennsylvania [Mr. GOODLING] and myself, written to the U.S. Department of Education asking them to correct this administratively, and then the response indicating that that could not be done.

Mr. Speaker, I ask this body to concur with this bill and to help it be enacted into law as quickly as possible,

because just as we are anxious to have our changes take effect, I am sure that all the other districts that are to be benefited by this technical correction are also equally impacted and equally anxious to have these corrections take place.

Again, my thanks to the committee for their prompt attention to this and I urge my colleagues to support the passage of this bill.

Mr. Speaker, I submit the following for the RECORD:

U.S. DEPARTMENT OF EDUCATION,  
THE SECRETARY,  
October 30, 1995.

Hon. PATSY T. MINK,  
*U.S. House of Representatives, Washington, DC.*

DEAR PATSY: Thank you for your recent letter regarding the treatment of Hawaii under the reauthorized Impact Aid program. I am pleased to have the opportunity to clarify this issue. An identical response is being sent to the co-signer of your letter, Congressman William F. Goodling.

As you point out in your letter, prior to the reauthorization of the Impact Aid program, Impact Aid payments to Hawaii were determined by considering each of Hawaii's seven administrative districts as a separate local educational agency (LEA). This treatment benefited Hawaii under the Impact Aid formula prescribed by P.L. 81-874, by providing larger payments for some of those administrative units.

This special treatment was not the result of administrative discretion on the part of the Department of Education, however, but was mandated by section 5(h) of P.L. 81-874, which stated, in part, "... such restriction shall be applied, in the case of any State ... within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency. . . ." Before the enactment of section 5(h) of P.L. 81-874, Hawaii had been treated as a single LEA for Impact Aid payment purposes. A provision similar to section 5(h) was not included in the Improving America's Schools Act, which reauthorized the Impact Aid program as Title VIII of the Elementary and Secondary Education Act and repealed P.L. 81-874. We therefore have no authority to continue to consider Hawaii's administrative school districts as separate LEAs under the new law.

At the time of the reauthorization, we understood that Hawaii sought to be treated as one LEA under the new formula so that it could benefit under section 8003(a)(2)(C), which increases the weighted count of federally connected children by 35 percent if an LEA has at least 6,500 federally connected children and a total of 100,000 children in average daily attendance. We believe that this provision was adopted to increase the maximum payment amounts for Hawaii and San Diego, which appear to be the only two LEAs that meet its criteria. Hawaii could not benefit from this provision if its seven administrative school districts were considered to be separate LEAs, since none of the individual school districts has 100,000 children in average daily attendance.

Since the enactment of the new law, it has become clear that the payment reduction formula prescribed by section 8003(b)(2) may result in Hawaii's final formula payment being sharply reduced from its maximum payment amount in years when appropriations are reduced, as in the current budget environment. The Administration proposed amendments this year, in conjunction with our fiscal year 1996 budget proposal, which included the repeal of section 8003(b)(2) and

instead would have required that, in years in which appropriations are insufficient to provide maximum payment amounts in full, maximum payment amounts be reduced using a standard ratable reduction for each eligible LEA. This proposed modification of the formula, if adopted, would result in more equitable payments under the impact Aid program and could significantly increase Hawaii's payment, subject to appropriation levels.

I hope that you will find this information helpful. If we can be of further assistance or provide additional information to you, please do not hesitate to contact me or our staff who work with the Impact Aid Program.

Yours sincerely,

RICHARD W. RILEY.

CONGRESS OF THE UNITED STATES,  
*Washington, DC, September 12, 1995.*

Hon. RICHARD RILEY,  
*Secretary, Department of Education, Washington, DC.*

DEAR MR. SECRETARY: We are writing to express our concern regarding the Department's calculation of Impact Aid payments for the State of Hawaii.

Hawaii is the only State in the Nation which has only one Local Educational Agency (LEA). However, for the purpose of administering federal grants, the Department has routinely recognized the seven administrative districts within Hawaii's LEA as individual school districts. This is true of Title I and has been the case for Impact Aid for many years.

Changing the treatment of Hawaii in the Impact Aid program from seven districts to one district will result in the State losing over half of its Impact Aid funds. With over 30,000 federally-connected children in Hawaii, certain areas of the State are among the most impacted in our Nation.

During the reauthorization of the Impact Aid law last year, the Congress did not intend to change the treatment of Hawaii for purposes of determining Impact Aid payments and fully expected the Department to continue to consider Hawaii as having seven school districts.

We would respectfully request that the Department utilize its administrative authority to resolve this situation for the State of Hawaii and continue to treat its seven administrative districts as individual school districts. We thank you for any assistance you may provide in this matter.

Sincerely,

WILLIAM F. GOODLING.  
PATSY T. MINK.

HOUSE OF REPRESENTATIVES,  
WASHINGTON, DC,  
*June 30, 1995.*

Hon. WILLIAM F. GOODLING,  
*Chair, Committee On Educational & Economic Opportunities, Washington, DC.*

DEAR BILL: During the debate on the Department of Defense Authorization bill you announced your intention to review the Impact Aid program which is designed to support the costs of educating military children.

As you review this program, I respectfully request your assistance in correcting a flaw in the Impact Aid formula, which results in a devastating loss of Impact Aid funds for the State of Hawaii.

Hawaii usually receives around \$20 million from Impact Aid. Under the current formula without a hold harmless Hawaii's Impact Aid allocation would drop from \$20 million to \$9 million (See attached calculation by the Department of Education). Hawaii has a high number of military children and even with the decrease in the Impact Aid appropriation in FY95, Hawaii should not receive such a large reduction in its allocation.

We suspect that the new method for ratable reduction is the reason Hawaii will face this enormous loss. The Learning Opportunity Threshold (LOT) method places a higher priority on those school districts with high percentages of Impact Aid students and a high percentage of impact aid funds in their budget. During the reauthorization last year, we knew the LOT would adversely impact Hawaii because of the fact that our whole state is one school district. Therefore, even though certain areas of the state have high concentrations of military A children, when looking at the whole state Impact Aid children make up a much smaller percentage of our total student population and the Impact Aid funds make up a smaller percentage of our state budget.

To compensate for this situation (large school districts with large number of A students) it was proposed that an extra "weight" in the initial formula be given to Hawaii and San Diego to minimize the impact of the LOT. Formula runs that were produced at the time of reauthorization showed that Hawaii would receive about \$25 million under this scheme.

Now that the actual allocations are being made by the Department of Education, this has not held true. In fact, Hawaii stands to lose over half of its impact aid payment once the two year hold-harmless ends. This was clearly not the intention of the Committee, as it proposed to minimize the impact of the LOT on Hawaii.

I believe there is a simple remedy to this situation. Hawaii's seven administrative districts within our single LEA are often treated as separate LEA's for the purposes of calculating federal formulas. This is true for Title I and was true of the impact Aid formula prior to this reauthorization. We believe if this language is reinserted in the impact Aid formula and each of our seven administrative districts are treated as separate LEA's this unintended impact of the LOT formula will be mitigated.

My staff is working with our school district to ensure that the school district possesses the necessary data in order for the U.S. Department of Education to calculate Hawaii's allocation based on seven districts rather than one. We are also conferring with the Department to assure that this remedy would indeed fix Hawaii's situation.

I appreciate your consideration, and look forward to working with you to resolve this unforeseen consequence of the new Impact Aid formula.

Very truly yours,

PATSY T. MINK,  
Member of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, today we are witnessing a love-in and a marriage between San Diego and Hawaii, and I would assure the gentleman from Ohio that everything in the legislation was made in America.

Mr. Speaker, during the 103d Congress, we enacted major changes to the impact aid law. These changes focused the program on those school districts in greatest need and eliminated all the various exemptions, exceptions, et cetera which had been made to the pro-

gram over the years. Before the enactment of these reforms, this program was losing its base of support in Congress and was the subject of a fair amount of criticism.

At that time, I vowed that the only changes made to this program in the future would be those with broad, national application, or to clarify current law. The changes reported by my committee, and outlined by Chairman DUKE CUNNINGHAM are just that.

The Impact Aid program serves an important purpose. It assists those school districts whose ability to educate their student population is adversely impacted by a Federal presence.

The legislation before you today, H.R. 3269, insures that the program will continue to effectively address the needs of those school districts. I urge your support of this measure.

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN], who has been a leader.

Mr. BATEMAN. Mr. Speaker, let me begin by thanking Mr. CUNNINGHAM, Mr. GOODLING, Mr. KILDEE, and Mr. CLAY for bringing this bipartisan impact aid technical corrections package to the floor. All four gentlemen have been good friends to the Impact Aid program over the years.

I am particularly pleased by the committee's decision to include two provisions that address military housing and the section 8002 land payment program. On military housing, I believe the committee has drafted a sensible plan that preserves Impact Aid payments to schools when children and their parents are temporarily moved off-base because of Department of Defense housing renovations.

I also would like to praise the committee for including a hold harmless provision for the section 8002 land payment program, which helps localities where the Federal Government has taken a significant portion of local land off the tax rolls. By phasing in the impact of changes made to the land payment program, we are giving local schools time to adjust their budgets without jeopardizing the education of federally connected children.

I urge my colleagues to vote for this worthy piece of legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my support for H.R. 3269, the impact aid technical amendments bill. Hawaii is, in many cases, an exception to the rule in the United States. With regard to the impact aid program, Hawaii is the only State in the Union with one school district. However, the U.S. Department of Education, routinely treats the seven administrative agencies within Hawaii's single school district as separate when calculating Federal formula grants. This is true of title I and was true of the impact aid formula prior to the last reauthorization. When the impact aid reauthorization was considered in the 103d Congress, it was not expressly

stated that Hawaii's one school district should be regarded as seven for administrative purposes. H.R. 3269 clarifies such congressional intent with the technical amendments and effectively increases Federal impact aid contributions to Hawaii by approximately a half. H.R. 3269 would finally allow Hawaii a fair allocation under the impact aid program.

Throughout my congressional career, I have strongly supported impact aid and the principle that States should be compensated for the use of State property for Federal activities. Without impact aid, the burden of educating federally supported families would become an unfunded mandate for local education agencies. As a member of the Impact Aid Coalition Steering Committee, I will continue to advocate for the military families and all children who benefit from the impact aid program.

Mr. CUNNINGHAM. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. CUNNINGHAM] that the House suspend the rules and pass the bill, H.R. 3269.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### MEGAN'S LAW

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2137) to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The Clerk read as follows:

##### SECTION 1. SHORT TITLE.

This Act may be cited as "Megan's Law".

##### SEC. 2. RELEASE OF INFORMATION AND CLARIFICATION OF PUBLIC NATURE OF INFORMATION.

Section 170101(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(d)) is amended to read as follows:

"(d) RELEASE OF INFORMATION.—

"(1) The information collected under a State registration program may be disclosed for any purpose permitted under the laws of the State.

"(2) The designated State law enforcement agency and any local law enforcement agency authorized by the State agency shall release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released."