

104TH CONGRESS
2D SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 1996

Mr. CUNNINGHAM (for himself, Mrs. MINK of Hawaii, and Mr. BILBRAY) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

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.

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 “Impact Aid Technical
5 Amendments Act of 1996”.

1 **SEC. 2. HOLD-HARMLESS AMOUNTS FOR PAYMENTS RELAT-**
2 **ING TO FEDERAL ACQUISITION OF REAL**
3 **PROPERTY.**

4 (a) IN GENERAL.—Section 8002 of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 7702)
6 is amended by adding at the end the following new sub-
7 sections:

8 “(g) FORMER DISTRICTS.—

9 “(1) IN GENERAL.—Where the school district of
10 any local educational agency described in paragraph
11 (2) is formed at any time after 1938 by the consoli-
12 dation of two or more former school districts, such
13 agency may elect (at any time such agency files an
14 application under section 8005) for any fiscal year
15 to have (A) the eligibility of such local educational
16 agency, and (B) the amount which such agency shall
17 be eligible to receive, determined under this section
18 only with respect to such of the former school dis-
19 tricts comprising such consolidated school districts
20 as such agency shall designate in such election.

21 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
22 CIES.—A local educational agency referred to in
23 paragraph (1) is any local educational agency that,
24 for fiscal year 1994 or any preceding fiscal year, ap-
25 plied for and was determined eligible under section
26 2(c) of the Act of September 30, 1950 (Public Law

1 874, 81st Congress) as such section was in effect on
2 September 30, 1994.

3 “(h) HOLD-HARMLESS AMOUNTS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2)(A), the total amount that the Secretary
6 shall pay a local educational agency that is otherwise
7 eligible under subsection (b)—

8 “(A) for fiscal year 1995 shall not be less
9 than 85 percent of the amount such agency re-
10 ceived for fiscal year 1994 under section 2 of
11 the Act of September 30, 1950 (Public Law
12 874, 81st Congress) as such section was in ef-
13 fect on September 30, 1994; or

14 “(B) for fiscal year 1996 shall not be less
15 than 85 percent of the amount such agency re-
16 ceived for fiscal year 1995 under subsection (b).

17 “(2) RATABLE REDUCTIONS.—(A)(i) If nec-
18 essary in order to make payments to local edu-
19 cational agencies in accordance with paragraph (1)
20 for any fiscal year, the Secretary first shall ratably
21 reduce payments under subsection (b) for such year
22 to local educational agencies that do not receive a
23 payment under this subsection for such year.

24 “(ii) If additional funds become available for
25 making payments under subsection (b) for such

1 year, then payments that were reduced under clause
2 (i) shall be increased on the same basis as such pay-
3 ments were reduced.

4 “(B)(i) If the sums made available under this
5 title for any fiscal year are insufficient to pay the
6 full amounts that all local educational agencies in all
7 States are eligible to receive under paragraph (1)
8 after the application of subparagraph (A) for such
9 year, then the Secretary shall ratably reduce pay-
10 ments under paragraph (1) to all such agencies for
11 such year.

12 “(ii) If additional funds become available for
13 making payments under paragraph (1) for such fis-
14 cal year, then payments that were reduced under
15 clause (i) shall be increased on the same basis as
16 such payments were reduced.”.

17 (b) EFFECTIVE DATE.—Subsection (g) of section
18 8002 of the Elementary and Secondary Education Act of
19 1965, as added by subsection (a), shall apply with respect
20 to fiscal years after fiscal year 1995.

1 **SEC. 3. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED**
2 **CHILDREN RESIDING ON MILITARY INSTAL-**
3 **LATION HOUSING UNDERGOING RENOVA-**
4 **TION.**

5 (a) IN GENERAL.—Section 8003(a) of the Elemen-
6 tary and Secondary Education Act of 1965 (20 U.S.C.
7 7703(a)) is amended by adding at the end the following:

8 “(4) MILITARY INSTALLATION HOUSING UN-
9 DERGOING RENOVATION.—For purposes of comput-
10 ing the amount of a payment for a local educational
11 agency for children described in paragraph (1)(D)(i),
12 the Secretary shall consider such children to be chil-
13 dren described in paragraph (1)(B) if the Secretary
14 determines, on the basis of a certification provided
15 to the Secretary by a designated representative of
16 the Secretary of Defense, that such children would
17 have resided in housing on Federal property in ac-
18 cordance with paragraph (1)(B) except that such
19 housing was undergoing renovation on the date for
20 which the Secretary determines the number of chil-
21 dren under paragraph (1).”.

22 (b) EFFECTIVE DATE.—Paragraph (4) of section
23 8003(a) of the Elementary and Secondary Education Act
24 of 1965, as added by subsection (a), shall apply with re-
25 spect to fiscal years after fiscal year 1995.

1 **SEC. 4. COMPUTATION OF PAYMENTS FOR ELIGIBLE FED-**
2 **ERALLY CONNECTED CHILDREN IN STATES**
3 **WITH ONLY ONE LOCAL EDUCATIONAL AGEN-**
4 **CY.**

5 (a) IN GENERAL.—Section 8003(b) of the Elemen-
6 tary and Secondary Education Act of 1965 (20 U.S.C.
7 7703(b)) is amended by adding at the end the following:

8 “(3) STATES WITH ONLY ONE LOCAL EDU-
9 CATIONAL AGENCY.—

10 “(A) IN GENERAL.—In any of the 50
11 States in which there is only one local edu-
12 cational agency, the Secretary shall, for pur-
13 poses of paragraphs (1)(C) and (2) of this sub-
14 section and subsection (e), consider each admin-
15 istrative school district in the State to be a sep-
16 arate local educational agency.

17 “(B) COMPUTATION OF MAXIMUM AMOUNT
18 OF BASIC SUPPORT PAYMENT AND THRESHOLD
19 PAYMENT.—In computing the maximum pay-
20 ment amount under paragraph (1)(C) and the
21 learning opportunity threshold payment under
22 paragraph (2)(B) for an administrative school
23 district described in subparagraph (A)—

24 “(i) the Secretary shall first deter-
25 mine the maximum payment amount and

1 the total current expenditures for the State
2 as a whole; and

3 “(ii) the Secretary shall then—

4 “(I) proportionately allocate such
5 maximum payment amount among the
6 administrative school districts on the
7 basis of the respective weighted stu-
8 dent units of such districts; and

9 “(II) proportionately allocate
10 such total current expenditures among
11 the administrative school districts on
12 the basis of the respective number of
13 students in average daily attendance
14 at such districts.”.

15 (b) EFFECTIVE DATE.—Paragraph (3) of section
16 8003(b) of the Elementary and Secondary Education Act
17 of 1965, as added by subsection (a), shall apply with re-
18 spect to fiscal years after fiscal year 1994.

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