

necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

(2) Availability of funds

Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

(A) not less than \$1,000,000 to support activities described in subsection (a)(2)(K) of this section;

(B) not less than \$1,000,000 to support activities described in subsection (a)(2)(L) of this section;

(C) not less than \$1,000,000 to support activities described in subsection (a)(2)(M) of this section;

(D) not less than \$2,000,000 to support activities described in subsection (a)(2)(P) of this section; and

(E) not less than \$2,000,000 to support activities described in subsection (a)(2)(Q) of this section.

(Pub. L. 89–10, title VII, §7304, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1943; amended Pub. L. 108–11, title II, §2504, Apr. 16, 2003, 117 Stat. 599.)

REFERENCES IN TEXT

The Head Start Act, referred to in subsec. (a)(2)(N), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 499, as amended, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 7544, Pub. L. 89–10, title VII, §7304, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3740, related to State allocations, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6964 of this title.

AMENDMENTS

2003—Subsec. (a)(2)(P). Pub. L. 108–11 substituted “operated by” for “such as”.

§ 7545. Administrative provisions

(a) Application required

No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

(b) Applications

A State educational agency or local educational agency may apply for an award under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

(c) Consultation required

Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

(d) Local educational agency coordination

Each applicant for an award under this part shall inform each local educational agency serv-

ing students who would participate in the program to be carried out under the grant or contract about the application.

(Pub. L. 89–10, title VII, §7305, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1946.)

PRIOR PROVISIONS

A prior section 7545, Pub. L. 89–10, title VII, §7305, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3741, related to State applications, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6965 of this title.

§ 7546. Definitions

In this part:

(1) Alaska Native

The term “Alaska Native” has the same meaning as the term “Native” has in section 1602(b) of title 43.

(2) Alaska Native organization

The term “Alaska Native organization” means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that—

(A) has or commits to acquire expertise in the education of Alaska Natives; and

(B) has Alaska Natives in substantive and policymaking positions within the organization.

(Pub. L. 89–10, title VII, §7306, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1946.)

PRIOR PROVISIONS

A prior section 7546, Pub. L. 89–10, title VII, §7306, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3743, related to administrative provisions, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6966 of this title.

Prior sections 7547 to 7602 were omitted in the general amendment of this subchapter by Pub. L. 107–110.

Section 7547, Pub. L. 89–10, title VII, §7307, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3743, related to uses of funds. See section 6967 of this title.

Section 7548, Pub. L. 89–10, title VII, §7308, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to reports. See section 6968 of this title.

Section 7549, Pub. L. 89–10, title VII, §7309, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, authorized appropriations.

Section 7571, Pub. L. 89–10, title VII, §7401, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to release time. See section 6981 of this title.

Section 7572, Pub. L. 89–10, title VII, §7402, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to acquisition or development of education technology.

Section 7573, Pub. L. 89–10, title VII, §7403, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to notification of awards. See section 6982 of this title.

Section 7574, Pub. L. 89–10, title VII, §7404, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to continued eligibility for grants.

Section 7575, Pub. L. 89–10, title VII, §7405, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3744, related to coordination and reporting requirements. See section 6983 of this title.

Section 7601, Pub. L. 89–10, title VII, §7501, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3745; amended Pub. L. 105–244, title I, §102(a)(6)(J), title IX, §901(d), Oct. 7, 1998, 112 Stat. 1619, 1828, defined terms. See section 7011 of this title.

Section 7602, Pub. L. 89-10, title VII, § 7502, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3748, related to regulations and parental notification. See sections 7012 and 7014 of this title.

SUBCHAPTER VIII—IMPACT AID

PRIOR PROVISIONS

Provisions similar to those in this subchapter were contained in chapters 13 (§236 et seq.) and 19 (§631 et seq.) of this title prior to repeal by Pub. L. 103-382, §331.

§ 7701. Purpose

In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement, because certain activities of the Federal Government, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 571 of title 50, Appendix, place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet challenging State standards, it is the purpose of this subchapter to provide financial assistance to local educational agencies that—

- (1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;
- (2) educate children who reside on Federal property and whose parents are employed on Federal property;
- (3) educate children of parents who are in the military services and children who live in low-rent housing;
- (4) educate heavy concentrations of children whose parents are civilian employees of the Federal Government and do not reside on Federal property; or
- (5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Federal lands and because of the difficulty of raising local revenue through bond referendums for capital projects due to the inability to tax Federal property.

(Pub. L. 89-10, title VIII, § 8001, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3749; amended Pub. L. 106-398, § 1 [[div. A], title XVIII, § 1802], Oct. 30, 2000, 114 Stat. 1654, 1654A-368; Pub. L. 108-189, § 2(f), Dec. 19, 2003, 117 Stat. 2866.)

PRIOR PROVISIONS

A prior section 8001 of Pub. L. 89-10 was classified to section 3351 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

Another prior section 8001 of Pub. L. 89-10 was renumbered section 9001 and was classified to section 3381 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2003—Pub. L. 108-189 substituted “section 571” for “section 574” in introductory provisions.

2000—Pub. L. 106-398, § 1 [[div. A], title XVIII, § 1802(1)], in introductory provisions, inserted “in a manner that promotes control by local educational agencies with little or no Federal or State involvement” after “educational services to federally connected children” and “, such as activities to fulfill the

responsibilities of the Federal Government with respect to Indian tribes and activities under section 574 of title 50, Appendix,” after “certain activities of the Federal Government”.

Par. (4). Pub. L. 106-398, § 1 [[div. A], title XVIII, § 1802(2)], inserted “or” at end.

Pars. (5), (6). Pub. L. 106-398, § 1 [[div. A], title XVIII, § 1802(3)-(5)], redesignated par. (6) as (5), inserted “and because of the difficulty of raising local revenue through bond referendums for capital projects due to the inability to tax Federal property” before period at end, and struck out former par. (5) which read as follows: “experience sudden and substantial increases or decreases in enrollments because of military realignments; or”.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, § 1 [[div. A], title XVIII, § 1818], Oct. 30, 2000, 114 Stat. 1654, 1654A-389, provided that: “This title [amending this section and sections 1228, 7702, 7703, 7705, 7707, 7709 to 7713, and 7714 of this title, repealing section 7706 of this title, and enacting provisions set out as notes under sections 6301, 7703, and 7711 of this title], and the amendments made by this title, shall take effect on October 1, 2000, or the date of the enactment of this Act [Oct. 30, 2000], whichever occurs later.”

EFFECTIVE DATE

Pub. L. 103-382, § 3(a)(1), Oct. 20, 1994, 108 Stat. 3518, provided that:

“(A) Title I [amending generally Pub. L. 89-10 (formerly chapter 47 of this title, now this chapter)] and the amendment made by title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under title VIII (Impact Aid) of the Elementary and Secondary Education Act of 1965 [this subchapter], as amended by this Act, and to programs under such Act [this chapter] that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs for fiscal year 1995 and for subsequent fiscal years.

“(B) Title VIII of the Elementary and Secondary Education Act of 1965 [this subchapter], as amended by title I of this Act, shall take effect on the date of the enactment of this Act [Oct. 20, 1994].”

§ 7702. Payments relating to Federal acquisition of real property

(a) In general

Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines—

- (1) that the United States owns Federal property in the local educational agency, and that such property—

(A) has been acquired by the United States since 1938;

(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—

(i) all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); or

(ii) all real property in the local educational agency as assessed in the first year preceding or succeeding acquisition, whichever is greater, only if—