

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. JOHNSON OF SOUTH DAKOTA

At the end of subtitle H of title V, insert the following:

1 **SEC. 5__ . ASSISTANCE TO LOCAL EDUCATIONAL AGEN-**
2 **CIES THAT BENEFIT DEPENDENTS OF MEM-**
3 **BERS OF THE ARMED FORCES WITH ENROLL-**
4 **MENT CHANGES DUE TO BASE CLOSURES,**
5 **FORCE STRUCTURE CHANGES, OR FORCE RE-**
6 **LOCATIONS.**

7 (a) ASSISTANCE AUTHORIZED.—To assist commu-
8 nities in making adjustments resulting from changes in
9 the size or location of the Armed Forces, the Secretary
10 of Defense shall provide financial assistance to an eligible
11 local educational agency described in subsection (b) if,
12 during the period between the end of the school year pre-
13 ceding the fiscal year for which the assistance is author-
14 ized and the beginning of the school year immediately pre-
15 ceding that school year, the local educational agency—

16 (1) had (as determined by the Secretary of De-
17 fense in consultation with the Secretary of Edu-
18 cation) an overall increase or reduction of—

1 (A) not less than five percent in the aver-
2 age daily attendance of military dependent stu-
3 dents in the schools of the local educational
4 agency; or

5 (B) not less than 500 military dependent
6 students in average daily attendance in the
7 schools of the local educational agency; or

8 (2) is projected to have an overall increase, be-
9 tween fiscal years 2023 and 2028, of not less than
10 500 military dependent students in average daily at-
11 tendance in the schools of the local educational
12 agency as the result of a signed record of decision.

13 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A
14 local educational agency is eligible for assistance under
15 subsection (a) for a fiscal year if—

16 (1) 20 percent or more of students enrolled in
17 schools of the local educational agency are military
18 dependent students; and

19 (2) in the case of assistance described in sub-
20 section (a)(1), the overall increase or reduction in
21 military dependent students in schools of the local
22 educational agency is the result of one or more of
23 the following:

24 (A) The global rebasing plan of the De-
25 partment of Defense.

1 (B) The official creation or activation of
2 one or more new military units.

3 (C) The realignment of forces as a result
4 of the base closure process.

5 (D) A change in the number of housing
6 units on a military installation.

7 (E) A signed record of decision.

8 (c) CALCULATION OF AMOUNT OF ASSISTANCE.—

9 (1) PRO RATA DISTRIBUTION.—The amount of
10 the assistance provided under subsection (a) to a
11 local educational agency that is eligible for such as-
12 sistance for a fiscal year shall be equal to the prod-
13 uct obtained by multiplying—

14 (A) the per-student rate determined under
15 paragraph (2) for that fiscal year; by

16 (B) the net of the overall increases and re-
17 ductions in the number of military dependent
18 students in schools of the local educational
19 agency, as determined under subsection (a).

20 (2) PER-STUDENT RATE.—For purposes of
21 paragraph (1)(A), the per-student rate for a fiscal
22 year shall be equal to the dollar amount obtained by
23 dividing—

1 (A) the total amount of funds made avail-
2 able for that fiscal year to provide assistance
3 under subsection (a); by

4 (B) the sum of the overall increases and
5 reductions in the number of military dependent
6 students in schools of all eligible local edu-
7 cational agencies for that fiscal year under that
8 subsection.

9 (3) MAXIMUM AMOUNT OF ASSISTANCE.—A
10 local educational agency may not receive more than
11 \$15,000,000 in assistance under subsection (a) for
12 any fiscal year.

13 (d) DURATION.—Assistance may not be provided
14 under subsection (a) after September 30, 2028.

15 (e) NOTIFICATION.—Not later than June 30, 2023,
16 and June 30 of each fiscal year thereafter for which funds
17 are made available to carry out this section, the Secretary
18 of Defense shall notify each local educational agency that
19 is eligible for assistance under subsection (a) for that fis-
20 cal year of—

21 (1) the eligibility of the local educational agency
22 for the assistance; and

23 (2) the amount of the assistance for which the
24 local educational agency is eligible.

1 (f) DISBURSEMENT OF FUNDS.—The Secretary of
2 Defense shall disburse assistance made available under
3 subsection (a) for a fiscal year not later than 30 days after
4 the date on which notification to the eligible local edu-
5 cational agencies is provided pursuant to subsection (e)
6 for that fiscal year.

7 (g) BRIEFING REQUIRED.—Not later than March 1,
8 2023, the Secretary of Defense shall brief the Committees
9 on Armed Services of the Senate and the House of Rep-
10 resentatives on the estimated cost of providing assistance
11 to local educational agencies under subsection (a) through
12 September 30, 2028.

13 (h) ELIGIBLE USES.—Amounts disbursed to a local
14 education agency under subsection (f) may be used by
15 such local educational agency for—

- 16 (1) general fund purposes;
- 17 (2) special education;
- 18 (3) school maintenance and operation;
- 19 (4) school expansion; or
- 20 (5) new school construction.

21 (i) FUNDING.—

22 (1) INCREASE.—Notwithstanding the amounts
23 set forth in the funding tables in division D, the
24 amount authorized to be appropriated in section 301
25 for Operation and Maintenance, Defense-wide, De-

1 partment of Defense Education Activity, Line 390,
2 as specified in the corresponding funding table in
3 section 4301, is hereby increased by \$15,000,000 for
4 purposes of this section.

5 (2) OFFSET.—Notwithstanding the amounts set
6 forth in the funding tables in division D, the amount
7 authorized to be appropriated in section 301 for Op-
8 eration and Maintenance, Defense-wide, for Wash-
9 ington Headquarters Services, Line 500, as specified
10 in the corresponding funding table in section 4301,
11 is hereby reduced by \$15,000,000.

12 (j) DEFINITIONS.—In this section:

13 (1) BASE CLOSURE PROCESS.—The term “base
14 closure process” means any base closure and realign-
15 ment process conducted after the date of the enact-
16 ment of this Act under section 2687 of title 10,
17 United States Code, or any other similar law en-
18 acted after that date.

19 (2) LOCAL EDUCATIONAL AGENCY.—The term
20 “local educational agency” has the meaning given
21 that term in section 7013(9) of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C.
23 7713(9)).

24 (3) MILITARY DEPENDENT STUDENTS.—The
25 term “military dependent students” means—

1 (A) elementary and secondary school stu-
2 dents who are dependents of members of the
3 Armed Forces; and

4 (B) elementary and secondary school stu-
5 dents who are dependents of civilian employees
6 of the Department of Defense.

7 (4) STATE.—The term “State” means each of
8 the 50 States and the District of Columbia.

