

110TH CONGRESS
2D SESSION

H. R. 7251

To amend the Elementary and Secondary Education Act of 1965 to ensure that local educational agencies receive Impact Aid payments for lands held in trust for the benefit of a federally recognized Indian tribe or individual Indian and to amend title 31 of the United States Code to ensure that local governments receive payments in lieu of taxes for lands held in trust for the benefit of a federally recognized Indian tribe or individual Indian.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2008

Mr. MCHUGH introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Elementary and Secondary Education Act of 1965 to ensure that local educational agencies receive Impact Aid payments for lands held in trust for the benefit of a federally recognized Indian tribe or individual Indian and to amend title 31 of the United States Code to ensure that local governments receive payments in lieu of taxes for lands held in trust for the benefit of a federally recognized Indian tribe or individual Indian.

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 “Land-In-Trust Impact
5 Aid and PILT Equity Act of 2008”.

6 **SEC. 2. IMPACT AID FOR CERTAIN LANDS HELD IN TRUST.**

7 Section 8002 of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 7702) is amended by add-
9 ing at the end the following:

10 “(o) **ELIGIBILITY FOR CERTAIN LANDS HELD IN**
11 **TRUST.—**

12 “(1) **IN GENERAL.—**For each fiscal year that
13 begins after the date of enactment of the Land-In-
14 Trust Impact Aid and PILT Equity Act of 2008, a
15 local educational agency will have met the require-
16 ments of subsections (a)(1)(C) and (a)(2) if the
17 Federal property in the local educational agency is
18 land held in trust by the United States for the ben-
19 efit of a federally recognized Indian tribe or an indi-
20 vidual Indian.

21 “(2) **MANDATORY FUNDING IF APPROPRIATIONS**
22 **INSUFFICIENT.—**For each fiscal year that begins
23 after the date of enactment of the Land-In-Trust
24 Impact Aid and PILT Equity Act of 2008, after the
25 application of subsection (h), the Secretary of the

1 Treasury shall transfer directly to the Secretary of
2 Education from the general fund of the Treasury,
3 without further appropriation, such further amounts
4 as are necessary to ensure that each local edu-
5 cational agency described in paragraph 1 receives
6 full payment under this section with respect to the
7 Federal property in the local education agency that
8 is land described in paragraph (1).”.

9 **SEC. 3. PAYMENTS FOR CERTAIN LANDS HELD IN TRUST.**

10 (a) LANDS HELD IN TRUST AS ENTITLEMENT
11 LAND.—Section 6901(1) of title 31, United States Code,
12 is amended—

13 (1) in subparagraph (G) by striking “or” after
14 the semicolon;

15 (2) in subparagraph (H) by striking the period
16 and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(I) that is held in trust by the United
19 States for the benefit of a federally recognized
20 Indian tribe or an individual Indian.”.

21 (b) MANDATORY PAYMENTS FOR CERTAIN LANDS
22 HELD IN TRUST.—Chapter 69 of title 31, United States
23 Code, is amended by adding at the end the following:

1 **“SEC. 6908 MANDATORY PAYMENTS FOR CERTAIN LANDS**
2 **HELD IN TRUST.**

3 “Before making any other payments under this chap-
4 ter from the amount appropriated for this chapter, for
5 each fiscal year that begins after the date of enactment
6 of the Land-In-Trust Impact Aid and PILT Equity Act
7 of 2008, the Secretary of the Interior shall pay each unit
8 of general local government such amounts as are necessary
9 to ensure that such unit of general local government re-
10 ceives full payment under this chapter for the entitlement
11 land described in section 6901(1)(I) that is located within
12 such unit of general local government.”.

○