

Department of Education
IMPACT AID
Fiscal Year 2023 Budget Request
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*State tables reflecting final 2021 allocations and 2022 and 2023 estimates are posted on the Department's webpage at: <https://www2.ed.gov/about/overview/budget/statetables/index.html>

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Appropriations Language

For carrying out programs of financial assistance to federally affected schools authorized by title VII of the ESEA, \$1,541,112,000, of which \$1,394,242,000 shall be for basic support payments under section 7003(b), \$48,316,000 shall be for payments for children with disabilities under section 7003(d),¹ \$17,406,000, to remain available through September 30, 2024, shall be for construction under section 7007(b),² \$76,313,000 shall be for Federal property payments under section 7002,³ and \$4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008.⁴ *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2022-2023, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.⁵

NOTES

A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of P.L. 117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.

Each language provision that is followed by a footnote reference is explained in the Analysis of Language Provisions and Changes document, which follows the appropriations language.

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Analysis of Language Provisions and Changes

Language Provision	Explanation
¹ <u>\$1,541,112,000, of which \$1,394,242,000 shall be for basic support payments under section 7003(b), \$48,316,000 shall be for payments for children with disabilities under section 7003(d)</u>	This language specifies funding levels for basic support payments and payments for children with disabilities.
² <u>\$17,406,000, to remain available through September 30, 2024, shall be for construction under section 7007(b)</u>	This language specifies the amount for construction, makes it available only for competitive awards, and makes the funds available for 2 years, to provide sufficient time to hold the competition.
³ <u>\$76,313,000 shall be for Federal property payments under section 7002,</u>	This language specifies the funding amount for Federal property payments.
⁴ <u>\$4,835,000, to remain available until expended, shall be for facilities maintenance under section 7008:</u>	This language provides funds for the maintenance and repair of federally owned school facilities on a “no-year” basis because these activities typically require several years to initiate and complete.
⁵ <u>Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 7003(a) for school year 2022-2023, children enrolled in a school of such agency that would otherwise be eligible for payment under section 7003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 7003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.</u>	This language provides continued eligibility for students affected by the deployment or death of their military parent so long as the student attends school in the same local educational agency (LEA) they attended prior to the parent’s deployment or death.

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Appropriation, Adjustments and Transfers
(dollars in thousands)

Appropriation/Adjustments/Transfers	2021	2022	2023
Discretionary:			
Appropriation	\$1,501,112	\$1,501,112	\$1,541,112
Total, discretionary appropriation	1,501,112	1,501,112	1,541,112

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Summary of Changes
(dollars in thousands)

2022	\$1,501,112
2023	<u>1,541,112</u>
Net change	+40,000

Increases:	2022 base	Change from base
<u>Program:</u>		
Increase in funding for Basic Support Payments, to strengthen the Department's commitment to almost 800,000 federally connected children in over 1,000 school districts by providing sufficient funding to pay every LEA their full Learning Opportunity Threshold (LOT) payment and an increased percentage of their total maximum payment amount.	\$1,354,242	+\$40,000
Net change		+40,000

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Authorizing Legislation
(dollars in thousands)

Activity	2022 Authorized	2022 Estimate	2023 Authorized	2023 Request
Payments for federally connected children:				
Basic support payments (<i>ESEA-VII-7003(b) and (e)</i>)	0	\$1,354,242	To be determined ¹	\$1,394,242
Payments for children with disabilities (<i>ESEA-VII-7003(d)</i>)	0	48,316	To be determined ¹	48,316
Facilities maintenance: (<i>ESEA-VII-7008</i>)	0	4,835	To be determined ¹	4,835
Construction (<i>ESEA-VII-7007</i>)	0 ²	17,406	To be determined ^{1,2}	17,406
Payments for Federal property (<i>ESEA-VII-7002</i>)	0	76,313	To be determined ¹	76,313
Total definite authorization	0		1,388,603	
Total annual appropriation		1,501,112		1,541,112

¹ The GEPA extension expired September 30, 2021; reauthorization for FY 2023 is expected through appropriations action.

² The statute provides that 40 percent of the funds appropriated for Construction under section 7007 shall be used to make formula payments under section 7007(a) and 60 percent shall be used to make competitive awards under section 7007(b).

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Appropriations History (dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2014 ¹	\$1,224,239	N/A	\$1,290,945	\$1,288,603
2015 ²	1,221,790	N/A	1,288,603	1,288,603
2016 ³	1,288,603	\$1,298,603	1,288,603	1,305,603
2017 ⁴	1,305,603	1,328,603	1,315,603	1,328,603
2018 ⁵	1,236,435	1,333,603	1,340,112	1,414,112
2019 ⁶	1,259,790	1,466,112	1,439,112	1,446,112
2020 ⁷	1,371,799	1,498,112	1,471,112	1,486,112
2021 ⁸	1,410,799	1,492,112	1,506,112	1,501,112
2022 ⁹	1,541,112	1,552,112	1,565,838	1,501,112
2023	1,541,112			

¹ The House allowance is shown as N/A because there was no Subcommittee action. The level for the Senate allowance reflects Committee action only.

² The House allowance is shown as N/A because there was no Subcommittee action. level for the Senate allowance reflects Senate Subcommittee action only.

³ The levels for House and Senate allowances reflect action on the regular annual 2016 appropriations bill, which proceeded in the 114th Congress only through the House Committee and Senate Committee.

⁴ The levels for the House and Senate allowance reflect Committee action on the regular annual 2017 appropriations bill; the Appropriation reflects the Consolidated Appropriations Act, 2017.

⁵ The level for the House allowance reflects floor action on the Omnibus appropriations bill; the Senate Allowance reflects Committee action on the regular annual 2018 appropriations bill; the Appropriation reflects the Consolidated Appropriations Act, 2018 (P.L. 115-141).

⁶ The levels for the House and Senate Allowance reflect Committee action on the regular annual 2019 appropriations bill; the Appropriation reflects enactment of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 (P.L. 115-245).

⁷ The Senate allowance reflects the Chairman's mark; the Appropriation reflects the Further Consolidated Appropriation Act, 2020 (P.L. 116-94).

⁸ The level for the House allowance reflects subcommittee action. The level for the Senate Allowance reflects the Chairman's mark; the Appropriation reflects Division H of the FY 2021 Consolidated Appropriations Act (P.L. 116-260).

⁹ The House allowance reflects floor action on the FY 2022 Consolidated Appropriations Act; the Senate Allowance reflects the Chairman's mark; and the Appropriation reflects the annualized continuing resolution.

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Summary of Request

The Impact Aid program provides financial assistance to school districts affected by Federal activities. The presence of certain children living on Federal property across the country can place a financial burden on the local educational agencies (LEAs) that educate them because such property is exempt from local property taxes, denying LEAs access to the primary source of revenue used by most communities to finance education. Impact Aid helps replace the lost local revenue that would otherwise be available to LEAs to pay for the education of these children.

The Administration requests \$1.54 billion in fiscal year 2023 for Impact Aid programs, including:

- \$1.4 billion for **Basic Support Payments** on behalf of federally connected children. These funds provide grants for both regular Basic Support Payments and Basic Support Payments for Heavily Impacted LEAs.
- \$48.3 million for **Payments for Children with Disabilities**. These payments are made on behalf of federally connected children with disabilities in order to help eligible LEAs meet the mandate under the Individuals with Disabilities Education Act to provide a free appropriate public education to all children with disabilities.
- \$4.8 million for **Facilities Maintenance**. The Department of Education owns and maintains six school facilities that originally were built to enable LEAs and the Department of Defense to educate federally connected students. The request would support Department of Education efforts to make emergency repairs to the remaining school buildings and continue the process of transferring these schools to LEAs.
- \$17.4 million for **Construction** payments to LEAs, with appropriations language that would require all funds to be awarded competitively. LEAs generally pay for most of their school construction costs using local, as opposed to State and Federal, resources and rely on property taxes to finance these costs. Competitive grants assist federally affected LEAs that do not have access to those local resources in making emergency repairs and renovations and modernizing schools.
- \$76.3 million for **Payments for Federal Property**. This authority provides payments to LEAs in which real property owned by the Federal Government generally represents 10 percent or more of the assessed value of real property in the LEA.

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Basic support payments

(Elementary and Secondary Education Act of 1965, as amended, Title VII, Section 7003(b) and (e))

(dollars in thousands)

FY 2023 Authorization: To be determined¹

Budget Authority:

2022 Estimate	2023 Request	Change
\$1,354,242	\$1,394,242	+\$40,000

PROGRAM DESCRIPTION

The Impact Aid Basic Support Payments program is authorized under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) and the National Defense Authorization Act of 2017 (NDAA).

Impact Aid Basic Support Payments compensate local educational agencies (LEAs) for the expense of educating federally connected children. In communities across the country, the presence of Federal activities can both increase the number of students in local schools and decrease the local property tax base, which is the major source of revenue for education in most LEAs. Basic Support Payments go into the general funds of these LEAs, which use them for such expenses as teacher salaries, computers, curricular materials, regular and special instruction programs, and utilities.

The Impact Aid statute authorizes Basic Support Payments to LEAs on behalf of the following categories of federally connected students:

- A. students who live on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the LEA, or with a parent who is a foreign military officer accredited by a foreign government;
- B. students who live on Federal property and who have a parent on active duty in the uniformed services of the United States;
- C. students who live on certain Indian lands;
- D. students who do not live on Federal property but who have a parent on active duty in the uniformed services of the United States, or a parent who is a foreign military officer accredited by a foreign government;

¹ The GEPA extension expired September 30, 2021; reauthorization for FY 2023 is expected through appropriations action.

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- E. students who reside in a low-rent housing project assisted under the United States Housing Act of 1937;
- F. students who live on Federal property but otherwise do not fit into any of the categories described above; and
- G. students who do not reside on Federal property but who have a parent employed on Federal property situated in whole or in part in the same State as the LEA.

An LEA that claims students living on Indian lands under category (C) is required to consult with the parents and Tribes of these children and youth concerning their education and to ensure that these children and youth receive equal educational opportunities. The LEA must develop and file with the Department a set of Indian policies and procedures describing how it meets this requirement. Children and youth living on Indian lands receive a weight of 1.25 per student in the Basic Support Payments formula, higher than the weights assigned to other categories of federally connected children. These children and youth often are underserved and live in isolated rural areas, factors that can result in increased costs to the school districts that serve them.

The law authorizes two different types of Basic Support Payments: Regular Basic Support Payments and Basic Support Payments for Heavily Impacted LEAs.

Regular Basic Support Payments (section 7003(b)(1))

An LEA is eligible for Basic Support Payments only if the total number of eligible federally connected students described above is at least 400 in average daily attendance, or 3 percent of total average daily attendance. In order to receive payments on behalf of students in categories (F) and (G), an LEA must have at least 1,000 such students in average daily attendance, or the number of such students must equal or exceed 10 percent of the total average daily attendance in that LEA.

To determine the maximum payment an LEA may receive, the statute specifies weights for each category of federally connected students. The weighted student count is multiplied by the greatest of four local contribution rates (LCRs), which are intended to represent the local share of the cost of educating these students, to determine the LEA's maximum payment. The four LCR options are:

- one-half of the U.S. average per-pupil expenditure for education;
- one-half of the State per-pupil expenditure (SPPE);
- the LCR of comparable LEAs in the State; and
- the product of the SPPE and the local contribution percentage (the percentage of education expenditures that comes from the local level) in the State.

If appropriations are insufficient to make maximum payments in full, the formula reduces maximum payments by multiplying them by a percentage, called the Learning Opportunity Threshold (LOT) percentage, which is the sum of:

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- the percentage of the LEA's students in average daily attendance who are federally connected; and
- the LEA's maximum payment under the Basic Support Payments formula as a percentage of total current expenditures.

The sum of these two percentages may not exceed 100 percent. In addition to this maximum LOT, LEAs with an enrollment of fewer than 1,000 students and per-pupil expenditure below the State or national average receive a minimum LOT of 40 percent. An LOT percentage, when multiplied by a maximum payment, results in a LOT payment. If the appropriation is insufficient to provide LOT payments in full, the formula ratably reduces these payments. If the level of funding exceeds the level needed to fund LOT payments but is insufficient to provide maximum payments to all LEAs, the formula ratably increases these payments above the LOT. However, these ratably increased LOT payments may not exceed an LEA's maximum payment.

Basic Support Payments for Heavily Impacted LEAs (section 7003(b)(2))

The ESSA and NDAA made multiple changes to eligibility criteria and payment formulas for Basic Support Payments for Heavily Impacted LEAs, including eliminating the distinction between new and continuing LEAs. Under the amended ESEA, there are 23 Heavily Impacted LEAs (out of more than 1,000 total LEAs receiving Impact Aid payments) that meet requirements generally reflecting greater impact on education revenues from the Federal presence than experienced by regular Impact Aid LEAs, including such factors as geographic boundaries contiguous or wholly within a Federal installation, high tax rates for general fund purposes, high enrollment of federally connected students, per-pupil expenditures, LEA poverty rates, and total enrollment.

An LEA that loses eligibility for heavily impacted payments will continue to receive a such a payment in the first year it falls out of eligibility. An LEA that loses eligibility due to falling below 95 percent of the average tax rate for general fund purposes for 2 consecutive years will continue to receive a heavily impacted payment in the first 2 years of ineligibility. An LEA must be eligible for 2 consecutive years before returning to heavily impacted status.

The Heavily Impacted maximum payments are based on a formula that is similar to the regular Basic Support Payments but that produces much larger payments for the eligible LEAs — the average per-pupil payment for Heavily Impacted LEAs is roughly \$5,200, compared to \$1,600 per-pupil for regular Impact Aid districts. Under the formula for heavily impacted LEAs, LEAs receive funds on behalf of students in categories (F) and (G), even if the number of those students falls below the Basic Support Payment thresholds of 1,000 students or 10 percent. Moreover, many recipients' payments are based on substantially higher weights for federally connected students than apply to regular payments for the same types of students. Heavily impacted LEAs receive higher weights for their federally connected students based on the number of students in the LEA, the composition of the students within the LEA, or a combination of the two. For instance, federally connected students receive weights ranging from .05 to 1.35 per student under the regular Basic Support Payments formula, but they receive a weight of 1.75 per student under the Basic Support Payments for Heavily Impacted LEAs formula, provided that the LEA has 100 or fewer federally connected students.

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The local contribution rates (LCRs) are also much higher under the heavily impacted formula. They are the higher of:

- 80 percent of the U.S. average per-pupil expenditure for education; or
- 80 percent of the SPPE.

Heavily Impacted LEAs receive their maximum Heavily Impacted payments so long as funding is sufficient to cover the maximum payments for these LEAs and funds are sufficient to fully fund LOT payments for regular LEAs under section 7003(b)(1). If the appropriation is insufficient to provide LOT payments in full for regular LEAs under section 7003(b)(1), Basic Support Payments to heavily impacted LEAs are ratably reduced by the same percentage as payments to regular LEAs.

The Basic Support Payments program also includes hold-harmless language that applies to all eligible LEAs (regular and Heavily Impacted). An LEA with a payment that decreases by 20 percent or more from the previous year will receive 90 percent of the previous year's payment. In the following year, the LEA will receive no less than 85 percent of the previous year's payment. And in the third year following the determination of a 20 percent decrease in payment, the LEA will receive no less than 80 percent of the previous year's payment.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2018	\$1,270,242
2019	1,301,242
2020	1,340,242
2021	1,354,242
2022 Estimate	1,354,242

FY 2023 BUDGET REQUEST

For fiscal year 2023, the Administration requests \$1.4 billion for Basic Support Payments, \$40 million more than a fiscal year 2022 annualized CR based on the fiscal year 2021 appropriation. The request retains appropriations language enacted in 2021 and requested in 2022 that provides continued eligibility for students affected by the deployment or death of their military parents, ensuring that the LEAs serving these children are not adversely affected by ongoing military action overseas.

The request recognizes that students counted under categories (A), (B) and (C)—primarily students who reside on Indian lands or who reside on *and* whose parents work on Federal property—represent a major financial expense for LEAs that educate them. Because federally owned land and Indian lands are exempt from local taxes, LEAs lack the ability to raise funds to educate these students using property taxes, which are the primary source of local revenue for public education costs.

Although the impact of students counted under categories (D), (E), (F), and (G)—primarily students who reside in low-rent housing and students who reside, or whose parents work, on

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private property—does not create the same financial burden for LEAs, it is still significant. Military families living off-base pay property taxes on their residences but typically pay little in sales tax and, because of the Soldiers and Sailors Relief Act, often do not pay income taxes to their State or locality of residence. While all types of “off-base” students either reside, or have parents who work, on property that the district cannot tax, the education of children and youth who reside in low-rent housing is costly to districts because of the need for additional academic assistance and other supports often required for students from low-income backgrounds.

The \$40 million increase in the 2023 Request would strengthen the Department’s commitment to almost 800,000 federally connected children in over 1,000 school districts by providing sufficient funding to pay every LEA its full LOT payment and provide LEAs an increased percentage of their maximum payment amount. While LEAs may expend their payments for either current operations or capital costs, the program’s formula is designed to compensate LEAs for current expenditures for educating federally connected students. Most districts report that they use Basic Support Payments for payroll and general operating expenditures.

PROGRAM OUTPUT MEASURES

(amounts in whole dollars)

Output Measures	2021	2022	2023
All eligible LEAs			
Number of LEAs receiving payments	1,005	1,005	1,005
Range of payments	\$331– 58,253,330	\$296– 58,253,330	\$330– 58,253,330
Regular LEAs			
Number of LEAs receiving payments	982	982	982
Range of payments	\$331– 42,597,200	\$296– 43,921,918	\$330– 45,716,959
Heavily impacted LEAs			
Number of LEAs receiving payments	23	23	23
Range of payments	\$759,032– 58,253,330	\$759,032– 58,253,330	\$759,032– 58,253,330
Number of federally connected students			
In all eligible LEAs	781,657	781,657	781,657
In regular LEAs	742,225	742,225	742,225
In heavily impacted LEAs	39,432	39,432	39,432
Total payments for students			
In regular LEAs	\$1,125,688,035	\$1,125,991,025	\$1,166,007,421
In heavily impacted LEAs	\$228,553,965	\$228,250,975	\$228,234,579
Average payment per student			
In all LEAs	\$1,733	\$1,733	\$1,784
In regular LEAs	\$1,517	\$1,517	\$1,571
In heavily impacted LEAs	\$5,796	\$5,788	\$5,788

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Basic support payments

Output Measures	2021	2022	2023
Percentage of LEAs by size of payment			
\$1–4,999	2.3%	2.3%	2.4%
\$5,000–49,999	27.2%	27.4%	26.1%
\$50,000–499,999	40.1%	39.8%	39.7%
\$500,000 or more	30.4%	30.5%	31.8%
Total dollar amount of payments by size of payment			
\$1–4,999	\$78,409	\$76,055	\$83,469
\$5,000–49,999	\$6,765,932	\$6,560,404	\$6,181,499
\$50,000–499,999	\$74,169,007	\$72,407,431	\$71,453,140
\$500,000 or more	\$1,273,228,652	\$1,275,198,110	\$1,316,523,892
Average payment per child by percentage of federally connected children			
0–19 percent	\$261	\$259	\$277
20–39 percent	\$1,393	\$1,398	\$1,497
40–59 percent	\$4,826	\$4,915	\$5,170
60–79 percent	\$7,045	\$6,918	\$6,900
80 percent or more	\$8,824	\$8,839	\$8,839
Number of students			
“On-Base” students ¹	200,000	200,000	200,000
Indian students	104,883	104,883	104,883
Military “On-Base” students	92,028	92,028	92,028
Civilian “On-Base” students	3,089	3,089	3,089
“Off-Base” students ²	581,656	581,656	581,656
Military “Off-Base” students	203,038	203,038	203,038
Low-rent housing students	160,517	160,517	160,517
Civilian “Off-Base” students	218,102	218,102	218,102
Total payments			
“On-Base” students	\$1,220,737,156	\$1,222,089,644	\$1,255,089,734
Indian students	\$769,049,240	\$769,025,173	\$784,558,292
Military “On-Base” students	\$440,231,103	\$441,507,742	\$458,314,157
Civilian “On-Base” students	\$11,456,813	\$11,556,729	\$12,217,285
“Off-Base” students	\$133,504,844	\$132,152,356	\$139,152,266
Military “Off-Base” students	\$94,586,146	\$93,325,974	\$97,697,627
Low-rent housing students	\$13,777,980	\$13,788,026	\$14,902,627
Civilian “Off-Base” students	\$25,140,719	\$25,038,356	\$26,551,704

¹ “On-Base” students are generally those students who live on Indian lands or whose parents both live and work on Federal property, as defined in subsections 7003(a)(1)(A)-(C).

² “Off-Base” students are generally those students who either reside on Federal land with their parents or whose parents work on Federal land, as defined in subsections 7003(a)(1)(D)-(G).

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Basic support payments

Output Measures	2021	2022	2023
Average payments per child			
"On-Base" students ¹	\$6,104	\$6,110	\$6,275
Indian students	\$7,332	\$7,332	\$7,480
Military "On-Base" students	\$4,784	\$4,798	\$4,980
Civilian "On-Base" students	\$3,709	\$3,741	\$3,955
"Off-Base" students ²	\$230	\$227	\$239
Military "Off-Base" students	\$466	\$460	\$481
Low-rent housing students	\$86	\$86	\$93
Civilian "Off-Base" students	\$115	\$115	\$122
Cost of fully funding maximum payments	\$2,280,128,938	\$2,280,128,938	\$2,280,128,938

NOTE: All figures are estimates based on student count and payment data as of February 2022.

PROGRAM PERFORMANCE INFORMATION

Performance measures

This section presents selected program performance information, including, for example, program goals, objectives, measures, and performance targets and data; and an assessment of the progress made towards achieving program results. Achievement of program results is based on the cumulative effect of the Federal resources provided for the program as well as the resources and efforts invested by those served by this program.

¹ "On-Base" students are generally those students who live on Indian lands or whose parents both live and work on Federal property, as defined in subsections 7003(a)(1)(A)-(C).

² "Off-Base" students are generally those students who either reside on Federal land with their parents or whose parents work on Federal land, as defined in subsections 7003(a)(1)(D)-(G).

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Basic support payments

Goal: To provide appropriate financial assistance for federally connected children who present a genuine burden to their school districts.

Objective: Properly compensate districts for revenue lost due to a Federal presence.

Measure: The percentage of Basic Support Payment recipients (excluding districts that receive payments for “heavily impacted” districts) that have per-pupil expenditures between 80 and 120 percent of their State average per-pupil expenditure.

Year	Target	Actual
2018	67%	62.1%
2019	67	61.2
2020	67	58.7
2021	67	
2022	67	
2023	67	

Measure: The percentage of Basic Support Payment recipients designated as “heavily impacted” districts that have per-pupil expenditures between 80 and 120 percent of their State average per-pupil expenditure.

Year	Target	Actual
2018	75%	53.6%
2019	75	56.0
2020	75	52.2
2021	75	
2022	75	
2023	75	

Additional information: These measures serve as proxies for how well Impact Aid payments make up for the revenue lost due to the presence of federally connected students. Districts spending more than 20 percent above or below the State average are likely being over- or under- compensated. In 2020, 33 percent of regular districts spent more than 120 percent of the State average while 39 percent of heavily impacted districts spent more than 120 percent of the State average. Targets were set using 2006 data as the baseline. Data for 2021 will be available once final payments have been made.

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Basic support payments

Efficiency measures

Measure: The number of requests to forgive overpayments of Basic Support Payments.

Year	Target	Actual
2018	10	3
2019	10	1
2020	10	0
2021	10	0
2022	10	
2023	10	

Additional information: This performance measure provides a proxy for calculating the extent to which the Department's payments to over 1,000 LEAs are accurate. The data show that the accuracy of payments has been very good in recent years. In 2021, there were 0 requests for overpayment forgiveness.

Measure: The percentage of eligible applicants that receive initial Basic Support Payments within 60 days after the enactment of an appropriation.

Year	Target	Actual
2018	90%	99%
2019	90	96
2020	90	97
2021	90	93
2022	90	
2023	90	

Additional information: This measure tracks the timeliness of Basic Support Payments made by the Department. The Department has successfully exceeded the performance target for 6 consecutive years, including the most recent year, fiscal year 2021.

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Payments for children with disabilities

(Elementary and Secondary Education Act of 1965, as amended, Title VII, Section 7003(d))

(dollars in thousands)

FY 2023 Authorization: To be determined¹

Budget Authority:

2022 Estimate	2023 Request	Change
\$48,316	\$48,316	0

PROGRAM DESCRIPTION

The Individuals with Disabilities Education Act (IDEA) requires local educational agencies (LEAs) to provide a free appropriate public education to students with disabilities, whose educational costs are generally higher than those of other students. Most of the costs associated with serving students with disabilities in accordance with the IDEA are paid with State and local funds, as well as with Federal IDEA funds. Impact Aid Payments for Children with Disabilities provides supplemental assistance to LEAs that have a reduced local revenue base due to a Federal presence by providing a portion of the cost of educating federally connected students with disabilities that, in other LEAs, is met with local funds.

ESEA section 7003(d)(1) authorizes payments to LEAs that meet the eligibility requirements under the Basic Support Payments authority for the following categories of federally connected students who are eligible for services under the IDEA:

- A. students who live on Federal property with a parent who is a foreign military officer accredited by a foreign government;
- B. students who live on Federal property and who have a parent on active duty in the uniformed services of the United States;
- C. students who live on Indian lands; and
- D. students who do not live on Federal property but who have a parent on active duty in the uniformed services of the United States or a parent who is a foreign military officer accredited by a foreign government.

Available funds are paid to LEAs based on the number of eligible students with disabilities enrolled in each LEA, except that a student in category (D) receives one-half of the weight provided for students in categories (A), (B), and (C). Funds are ratably distributed based on the weighted student count.

¹ The GEPA extension expired September 30, 2021; reauthorization for FY 2023 is expected through appropriation action.

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Payments for children with disabilities

LEAs that receive payments under this authority must use the funds to provide the students who are counted with a free appropriate public education in accordance with the IDEA. These payments are intended to help pay the "excess costs" of educating these students (i.e., those costs that exceed the cost of educating a student without a disability).

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2018	\$48,316
2019	48,316
2020	48,316
2021	48,316
2022 Estimate	48,316

FY 2023 BUDGET REQUEST

For fiscal year 2023, the Administration requests \$48.3 million for Payments for Children with Disabilities, level with a fiscal year 2022 annualized CR based on the fiscal year 2021 appropriation. These payments would be made on behalf of federally connected children with disabilities in order to help eligible LEAs provide a free appropriate public education to all children and youth with disabilities.

Using the national average per-pupil expenditure as the measure of excess cost of educating a federally connected student with a disability, the combination of IDEA funds and Payments for Children with Disabilities in fiscal year 2023 would provide, on average, 23 percent of the excess cost to eligible LEAs. The supplemental funding under this authority is justified because federally affected LEAs are unable to tax Federal property to help meet the excess costs of educating children and youth with disabilities who reside with their parents on Federal lands.

IMPACT AID

Payments for children with disabilities

PROGRAM OUTPUT MEASURES

(amounts in whole dollars)

Output Measures	2021	2022	2023
Number of LEAs receiving payments	799	799	799
Range of payments	\$535– 1,329,612	\$535– 1,329,612	\$535– 1,329,612
Percentage of LEAs by size of payment			
\$1–4,999	18.4%	18.4%	18.4%
\$5,000–19,999	29.8%	29.8%	29.8%
\$20,000–99,999	37.0%	37.0%	37.0%
\$100,000 or more	14.8%	14.8%	14.8%
Total dollar amount of payments by size of payment			
\$1–4,999	\$394,274	\$394,274	\$394,274
\$5,000–19,999	\$2,583,199	\$2,583,199	\$2,583,199
\$20,000–99,999	\$14,022,488	\$14,022,488	\$14,022,488
\$100,000 or more	\$31,316,039	\$31,316,039	\$31,316,039
Number of “On-Base” students eligible ¹	29,820	29,820	29,820
Number of “Off-Base” students eligible ²	21,611	21,611	21,611
Total eligible students	51,431	51,431	51,431
Total funding for “On-Base” students	\$35,464,838	\$35,464,838	\$35,464,838
Total funding for “Off-Base” students	\$12,851,162	\$12,851,162	\$12,851,162
Average payment per “On-Base” student	\$1,189	\$1,189	\$1,189
Average payment per “Off-Base” student	\$595	\$595	\$595
Average total payment per student ³	\$939	\$939	\$939
Average IDEA Grants to States funding per student	\$1,789	\$1,764	\$2,198
Total average Federal funding per student	\$2,728	\$2,703	\$3,137

¹ “On-Base” students are generally those students who live on Indian lands or whose parents both live and work on Federal property, as defined in subsections 7003(a)(1)(A)-(C).

² “Off-Base” students are generally those students who either reside on Federal land with their parents or whose parents work on Federal land, as defined in subsections 7003(a)(1)(D)-(G).

³ Impact Aid Payments for Children with Disabilities.

NOTE: All figures are estimates based on student count and payment data as of February 2022.

IMPACT AID

Payments for children with disabilities

PROGRAM PERFORMANCE INFORMATION

Performance measures

This section presents selected program performance information, including, for example, program goals, objectives, measures, and performance targets and data; and an assessment of the progress made towards achieving program results. Achievement of program results is based on the cumulative effect of the Federal resources provided for the program as well as the resources and efforts invested by those served by this program.

Efficiency measures

Measure: The number of requests to forgive overpayments of Payments for Children with Disabilities.

Year	Target	Actual
2018	10	0
2019	10	1
2020	10	0
2021	10	1
2022	10	
2023	10	

Additional information: This measure provides a proxy for calculating the extent to which the Department's payments to nearly 800 LEAs are accurate. The data show the accuracy of payments has been very good in recent years. In 2021, there was 1 request from an LEA for overpayment forgiveness.

Measure: The percentage of eligible applicants who receive initial Payments for Children with Disabilities within 60 days after the enactment of an appropriation.

Year	Target	Actual
2018	90%	99%
2019	90	96
2020	90	97
2021	90	74
2022	90	
2023	90	

Additional information: This measure tracks the timeliness of Payments for Children with Disabilities made by the Department. The Department successfully exceeded the performance target for 5 consecutive years through fiscal year 2020. For the most recent year, fiscal year 2021, the Department experienced payment processing issues as the result of moving to a new payment system that resulted in falling below the performance target of 90 percent.

IMPACT AID

Facilities maintenance

(Elementary and Secondary Education Act of 1965, as amended, Title VII, Section 7008)

(dollars in thousands)

FY 2023 Authorization: To be determined¹

Budget Authority:

2022 Estimate	2023 Request	Change
\$4,835	\$4,835	0

PROGRAM DESCRIPTION

The Department makes awards to local educational agencies (LEAs) under section 7008 of the Elementary and Secondary Education Act (ESEA) for emergency repairs and for comprehensive capital improvements to schools that the Department owns but that LEAs use to serve federally connected military dependent students. In addition, the law mandates that the Department transfer these facilities to the appropriate LEAs or other entities as soon as practicable. The Department may not charge LEAs for the use of these school buildings and must gain an LEA's consent to accept them. Subject to these restrictions, the Department may transfer ownership on such terms as the Secretary deems appropriate. Funds for this program are available until expended.

Currently, the Department owns nine schools that are on military bases and serve students whose parents are in the armed forces. Either the Department of Defense (DoD) or LEAs operate these schools. Since 1983, DoD has assumed financial responsibility for maintenance and renovation of many of these school facilities, which DoD operates as Domestic Dependents Elementary and Secondary Schools (DDESSs). The DoD is currently responsible for four facilities while ED continues to be directly responsible for the other five, which LEAs operate and use to educate military connected students.

¹ The GEPA extension expired September 30, 2021; reauthorization for FY 2023 is expected through appropriations action.

IMPACT AID

Facilities maintenance

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2018	\$4,835
2019	4,835
2020	4,835
2021	4,835
2022 Estimate	4,835

FY 2023 BUDGET REQUEST

For fiscal year 2023, the Administration requests \$4.8 million for Facilities Maintenance, level with a fiscal year 2022 annualized CR based on the fiscal year 2021 appropriation. These funds would be used to upgrade and transfer school facilities currently owned by the Department to LEAs, which can manage school buildings in their communities more effectively than the Federal Government. In addition, funds would be used to provide emergency repairs, such as correcting health and safety hazards, in school facilities owned by the Department that have not yet been transferred.

The Department is in the final stages of transferring to DoD the titles to the remaining four facilities funded and operated by DoD. The five remaining school facilities owned by the Department and operated by LEAs generally are in poor condition, and most LEAs are unwilling to accept the schools unless the Department provides sufficient funds to the LEA to correct any deficiencies.

PROGRAM OUTPUT MEASURES

<u>Output Measures</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Number of properties receiving emergency repairs	1	1	1
Number of facilities transferred to LEAs (owned by ED and operated by LEAs)	0	1	1

PROGRAM PERFORMANCE INFORMATION

The Department's measure of progress for this program is the number of schools removed from the inventory of Department-owned facilities through transfers to LEAs. (The measure does not include no-cost transfers to DoD, as the maintenance of those schools is not supported through the program. However, the Department will continue to track these DoD transfers until all the inventory is accepted by DoD.) Since 1999, the number of schools for which the Department is responsible has decreased by 91 percent, from 53 to 5, thus reducing the agency's responsibility for maintenance and renovation.

IMPACT AID

Construction

(Elementary and Secondary Education Act of 1965, as amended, Title VII, Section 7007)

(dollars in thousands)

FY 2023 Authorization: To be determined¹

Budget Authority:

2022 Estimate	2023 Request	Change
\$17,406	\$17,406	0

PROGRAM DESCRIPTION

The Department makes formula and competitive grants under Section 7007 of the Elementary and Secondary Education Act (ESEA) to support school construction in local educational agencies (LEAs) that educate federally connected students or have federally owned land. The authorizing statute provides that 40 percent of appropriated funds must be used for formula grants under section 7007(a) and 60 percent for competitive grants under section 7007(b). However, Congress typically overrides this statutory requirement to require the use of all funds for either formula or competitive grants in alternating years; for example, it required competitive grants in fiscal years 2017, 2019 and 2021 but funded formula grants in fiscal years 2018 and 2020.

Formula grants (section 7007(a))

Three categories of LEAs are eligible for formula Construction grants:

- those in which the number of students living on Indian lands is at least 50 percent of the LEA's total average daily attendance and that receive a regular Basic Support Payment;
- those in which the number of students with a parent in the uniformed services is at least 50 percent of the LEA's total average daily attendance and that receive a regular Basic Support Payment; and
- those that receive Basic Support Payments for Heavily Impacted LEAs.

Payments are determined by distributing half of the available funds among eligible LEAs based on each LEA's share of the total weighted count of students living on Indian lands, as specified in the regular Basic Support Payments formula, and half of the available funds among eligible LEAs based on each LEA's share of the total weighted count of students whose parents are in the uniformed services, as specified in the regular Basic Support Payments formula.

¹ The GEPA extension expired September 30, 2021; reauthorization for FY 2023 is expected through appropriations action.

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Construction

Competitive grants (section 7007(b))

The Department uses the statutory priority on emergency grants in awarding competitive construction grants. These grants go to school districts that are eligible to receive payments under the Impact Aid Construction formula and either have little or no bonding capacity or are eligible to receive payments as a “heavily impacted” school district under the Basic Support Payments formula.

Other criteria used to make awards include:

- the LEA’s level of bonded indebtedness,
- the assessed value of real property per student in the LEA compared to the average assessed value of real property per student in the State,
- the tax rate for school purposes in the LEA compared to the average rate in the State,
- funds available for capital expenditures,
- the percentage of property that is not taxable due to a Federal presence, and
- the number and percentage of certain types of federally connected students.

In addition, emergency grants are awarded, in part, based on severity of need.

Competitive grant funds for certain LEAs may not exceed: (1) 50 percent of the total cost of the project assisted; or (2) \$4.0 million during any 4-year period. When the appropriation for Construction has included funding for competitive grants, funds have been made available for 2 years.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2018	\$17,406
2019	17,406
2020	17,406
2021	17,406
2022 Estimate	17,406

FY 2023 BUDGET REQUEST

For fiscal year 2023, the Administration requests \$17.4 million for Construction, level with a fiscal year 2022 annualized CR based on the fiscal year 2021 appropriation. The request includes appropriations language that would require all funds to be used for competitive grants and to be available for 2 years. By awarding funds through a competitive process, the Department can ensure that districts with the greatest needs receive meaningful amounts of funding to make emergency repairs. The average award for competitive grants has been about \$2.7 million for four to eight LEAs in the most recent three competitions, while the average award under formula grants has been about \$100,000 for 170 LEAs, with a median award of

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Construction

under \$40,000. Over 60 percent of LEAs receive less than \$50,000 when formula grants are funded.

Because school construction is primarily financed from local funds, and because federally affected LEAs cannot tax certain lands, LEAs with large percentages of federally connected students need supplemental funds for construction. The competitive grants enable eligible districts to undertake emergency renovations and modernizations. Past projects have included replacement of elementary schools; purchase of water filtration systems; replacement or upgrading of heating, ventilation, and air conditioning systems; repair of electrical systems; and replacement of faulty windows and roofs. The program is well-targeted because the eligibility pool is limited to some of the least resourced districts in the Nation that are also heavily dependent on Federal funding for their operating and maintenance expenses.

PROGRAM OUTPUT MEASURES

(amounts in whole dollars)

Output Measures	2021	2022	2023
Formula Grants	0	0	0
Number of LEAs receiving formula payments	0	0	0
Average LEA payments	0	0	0
Range of payments	0	0	0
Average payment per student	0	0	0
Competitive Grants	\$17,406,000	\$17,406,000	\$17,406,000
Number of LEAs receiving competitive awards	6	7-8	7-8
Range of payments	\$500,000– 5,400,000	\$100,000– 6,000,000	\$100,000– 6,000,000
Peer review of new award applications	\$3,900	\$3,900	\$3,900

PROGRAM PERFORMANCE INFORMATION

Performance measures

This section presents selected program performance information, including, for example, program goals, objectives, measures, and performance targets and data; and an assessment of the progress made toward achieving program results. Achievement of program results is based on the cumulative effect of the Federal resources provided for the program as well as the resources and efforts invested by those served by the program.

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Construction

Goal: To provide appropriate financial assistance for federally connected children who present a genuine burden to their school districts.

Objective: *Improve the quality of public school facilities used to educate federally connected children.*

Measure: The percentage of participating LEAs reporting that the overall condition of their school buildings is adequate.

Year	Target	Actual
2018	70%	80%
2019	70	72
2020	70	76
2021	70	62
2022	70	
2023	70	

Additional information: LEAs that received formula or competitive construction payments in the previous year are asked to rate the quality of their buildings on a 6-point scale in their application for Impact Aid Basic Support payments.

Efficiency measures

Measure: The average number of days elapsed between the initial Impact Aid competitive construction award and the LEAs' awarding of contracts.

Year	Target	Actual
2018	250	N/A
2019	250	231
2020	250	N/A
2021	250	
2022	250	
2023	250	

Additional information: This efficiency measure is a measure of the speed with which LEAs award construction contracts after the Department makes the initial competitive construction awards. The target was met in each competition since 2012.

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Construction

Measure: The percentage of all formula construction payments made by July 31 of the application year.

Year	Target	Actual
2018	90%	97%
2019	90	N/A
2020	90	99
2021	90	N/A
2022	90	
2023	90	

Additional information: Prior to 2007, formula construction payments were not made until the end of the fiscal year. Since then, the Department has attempted to make awards earlier in the year so that LEAs will have access to funds during the summer, when most construction projects take place. Data are not shown for 2019 and 2021 because funding was not appropriated for formula grants for those years.

IMPACT AID

Payments for Federal property

(Elementary and Secondary Education Act of 1965, as amended, Title VII, section 7002)

(dollars in thousands)

FY 2023 Authorization: To be determined¹

Budget Authority:

2022 Estimate	2023 Request	Change
\$76,313	\$76,313	0

PROGRAM DESCRIPTION

The Department of Education makes Payments for Federal Property under section 7002 of the Elementary and Secondary Education Act (ESEA) to LEAs that have lost at least 10 percent of the assessed value of their tax base due to the acquisition, since 1938, of real property by the United States Government.

If fully funded, the formula would provide payments by multiplying the current levied local real property tax rate of the LEA (or, in financially dependent school districts, an imputed real property tax rate) by the current estimated taxable value of the Federal property.

In the absence of full funding, payments are based on a “hold-harmless” formula designed to preserve historic funding levels for the roughly 200 individual LEAs supported by the program.

- First, a “foundation payment” is made to eligible LEAs (e.g. those that are not substantially compensated by revenues from Federal property, and that meet the other eligibility criteria) that were also eligible in fiscal year 2009 in an amount that is equal to the greater of 90 percent of the payment the LEA received in fiscal year 2009 and 90 percent of the average payment that the LEA received in fiscal years 2006, 2007, 2008, and 2009.
- Second, a special payment is made to the Highland Falls-Ft. Montgomery Central School District in New York, if it continues to meet the annual eligibility requirements.
- Third, from the remaining funds, a “foundation payment” is made to eligible LEAs that were not eligible in fiscal year 2009. The foundation payment for newly eligible LEAs since 2009 is calculated as 90 percent of the eligible LEA’s maximum payment multiplied by the ratio of the appropriation to the total of all LEAs’ maximum payments in the most recent year in which payments have been completed.
- Fourth, any remaining funds are distributed based on prorated shares of maximum payments for the current year.

¹ The GEPA extension expired September 30, 2021; reauthorization for FY 2023 is expected through appropriations action.

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Payments for Federal property

Payments for Federal Property may not exceed either of two different caps placed on these payments. The first cap limits the combination of these payments and payments received under the Basic Support Payments program (7003(b)) to an LEA's maximum regular Basic Support Payment or the maximum Payment for Federal Property, whichever is greater. The second cap reduces the payment in the event that the combination of the calculated payment and any revenue the LEA received from the Federal property exceeds the maximum payment.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2018	\$73,313
2019	74,313
2020	75,313
2021	76,313
2022 Estimate	76,313

FY 2023 BUDGET REQUEST

For fiscal year 2023, the Administration requests \$76.3 million for Payments for Federal Property, level with a fiscal year 2022 annualized CR based on the fiscal year 2021 appropriation. This authority provides payments to LEAs in which real property owned by the Federal Government generally represents 10 percent or more of the assessed value of real property in the LEA and, thus, the removal of this property from the tax rolls has a significant impact on the ability of the district to raise money for education. The request level will help enable LEAs to overcome the loss of property tax revenues.

PROGRAM OUTPUT MEASURES

(amounts in whole dollars)

Output Measures	2021	2022	2023
Number of LEAs receiving payments	202	202	202
Average payment	\$377,787	\$377,787	\$377,787
Range of payments	\$975– 5,000,000	\$975– 5,000,000	\$975– 5,000,000

PROGRAM PERFORMANCE INFORMATION

Performance measures

This section presents selected program performance information, including, for example, program goals, objectives, measures, and performance targets and data; and an assessment of the progress made toward achieving program results. Achievement of program results is based on the cumulative effect of the Federal resources provided for the program as well as the resources and efforts invested by those served by the program.

IMPACT AID

Payments for Federal property

Goal: To provide appropriate financial assistance for federally connected children who present a genuine burden to their school districts.

Objective: Manage Section 7002 Payments for Federal Property to disburse funds accurately and efficiently under the statutory formula.

Measure: The percentage of initial payments to eligible LEAs that are made by the end of the second quarter.

Year	Target	Actual
2018	75%	100%
2019	75	100
2020	75	99.5
2021	75	99.5
2022	75	
2023	75	

Additional information: The long-term goal for this measure is to make 75 percent of initial payments to eligible LEAs by the end of the second quarter. The Department has successfully exceeded the performance target for seven consecutive years, including the most recent year, fiscal year 2021. Data for fiscal year 2022 will be available at the end of the second quarter.

IMPACT AID

Account Summary Table

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DEPARTMENT OF EDUCATION FISCAL YEAR 2023 PRESIDENT'S BUDGET
(in thousands of dollars)

	Cat Code	2021 Appropriation	2022 Estimate	2023 Request	2023 Request Compared to 2022 Estimate		
					Amount	Percent	
Impact Aid (ESEA VII)							
1. Payments for federally connected children (section 7003):							
(a)	Basic support payments (section 7003(b))	D	1,354,242	1,354,242	1,394,242	40,000	2.95%
(b)	Payments for children with disabilities (section 7003(d))	D	48,316	48,316	48,316	0	0.00%
	Subtotal		1,402,558	1,402,558	1,442,558	40,000	2.85%
2.	Facilities maintenance (section 7008)	D	4,835	4,835	4,835	0	0.00%
3.	Construction (section 7007)	D	17,406	17,406	17,406	0	0.00%
4.	Payments for Federal property (section 7002)	D	76,313	76,313	76,313	0	0.00%
	Total	D	1,501,112	1,501,112	1,541,112	40,000	2.66%
NOTES:							
1) D = discretionary program; M = mandatory programs							
2) Detail may not add to totals due to rounding.							