

Public Law 248

CHAPTER 402

AN ACT

August 8, 1953
[H. R. 6078]

To amend Public Law 874 of the Eighty-first Congress so as to make improvements in its provisions and extend its duration for a two-year period, and for other purposes.

Educational
agencies affected
by Federal activi-
ties.
64 Stat. 1101.
20 USC 237.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 2 (a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

(b) Such section 2 (a) is further amended by inserting "with respect to the property so acquired" after the phrase "other Federal payments" wherever such phrase appears therein.

(c) Section 2 (b) (1) of such Act is amended by inserting after "Act" the following: ", and property taxes paid with respect to Federal property, whether or not such taxes are paid by the United States".

20 USC 238.

SEC. 2 (a) (1) Subsections (a) and (b) of section 3 of such Act are amended to read as follows:

**"CHILDREN RESIDING ON, OR WHOSE PARENTS ARE EMPLOYED ON,
FEDERAL PROPERTY**

"CHILDREN OF PERSONS WHO RESIDE AND WORK ON FEDERAL PROPERTY

"SEC. 3. (a) For the purpose of computing the amount to which a local educational agency is entitled under this section for any fiscal year ending prior to July 1, 1956, the Commissioner shall determine the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding fiscal year, and who, while in attendance at such schools, resided on Federal property and (1) did so with a parent employed on Federal property situated in whole or in part in the same State as the school district of such agency or situated within reasonable commuting distance from the school district of such agency, or (2) had a parent who was on active duty in the uniformed services (as defined in section 102 of the Career Compensation Act of 1949).

63 Stat. 804.
37 USC 231.

"CHILDREN OF PERSONS WHO RESIDE OR WORK ON FEDERAL PROPERTY

"(b) For such purpose, the Commissioner shall also determine the number of children who were in average daily attendance at the schools of a local educational agency, and for whom such agency provided free public education, during the preceding fiscal year (other than those specified in subsection (a) hereof) and who, while in attendance at such schools, either resided on Federal property, or resided with a parent employed on Federal property situated in whole or in part in the same State as such agency or situated within reasonable commuting distance from the school district of such agency."

(2) Such section is further amended by striking out subsections (d), (e), and (f), by redesignating subsections (c) and (g) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"COMPUTATION OF AMOUNT OF ENTITLEMENT"

"(c) (1) The amount to which a local educational agency is entitled under this section for any fiscal year ending prior to July 1, 1956, shall be an amount equal to (A) the local contribution rate (determined under subsection (d)) multiplied by (B) the sum of the number of children determined under subsection (a) and one-half of the number determined under subsection (b), minus 3 per centum of the difference between such sum and the total number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding fiscal year; except that no local educational agency shall be entitled to any payment under this section for any fiscal year unless the sum of the number of children determined under subsection (a) and one-half of the number of children determined under subsection (b) is ten or more. Notwithstanding the foregoing provisions of this paragraph, whenever and to the extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this Act, the Commissioner may waive or reduce the 3 per centum deduction, or the requirement of ten or more children, contained in this paragraph, or both.

"(2) If—

"(A) the amount computed under paragraph (1) for a local educational agency for any fiscal year ending prior to July 1, 1956, together with the funds available to such agency from State, local, and other Federal sources (including funds available under section 4 of this Act) is, in the judgment of the Commissioner, less than the amount necessary to enable such agency to provide a level of education equivalent to that maintained in the school districts of the State which, in the judgment of the Commissioner, are generally comparable to the school district of such agency;

"(B) such agency is, in the judgment of the Commissioner, making a reasonable tax effort and exercising due diligence in availing itself of State and other financial assistance;

"(C) not less than 50 per centum of the total number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding fiscal year resided on Federal property; and

"(D) effective for the fiscal year beginning July 1, 1955, the eligibility of such agency under State law for State aid with respect to the free public education of children residing on Federal property, and the amount of such aid, is determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount thereof, with respect to the free public education of other children in the State,

the Commissioner may increase the amount computed under paragraph (1) to the extent necessary to enable such agency to provide a level of education equivalent to that maintained in such comparable school districts; except that this paragraph shall in no case operate to increase the amount computed for any fiscal year under paragraph (1) for a local educational agency above the amount determined by the Commissioner to be the cost per pupil of providing a level of education equivalent to that maintained in such comparable school districts, multiplied by the number of children who were in average daily attendance at the schools of such agency, and for whom such agency provided free public education, during the preceding year and who resided on Federal property during such preceding year, minus the amount of State aid which the Commissioner determines to be avail-

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able with respect to such children for the year for which the computation is being made.”

(b) (1) So much of the subsection of such section 3 herein redesignated as subsection (d) as precedes clause (1) thereof is amended to read as follows:

“LOCAL CONTRIBUTION RATE

“(d) The local contribution rate for a local educational agency (other than a local educational agency in Alaska, Hawaii, Puerto Rico, Wake Island, or the Virgin Islands) for any fiscal year shall be computed by the Commissioner of Education, after consultation with the State educational agency and the local educational agency, in the following manner:”.

(2) Clause (1) of such subsection is amended by striking out “most nearly comparable” and inserting in lieu thereof “generally comparable”.

(c) Such subsection is further amended by adding at the end thereof the following new sentences: “In no event shall the local contribution rate for any local educational agency in any State in the continental United States for any fiscal year be less than 50 per centum of (i) the aggregate current expenditures, during the second fiscal year preceding such fiscal year, made by all local educational agencies in such State (without regard to the source of the funds from which such expenditures were made), divided by (ii) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year. The local contribution rate for any local educational agency in Alaska, Hawaii, Puerto Rico, Wake Island, or the Virgin Islands, shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will, in his judgment, best effectuate the purposes of this Act and most nearly approximate the policies and principles provided herein for determining local contribution rates in other States.”

(d) The subsection of such section herein redesignated as subsection (e) is amended by inserting “(other than subsection (c) (2) thereof)” after “this section”. The second parenthetical clause contained in such subsection is amended to read as follows: “(but only to the extent such payments are not deducted under the last sentence of section 2 (a); and, in the case of Federal payments representing an allotment to the local educational agency from United States Forestry Reserve funds, Taylor Grazing Act funds, United States Mineral Lease Royalty funds, Migratory Bird Conservation Act funds, or similar funds, only to the extent that children who reside on or with a parent employed on the property with respect to which such funds are paid are included in determining the amount to which such agency is entitled under this section)”.

SEC. 3. Subsection (a) of section 4 of such Act is amended to read as follows:

“INCREASES HEREAFTER OCCURRING

“SEC. 4. (a) If the Commissioner determines for any fiscal year ending prior to July 1, 1956—

“(1) that, as a direct result of activities of the United States (carried on either directly or through a contractor), an increase in the number of children in average daily attendance at the schools of any local educational agency has occurred in such fiscal year, which increase so resulting from activities of the United States is equal to at least 5 per centum of the number of

all children in average daily attendance at the schools of such agency during the preceding fiscal year; and

“(2) that such activities of the United States have placed on such agency a substantial and continuing financial burden; and

“(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance but is unable to secure sufficient funds to meet the increased educational costs involved,

then such agency shall be entitled to receive for such fiscal year an amount equal to the product of—

“(A) the number of children which the Commissioner determines to be the increase, so resulting from activities of the United States, in such year in average daily attendance; and

“(B) the amount which the Commissioner determines to be the current expenditures per child necessary to provide free public education to such additional children during such year, minus the amount which the Commissioner determines to be available from State, local, and Federal sources for such purpose (not counting as available for such purpose either payments under section 2 of this Act or funds from local sources necessary to provide free public education to other children).

64 Stat. 1101.
20 USC 237.

For the next fiscal year (except where the determination under the preceding sentence has been made with respect to the fiscal year ending June 30, 1956) such agency shall be entitled to receive 50 per centum of such product, but not to exceed for such year the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the school districts in such State which in his judgment are generally comparable to the school district of such agency. The determinations whether an increase has occurred for purposes of clause (1) hereof and whether such increase meets the 5 per centum requirement contained in such clause, for any fiscal year, shall be made on the basis of estimates by the Commissioner made prior to the close of such year, except that an underestimate made by the Commissioner pursuant to the foregoing provisions of this sentence shall not operate to deprive an agency of its entitlement to any payments under this section to which it would be entitled had the estimate been accurate. The determination under clause (B) shall be made by the Commissioner after considering the current expenditures per child in providing free public education in those school districts in the State which, in the judgment of the Commissioner, are generally comparable to the school district of the local educational agency for which the computation is being made.”

SEC. 4. Subsection (c) of section 4 of such Act is amended to read as follows:

64 Stat. 1106.
20 USC 239.

“COUNTING OF CERTAIN CHILDREN

“(c) In determining under subsection (a) whether there has been an increase in attendance in any fiscal year directly resulting from activities of the United States and the number of children with respect to whom payment is to be made for any fiscal year, the Commissioner shall not count children whose attendance is attributable to activities of the United States carried on in connection with real property which has been excluded from the definition of Federal property by the last sentence of paragraph (1) of section 9, but shall count as an increase directly resulting from activities of the United States an increase in the number of children who reside on Federal property or reside with a parent employed on Federal property.”

64 Stat. 1108.
20 USC 244.

64 Stat. 1106.
20 USC 239.

SEC. 5. Subsection (d) of section 4 of such Act is amended to read as follows:

“ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES

“(d) Whenever the Commissioner determines that—

Ante, p. 532.

“(1) a local educational agency has made preparations to provide during a fiscal year free public education for a certain number of children to whom subsection (a) applies;

“(2) such preparations were in his judgment reasonable in the light of the information available to such agency at the time such preparations were made; and

“(3) such number has been substantially reduced by reason of a decrease in or cessation of Federal activities or by reason of a failure of any of such activities to occur,

the amount to which such agency is otherwise entitled under this section for such year shall be increased to the amount to which, in the judgment of the Commissioner, such agency would have been entitled but for such decrease in or cessation of Federal activities or the failure of such activities to occur, minus any reduction in current expenditures for such year which the Commissioner determines that such agency has effected, or reasonably should have effected, by reason of such decrease in or cessation of Federal activities or the failure of such activities to occur.”

64 Stat. 1107.
20 USC 240.

SEC. 6. Subsection (b) of section 5 of such Act is amended to read as follows:

“PAYMENT

Infra.

“(b) The Commissioner shall, subject to the provisions of subsection (c), from time to time pay to each local educational agency, in advance or otherwise, the amount which he estimates such agency is entitled to receive under this Act. Such estimates shall take into account the extent (if any) to which any previous estimate of the amount to be paid such agency under this Act (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it. Such payments shall be made through the disbursing facilities of the Department of the Treasury and prior to audit or settlement by the General Accounting Office.”

20 USC 240.

SEC. 7. Subsection (c) of section 5 of such Act is amended to read as follows:

“ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

“(c) If the funds appropriated for a fiscal year for making the payments provided in this Act are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this Act for such year, the Commissioner shall, subject to any limitation contained in the Act appropriating such funds, allocate such funds, other than so much thereof as he estimates to be required for section 6, among sections 2, 3, and 4 (a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections. The amount thus allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section (including, in the case of section 3, any increases under subsection (c) (2) thereof), such percentage to be equal to the percentage which the amount thus allocated to such section is of the amount to which all such agencies are entitled under such section. In case the amount

Post, p. 535;
ante, p. 530, 532.

so allocated to a section for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or in case additional funds become available for carrying out such sections, the excess, or such additional funds, as the case may be, shall be allocated by the Commissioner, among the sections for which the previous allocations are inadequate, on the same basis as is provided above for the initial allocation."

SEC. 8. (a) Section 6 of such Act is amended by inserting "(a)" after "SEC. 6."

64 Stat. 1107.
20 USC 241.

(b) Such section is further amended by striking out the second sentence and inserting the following in lieu thereof: "To the maximum extent practicable, the local educational agency, or the head of the Federal department or agency, with which any arrangement is made under this section shall take such action as may be necessary to ensure that the education provided pursuant to such arrangement is comparable to free public education provided for children in comparable communities in the State, or, in the case of education provided under this section outside the continental United States, Alaska, and Hawaii, comparable to free public education provided for children in the District of Columbia. For the purpose of providing such comparable education, personnel may be employed without regard to the civil-service or classification laws."

Educational
standard.

(c) Such section is further amended by adding at the end thereof the following new subsections:

"(b) In any case in which the Commissioner makes such arrangements for the provision of free public education in facilities situated on Federal property, he may also make arrangements for providing free public education in such facilities for children residing in any area adjacent to such property with a parent who, during some portion of the fiscal year in which such education is provided, was employed on such property, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this Act, (2) that no local educational agency is able to provide suitable free public education for such children, and (3) in any case where in the judgment of the Commissioner the need for the provision of such education will not be temporary in duration, that the local educational agency of the school district in which such children reside, or the State educational agency, or both, will make reasonable tuition payments to the Commissioner for the education of such children. Such payments may be made either directly or through deductions from amounts to which the local educational agency is entitled under this Act, or both, as may be agreed upon between such agency and the Commissioner. Any amounts paid to the Commissioner by a State or local educational agency pursuant to this section shall be covered into the Treasury as miscellaneous receipts.

Employees' children
in adjacent
areas.

"(c) In any case in which the Commissioner makes arrangements under this section for the provision of free public education in facilities situated on Federal property in Puerto Rico, Wake Island, or the Virgin Islands, he may also make arrangements for providing free public education in such facilities for children residing with a parent employed by the United States, but only if the Commissioner determines after consultation with the appropriate State educational agency (1) that the provision of such education is appropriate to carry out the purposes of this Act, and (2) that no local educational agency is able to provide suitable free public education for such children.

Puerto Rico,
Wake Island, Vir-
gin Islands.

"(d) The Commissioner may make an arrangement under this section only with a local educational agency or with the head of a Federal department or agency administering Federal property on which chil-

Arrangements.

dren reside who are to be provided education pursuant to such arrangement. Arrangements may be made under this section only for the provision of education in facilities of a local educational agency or in facilities situated on Federal property.

Limit on payments.

“(e) To the maximum extent practicable, the Commissioner shall limit the total payments made pursuant to any such arrangement for educating children within the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the per pupil cost of free public education provided for children in comparable communities in the State. The Commissioner shall limit the total payments made pursuant to any such arrangement for educating children outside the continental United States, Alaska, or Hawaii, to an amount per pupil which will not exceed the amount he determines to be necessary to provide education comparable to the free public education provided for children in the District of Columbia.

Control, restriction.

“(f) In the administration of this section, the Commissioner shall not exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system.”

64 Stat. 1108.
20 USC 243.

Delegation of functions.

SEC. 9. (a) Effective as of July 1, 1953, subsection (a) of section 8 of such Act is amended by adding the following new sentence at the end thereof: “The Commissioner is authorized to delegate to any officer or employee of the Office of Education any of his functions under this Act except the making of regulations.”

(b) Effective as of July 1, 1953, subsection (d) of section 8 of such Act is amended to read as follows:

Availability of appropriations.

“(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available during the period beginning July 1, 1953, and ending June 30, 1956, for the employment of teaching personnel for the provision of free public education for children in any State or for payments to any local educational agency (directly or through the State educational agency) for free public education for children, except that nothing in the foregoing provisions of this subsection shall affect the availability of appropriations for the maintenance and operation of school facilities (1) on Federal property under the control of the Atomic Energy Commission or (2) by the Bureau of Indian Affairs.”

64 Stat. 1108.
20 USC 244.

SEC. 10. (a) The second sentence of section 9 (1) of such Act is amended to read as follows: “Such term includes real property which is owned by the United States and leased therefrom and the improvements thereon, even though the lessee’s interest, or any improvement on such property, is subject to taxation by a State or a political subdivision of a State or by the District of Columbia.” The last sentence of such section 9 (1) is amended by striking out “Such” and inserting in lieu thereof “Notwithstanding the foregoing provisions of this paragraph, such”.

Wake Island.

(b) Section 9 (8) of such Act is amended by inserting “Wake Island,” after “Puerto Rico,”.

SEC. 11. Such Act is amended by adding at the end thereof the following new section:

“ELECTION TO RECEIVE CERTAIN PAYMENTS WITH RESPECT TO THE EDUCATION OF INDIAN CHILDREN

“SEC. 10. (a) The Governor of any State may elect to have the provisions of this section apply with respect to such State for the fiscal year ending June 30, 1955, or the succeeding fiscal year. Notice of such an election shall be filed with the Secretary of the Interior and with the Commissioner of Education (1) before January 1, 1954, in the case of an election for the fiscal year ending June 30, 1955, and

(2) before January 1, 1955, in the case of an election for the fiscal year ending June 30, 1956.

“(b) Whenever the Governor of a State has made such an election and has so filed notice thereof, then with respect to such State for the fiscal year for which such election was made—

“(1) an Indian child who does not meet the requirements of clause (1) of section 3 (a) shall be deemed to meet such requirements if neither of his parents was regularly employed on non-Federal property; and

Ante, p. 530.

“(2) notwithstanding the second sentence of section 9 (2), the term ‘child’ as used in this Act (other than section 6) shall be deemed to include an Indian child.

64 Stat. 1108.
20 USC 244.

“(c) As used in this section, the term ‘Indian child’ means any child of one-fourth or more degree of Indian blood who is recognized as such under the laws of the United States relating to Indian affairs.”

Effective date.

SEC. 12. (a) Except where a different effective date is specified, the amendments made by the preceding sections of this Act shall become effective July 1, 1954. In the case of any local educational agency which is entitled to payments for the fiscal year ending June 30, 1954, under section 4 (a) of the Act of September 30, 1950, as in effect prior to the enactment of this Act, with respect to an increase in average daily attendance occurring in such fiscal year, such agency shall be entitled to payments for the fiscal year ending June 30, 1955, in accordance with the provisions following clause (B) of such section as amended by this Act; and for such purpose the amount to which such agency is so entitled for the fiscal year ending June 30, 1954, shall be deemed to be the product referred to in such section as amended by this Act.

64 Stat. 1104.
20 USC 239.

(b) The amendments made by the following provisions of this Act shall become effective as of July 1, 1953:

- (1) Subsections (b) and (c) of the first section;
- (2) Subsections (b) (1) and (c) of section 2, and the second sentence of subsection (d) of such section 2;
- (3) Section 8; and
- (4) Subsection (a) of section 10.

Approved August 8, 1953.

Public Law 249

CHAPTER 403

JOINT RESOLUTION

August 8, 1953
[H. J. Res. 250]

Authorizing the recognition of the two hundredth anniversary of the founding of Columbia University in the city of New York and providing for the representation of the Government and people of the United States in the observance of this anniversary.

Whereas King’s College, chartered in 1754, was one of the earliest institutions of higher learning to be established in the American colonies; and its alumni, including such famous Americans as Alexander Hamilton, John Jay, Robert R. Livingston, and Gouverneur Morris, played a brilliant role in the struggle for American independence, in the formulation and adoption of the Constitution of the United States, and in the establishment of a new government dedicated to the liberty of man; and

Whereas King’s College became Columbia University subsequent to the American Revolution and, in ensuing decades, has carried and enhanced the prestige of American scholarship and scientific research throughout the world and has contributed abundantly at home to the increase of learning, the betterment of the professions and the enrichment of the community generally; and