

Public Law 949

CHAPTER 915

August 3, 1956
[H. R. 11695]

AN ACT

To extend until June 30, 1958, the programs of financial assistance in the construction and operation of schools in areas affected by Federal activities under the provisions of Public Laws 815 and 874, Eighty-first Congress, and to make certain other changes in such provisions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

School facilities
in areas affected
by Federal activi-
ties.

TITLE I—AMENDMENTS TO PUBLIC LAW 815,
EIGHTY-FIRST CONGRESS

64 Stat. 975.
20 USC 279.

SEC. 101. Subsection (e) of section 209 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, is amended by striking out "1957" and inserting in lieu thereof "1959".

20 USC 280.

SEC. 102. The third sentence of paragraph (1) of section 210 of such Act is amended by inserting "(A)" after "includes" and by inserting immediately before the period at the end thereof a comma and the following: "and (B) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State".

20 USC 291.

SEC. 103. Section 301 of such Act is amended by striking out "three" and inserting in lieu thereof "five".

20 USC 293.

SEC. 104. The first sentence of section 303 of such Act is amended by striking out "1956" and inserting in lieu thereof "1958".

20 USC 294.

SEC. 105. (a) The first sentence of section 304 (a) of such Act is amended by striking out "1955-1956" and inserting in lieu thereof "1957-1958".

(b) The last sentence of section 304 (a) of such Act is amended by striking out clause (A) and inserting in lieu thereof the following new clause: "(A) are built or under contract as of the date on which the Commissioner set, under section 303, the earliest date on or before which the application for such project is filed, or".

20 USC 295.

SEC. 106. (a) Subsection (a) of section 305 of such Act is amended—

(1) by striking out "1953-1954" each time it appears therein and inserting in lieu thereof "1955-1956";

(2) by striking out "1955-1956" and inserting in lieu thereof "1957-1958";

(3) by inserting in paragraph (2) immediately after "such agency is situated" a period and the following: "A child of a parent who commenced residing in or near the school district of such an agency while assigned to employment, as a member of the Armed Forces on active duty, on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district) and who was subsequently assigned elsewhere on active duty as a member of the Armed Forces, shall continue to be considered as residing with a parent employed on such Federal property, for purposes of this paragraph and paragraph (1) of this subsection, for so long as the parent is so assigned";

(4) by striking out all of the first sentence of paragraph (3) thereof which follows "such agency is situated" and inserting in lieu thereof the following: "; but this paragraph (3) shall not apply if, within ninety days following the filing by such agency of an application in accordance with regulations prescribed under section 306 (a), the President finds (A) that no portion of the school district is in an area in which a defense plant or installation

20 USC 296.

has been or is to be provided, or an existing defense plant or installation has been or is to be reactivated or its operation substantially expanded, or (B) that no substantial in-migration of defense workers or military personnel is required to carry out activities at any such plant or installation, or (C) after consultation with the Commissioner, that the minimum school facilities required for the free public education of the children of such defense workers or military personnel are available.”; and

(5) by inserting immediately before the period at the end thereof a colon and the following: “*Provided*, That if the Commissioner finds, with respect to a number of such children who during the regular school year 1955-1956 attended school facilities owned by the Federal Government and used by such agency, (A) that such school facilities used for such children can be more appropriately used for different school purposes or are no longer available for school purposes, and (B) that such agency will submit with its application under this title a project to provide school facilities for such children, such children shall be counted as an increase under paragraph (1) or (2) of this subsection as the case may be, and shall be deemed to be without school facilities at the close of the regular school year 1957-1958 for purposes of section 304 (a)”.

(b) Subsection (c) of section 305 is amended by striking out “1953-1954” and inserting in lieu thereof “1955-1956” and by inserting immediately before the period at the end thereof the following: “: *Provided*, That children residing on any housing property which, prior to sale or transfer by the United States, was considered to be Federal property for the purposes of this Act, shall not be considered as having been federally connected in determining the eligibility of the local educational agency under this subsection”.

(c) Subsection (d) of section 305 is amended (1) by striking out “regular school year 1955-1956” and inserting in lieu thereof “regular school year 1957-1958”, (2) by striking out “110 per centum” and inserting in lieu thereof “107 per centum”, (3) by striking out “regular school year 1953-1954” and inserting in lieu thereof “regular school year 1955-1956”, and (4) by striking out “1953-1954 and 1955-1956” and inserting in lieu thereof “1955-1956 and 1957-1958”.

SEC. 107. Subsection (b) of section 306 of such Act is amended by inserting immediately before the period at the end thereof the following: “: *Provided*, That the Commissioner may approve any application for payments under this title at any time after it is filed and before any priority is established with respect thereto under section 303 if he determines that—

20 USC 296.

“(1) on the basis of information in his possession, it is likely that the urgency of the need of the local educational agency is such that it would have a priority under section 303 which would qualify it for payments under this title when such priorities are established, and

“(2) the number of children in the increase under section 305 (a) is in large measure attributable to children who reside or will reside in housing newly constructed on Federal property.”

SEC. 108. Section 310 of such Act is amended by striking out “1956” and inserting in lieu thereof “1958”.

20 USC 300.

SEC. 109. Subsection (b) of section 401 of such Act is amended (1) by striking out “two succeeding fiscal years” and inserting in lieu thereof “four succeeding fiscal years”, (2) by striking out “\$20,000,000” and inserting in lieu thereof “\$40,000,000”, and (3) by striking out “1956” and inserting in lieu thereof “1958”.

20 USC 311.

SEC. 110. The amendments made by this title shall become effective July 1, 1956.

Effective date.

Educational
agencies affected
by Federal activi-
ties.

TITLE II—AMENDMENTS TO PUBLIC LAW 874, EIGHTY-
FIRST CONGRESS

64 Stat. 1100.
20 USC 237.

SEC. 201. Subsection (a) of section 2 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended by striking out "six succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

20 USC 238.

SEC. 202. Subsection (a) of section 3 of such Act is amended (1) by striking out "1957" and inserting in lieu thereof "1958" and (2) by striking out "the preceding fiscal year" and inserting in lieu thereof "such fiscal year".

SEC. 203. Subsection (b) of section 3 of such Act is amended (1) by striking out "the preceding fiscal year" and inserting in lieu thereof "such fiscal year", (2) by striking out "(other than those specified in subsection (a) hereof", and (3) by adding at the end thereof the following new sentences: "A child of a parent who commenced residing in or near the school district of such an agency while assigned to employment, as a member of the Armed Forces on active duty, on Federal property (situated in whole or in part in the same State as the school district of such agency or within reasonable commuting distance from such school district) and who was subsequently assigned elsewhere on active duty as a member of the Armed Forces, shall continue to be considered as residing with a parent employed on such Federal property for so long as the parent is so assigned elsewhere. If both subsection (a) and this subsection apply to a child, the local educational agency shall elect which of such subsections shall apply to such child."

SEC. 204. (a) Subsection (c) of section 3 of such Act is amended by striking out paragraph (1) thereof and inserting the following new paragraphs in lieu thereof:

"(c) (1) The amount to which a local educational agency is entitled under this section for any fiscal year ending prior to July 1, 1958, 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).

"(2) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under subsection (a) or subsection (b), as the case may be, unless the number of children who were in average daily attendance during such year and to whom such subsection applies—

"(A) is ten or more; and

"(B) amounts to 3 per centum or more of the total number of children who were in average daily attendance during such year and for whom such agency provided free public education.

Notwithstanding the provisions of clause (B) of this paragraph, the Commissioner may waive the 3 per centum condition of entitlement contained in such clause whenever, in his judgment, exceptional circumstances exist which would make the application of such condition inequitable and would defeat the purposes of this Act.

"(3) Notwithstanding the preceding provisions of this section, where the average daily attendance at the schools of any local educational agency during the fiscal year ending June 30, 1939, exceeded 35,000—

"(A) such agency's percentage requirement for eligibility (as set forth in paragraph (2) of this subsection) shall be 6 per centum instead of 3 per centum (and those provisions of such paragraph (2) which relate to the lowering of the percentage requirement shall not apply); and

"(B) in determining the number of children under subsection (a) or (b) with respect to whom such agency is entitled to receive payment, the agency shall be entitled to receive payment with respect to only so many of the number of children whose attendance serves as the basis for eligibility under such subsection, as exceeds 3 per centum of the number of all children in average daily attendance at the schools of such agency during the fiscal year for which payment is to be made."

(b) Paragraph (2) of subsection (c) of section 3 of such Act is amended (1) by redesignating such paragraph as paragraph (4), (2) by striking out "1957" and inserting in lieu thereof "1958", (3) by striking out "the preceding fiscal year" and inserting in lieu thereof "such fiscal year", (4) by striking out "succeeding fiscal year" and inserting in lieu thereof "two succeeding fiscal years", (5) by striking out "the preceding year" and inserting in lieu thereof "such year", and (6) by striking out "such preceding year" and inserting in lieu thereof "such year".

20 USC 238.

(c) Subsection (c) of section 3 of such Act is amended by adding at the end thereof the following new paragraph:

"(5) The determinations whether a local educational agency has met the percentage requirements for eligibility under paragraphs (2), (3), or (4) of this subsection 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."

(d) Subsection (e) of section 3 of such Act is amended by striking out "subsection (c) (2)" and inserting in lieu thereof "subsection (c) (4)".

SEC. 205. Subsection (d) of section 3 of such Act is amended (1) by striking out "generally comparable" and inserting in lieu thereof "most nearly comparable" and (2) by amending the next to the last sentence thereof to read as follows: "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 (i) 50 per centum of the average per pupil expenditure in such State or (ii) the national average per pupil local contribution rate but not to exceed the average per pupil expenditure in such State. For purposes of the preceding sentence 'average per pupil expenditure in such State' means the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in such State (without regard to the sources of funds from which such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year; and 'national average per pupil local contribution rate' means the aggregate amounts to which local educational agencies in the continental United States became entitled under section 3 (c) (1) for such second preceding fiscal year, divided by the aggregate number of children used under section 3 (c) (1) in computing such amounts (counting children under section 3 (b) as one-half those under section 3 (a))."

Local contribution rate.

SEC. 206. Section 3 of such Act is amended by adding at the end thereof the following new subsection:

"ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES

"(f) Whenever the Commissioner determines that—

"(1) a local educational agency has made preparations to pro-

vide during a fiscal year free public education for a certain number of children to whom subsection (a) or (b) 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."

20 USC 239.

SEC. 207. Subsection (a) of section 4 of such Act is amended (1) by striking out "1957" both times it appears therein and inserting in lieu thereof "1958", and (2) by striking out "section 2 of".

SEC. 208. Subsection (c) of section 4 of such Act is amended to read as follows:

"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—

"(A) children with respect to whom a local educational agency is, or upon application would be, entitled to receive any payment under section 3 for such fiscal year, and

"(B) 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."

20 USC 240.

SEC. 209. Subsection (c) of section 5 of such Act is amended by striking out "subsection (c) (2)" and inserting in lieu thereof "subsection (c) (4)".

20 USC 243.

SEC. 210. Subsection (d) of section 8 of such Act is amended by striking out "1957" and inserting in lieu thereof "1958".

20 USC 244.

SEC. 211. The third sentence of paragraph (1) of section 9 of such Act is amended by inserting "(A)" after "such term includes" and by inserting immediately before the period at the end thereof a comma and the following: "(B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any housing property considered prior to such sale or transfer to be Federal property for the purposes of this Act, and (C) any school which is providing flight training to members of the Air Force under contractual arrangements with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State".

20 USC 245.

SEC. 212. Subsection (a) of section 10 of such Act is amended by striking out "either of the two" and inserting in lieu thereof "any of the three".

Effective date.

SEC. 213. The amendments made by this title shall become effective July 1, 1956.

Approved August 3, 1956.