

Y 4  
L 11/2  
Sch 6/14

1013

S 9/14  
L 11/2  
Sch 6/14

# SCHOOL DISASTER AID LEGISLATION, 1965

GOVERNMENT  
Storage



HEARING  
BEFORE THE  
COMMITTEE ON EDUCATION  
OF THE  
COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
UNITED STATES SENATE  
EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

## S. 289

A BILL TO AMEND PUBLIC LAWS 815 AND 874, EIGHTY-FIRST CONGRESS, TO PROVIDE FINANCIAL ASSISTANCE IN THE CONSTRUCTION AND OPERATION OF PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN AREAS AFFECTED BY A MAJOR DISASTER

MAY 4, 1965

Printed for the use of the  
Committee on Labor and Public Welfare



U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1965

AY  
5/11 L.  
201/2 202

2  
4  
5  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

SCHOOL DISTRICT AND LEGISLATION, 1965

HEARING  
BEFORE THE  
SUBCOMMITTEE ON EDUCATION  
OF THE  
COMMITTEE ON LABOR AND PUBLIC WELFARE

LISTER HILL, Alabama, *Chairman*

- |                                       |                             |
|---------------------------------------|-----------------------------|
| PAT McNAMARA, Michigan                | JACOB K. JAVITS, New York   |
| WAYNE MORSE, Oregon                   | WINSTON L. PROUTY, Vermont  |
| RALPH YARBOROUGH, Texas               | PETER H. DOMINICK, Colorado |
| JOSEPH S. CLARK, Pennsylvania         | GEORGE MURPHY, California   |
| JENNINGS RANDOLPH, West Virginia      | PAUL J. FANNIN, Arizona     |
| HARRISON A. WILLIAMS, Jr., New Jersey |                             |
| CLAIBORNE PELL, Rhode Island          |                             |
| EDWARD M. KENNEDY, Massachusetts      |                             |
| GAYLORD NELSON, Wisconsin             |                             |
| ROBERT F. KENNEDY, New York           |                             |

STEWART E. McCLURE, *Chief Clerk*  
JOHN S. FORSYTHE, *General Counsel*  
STEPHEN KURZMAN, *Minority Counsel*

SUBCOMMITTEE ON EDUCATION

WAYNE MORSE, Oregon, *Chairman*

- |                                  |                             |
|----------------------------------|-----------------------------|
| LISTER HILL, Alabama             | WINSTON L. PROUTY, Vermont  |
| PAT McNAMARA, Michigan           | JACOB K. JAVITS, New York   |
| RALPH YARBOROUGH, Texas          | PETER H. DOMINICK, Colorado |
| JOSEPH S. CLARK, Pennsylvania    |                             |
| JENNINGS RANDOLPH, West Virginia |                             |
| ROBERT F. KENNEDY, New York      |                             |

CHARLES LEE, *Professional Staff Member*  
ROY H. MILLENSON, *Minority Clerk*

Printed for the use of the  
Committee on Labor and Public Welfare



U.S. GOVERNMENT PRINTING OFFICE  
1965 O - 348-000

## CONTENTS

---

	Page
Text of S. 289-----	3
Departmental reports—	
Bureau of the Budget-----	8
Department of Health, Education, and Welfare-----	11

### CHRONOLOGICAL LIST OF WITNESSES

Hon. Francis Keppel, U.S. Commissioner of Education; accompanied by B. A. Lillywhite, Assistant Commissioner, Director, Division of School Assistance in Federally Affected Areas; Dr. Samuel Halperin, Director, Office of Legislation; and Richard Johnson, legislative specialist, Office of Education-----	22
Franklin B. Dryden, Deputy Director, Office of Emergency Planning; accompanied by Robert Y. Phillips, Director, Government Readiness Office; and Mordecai Merker, legal adviser, Office of Emergency Planning-----	36

### STATEMENTS

Bartlett, Hon. E. L., a U.S. Senator from the State of Alaska-----	43
Bayh, Hon. Birch, a U.S. Senator from the State of Indiana-----	45
Dryden, Franklin B., Deputy Director, Office of Emergency Planning; accompanied by Robert Y. Phillips, Director, Government Readiness Office; and Mordecai Merker, legal adviser, Office of Emergency Planning-----	36
Dryden, Franklin B., Deputy Director, Office of Emergency Planning, prepared statement-----	51
Edinger, Dr. Lois, president, National Education Association, prepared statement-----	55
Keppel, Hon. Francis, U.S. Commissioner of Education; accompanied by B. A. Lillywhite, Assistant Commissioner, Director, Division of School Assistance in Federally Affected Areas; Dr. Samuel Halperin, Director, Office of Legislation; and Richard Johnson, legislative specialist, Office of Education-----	22
Keppel, Hon. Francis, Commissioner of Education, prepared statement---	49
Kuchel, Hon. Thomas H., a U.S. Senator from the State of California-----	48
Long, Hon. Edward V., a U.S. Senator from the State of Missouri-----	42
Magnuson, Hon. Warren G., a U.S. Senator from the State of Washington-----	47
Nelson, Hon. Gaylord, a U.S. Senator from the State of Wisconsin-----	40
Rose, Oscar V., superintendent of schools, Midwest City, Okla., prepared statement-----	41

### ADDITIONAL INFORMATION

Articles entitled—	
“Five Dead, Damage in Millions in Pacific Northwest Quake,” from the Washington (D.C.) Evening Star of April 30, 1965-----	15
“‘It Happened in Alaska—But It Could Happen to You,’” from Congressional Record of April 9, 1965-----	20
“Notice of Hearings on S. 289,” from Congressional Record of April 30, 1965-----	16

Letters from—

Brownell, S. M., superintendent of public schools, Detroit, Mich., to Senator Morse, dated May 7, 1965-----	Page 56
Crowther, Jack P., superintendent, Los Angeles City Schools, Los Angeles, Calif., to Senator Morse, dated May 11, 1965-----	57
Donovan, Bernard E., acting superintendent of schools, Board of Education of the City of New York, Brooklyn, N. Y., to Senator Morse, dated May 13, 1965-----	55
Ellington, Hon. Buford, Director, Office of Emergency Planning, with attachment, to Senator Morse:-----	
Dated May 13, 1965-----	12
Dated July 7, 1965-----	14
Lumley, John M., director, division of Federal relations, National Education Association, to Senator Morse, dated May 17, 1965-----	55
Moss, Hon. Frank E., a U.S. Senator from the State of Utah, to Senator Morse, dated July 29, 1965, containing a possible amendment and comments received-----	52
Sherer, Rabbi Morris, executive vice president, Agudath Israel of America, letter to Senator Morse, dated June 28, 1965-----	54
Sr. George Marie, O.P., principal, St. Mary's Cathedral School, Galveston, Tex., to Senator Morse, dated June 3, 1965-----	55
Tobin, William G., associate superintendent, School Committee of the City of Boston, to Senator Morse, dated May 3, 1965-----	57
Statement regarding the term "minimum school facilities" as used in Public Law 815, supplied by the Department of Health, Education, and Welfare-----	34
Statement by Office of General Counsel, Welfare and Education Division, to B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas-----	35

STATEMENTS

17	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
18	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
19	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
20	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
21	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
22	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
23	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
24	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
25	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
26	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
27	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
28	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
29	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
30	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
31	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.

ADDITIONAL INFORMATION

17	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
20	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.
31	Statement of Hon. B. Alden Lillywhite, Director, Division of School Assistance in Federally Affected Areas, to the Senate Committee on Education and the Labor Force, dated July 29, 1965.

## SCHOOL DISASTER AID LEGISLATION, 1965

TUESDAY, MAY 4, 1965

U.S. SENATE,  
SUBCOMMITTEE ON EDUCATION OF THE  
COMMITTEE ON LABOR AND PUBLIC WELFARE,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:15 a.m., in room 4232, New Senate Office Building, Senator Jennings Randolph presiding.

Present: Senators Randolph (presiding pro tempore), Kennedy of New York, and Prouty.

Committee staff members present: John S. Forsythe, general counsel, Charles Lee, professional staff member, and Roy H. Millenson, minority clerk.

Senator RANDOLPH. Our hearing will begin.

Senator Prouty and I are privileged to be present for testimony on S. 289.

Senator Morse, who had planned on hearing today's open hearing, was called to the White House to hear of the developments that are taking place in the Caribbean. It is my understanding members of those committees with jurisdiction in foreign affairs and armed services matters are meeting at this time.

So we will proceed in his absence, and I think I shall call attention to his opening statement. It will be placed in the record as if it were read in its entirety.

(The opening statement of Senator Wayne Morse on S. 289 and attachments follow:)

OPENING STATEMENT BY HON. WAYNE MORSE OF OREGON, CHAIRMAN,  
SUBCOMMITTEE ON EDUCATION OF THE SENATE COMMITTEE ON LABOR  
AND PUBLIC WELFARE AT S. 289 HEARINGS

The hearings this morning upon S. 289, a bill to provide assistance to public elementary and secondary schools adversely affected by major disasters, have been undertaken for a number of reasons, the most immediate of which is set forth in a newspaper article detailing the recent damage suffered by the Seattle, Wash., school system in the recent earthquake.

Floods in the Pacific Northwest last Christmas, the possibility that grave damage could still be caused by the Mississippi River flood in the Midwest, the vivid recollections that we all have of the damage wrought by the Alaska disaster, all contribute to the sense of urgency which many of us feel about the need to supply the Federal Government with authorities which can be triggered when calamities occur.

S. 289, which I introduced on January 6, 1965, had as cosponsors Senators who had joined with me in the last session in introducing S. 2725 of the 88th Congress. They included Senators Bartlett, Clark, Cooper, Gruening, Long of Missouri, Randolph, and Yarborough.

Since hearings on S. 2725 were held as recently as July 29 and 30, 1964, I propose that the relevant portions of those hearings be incorporated in our present hearings by reference as we take the additional testimony needed to determine our course with respect to the pending legislation.

I want to emphasize that I am not wedded to the precise language of S. 289 as introduced; I feel that it may well be improved upon. I hope that our hearings will develop such improvements. I shall be disappointed if they do not.

Before welcoming our first witness to the stand, I should like to make one additional point.

I am proud to be a cosponsor of S. 1861, the omnibus disaster bill which is being held at the desk of the Senate. Section 10 of that proposed legislation encompasses the authorities contained in S. 289. In my judgment, the hearings on S. 289, can strengthen the case we can later make for S. 1861. If S. 289 should be enacted prior to the completion of congressional consideration of S. 1861, then the overlapping authorities may easily be deleted. The converse is also true. As I indicated once before in hearings on the Kennedy education bill, I am less concerned with the legislative wrapping paper in which a program is presented, than in getting it translated into statute law. Either route brings us to the same goal.

However, I am also mindful of the legislative pitfalls which could befall either bill. I would not want S. 1861 jeopardized by an argument over jurisdiction raised on the floor. Therefore, I feel it is important that this subcommittee which has jurisdiction over Public Laws 815 and 874 should hold these hearings today to develop independently the data on the merits of the proposal. No matter what the eventual legislative outcome, the time and effort involved will have been well employed.

With this background we are ready to proceed with our first witness, the Commissioner of Education and his associates from the Office of Education, Assistant Commissioner B. A. Lillywhite, who is Director of the Division which administers Public Laws 815 and 874, and Dr. Sam Halperin, the Director of the Division of Program and Legislative Planning.

Without objection, the bill, including cosponsors, departmental reports, the article to which I referred previously, and remarks I made on the floor of the Senate on April 29, 1965, giving notice of the hearings will be printed at this point in the hearings record.

I welcome the Commissioner and I ask that you proceed to give us your testimony in your own way.

(The material referred to follows:)

89TH CONGRESS  
1ST SESSION

# S. 289

## IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1965

Mr. MORSE (for himself, Mr. BARTLETT, Mr. CLARK, Mr. COOPER, Mr. GRUENING, Mr. LONG of Missouri, Mr. RANDOLPH, and Mr. YARBOROUGH) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

## A BILL

To amend Public Laws 815 and 874, Eighty-first Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Act of September 23, 1950, as amended (20
- 4 U.S.C. 631-645), is amended by inserting, immediately
- 5 after section 15 of that Act, the following new section:

6 "SCHOOL CONSTRUCTION ASSISTANCE IN MAJOR DISASTER

7 AREAS

- 8 "SEC. 16. (a) If the Commissioner determines with
- 9 respect to any local educational agency that—

II—O

## 2

1           “(1) (A) such agency is located in whole or in  
2 part within an area which has suffered a major disaster  
3 as a result of any flood, drought, fire, hurricane, earth-  
4 quake, storm, or other catastrophe which, in the deter-  
5 mination of the President pursuant to section 2 (a)  
6 of the Act of September 30, 1950 (42 U.S.C.  
7 1855a (a) ), is or threatens to be of sufficient severity and  
8 magnitude to warrant disaster assistance by the Federal  
9 Government, and

10           “(B) the Governor of the State in which such  
11 agency is located has certified the need for disaster  
12 assistance under this section, and has given assurance of  
13 expenditure of a reasonable amount of the funds of the  
14 government of such State, or of any political subdivision  
15 thereof, for the same or similar purposes with respect  
16 to such catastrophe;

17           “(2) public elementary or secondary school facili-  
18 ties of such agency have been destroyed or seriously  
19 damaged as a result of this major disaster;

20           “(3) such agency is making a reasonable tax effort  
21 and is exercising due diligence in availing itself of State  
22 and other financial assistance available for the replace-  
23 ment or restoration of such school facilities; and

24           “(4) such agency does not have sufficient funds

## 3

1 available to it from State, local, and other Federal sources  
2 (including funds available under other provisions of this  
3 Act), and from the proceeds of insurance on such school  
4 facilities, to provide the minimum school facilities needed  
5 for the restoration or replacement of the school facilities  
6 so destroyed or seriously damaged,  
7 he may provide the additional assistance necessary to enable  
8 such agency to provide such facilities, upon such terms and in  
9 such amounts (subject to the provisions of this section) as  
10 the Commissioner may consider to be in the public interest;  
11 but such additional assistance, plus the amount which the  
12 Commissioner determines to be available from State, local,  
13 and other Federal sources (including funds available under  
14 other provisions of this Act), and from the proceeds of  
15 insurance, may not exceed the cost of construction incident  
16 to the restoration or replacement of the school facilities  
17 destroyed or damaged as a result of the disaster.

18 “(b) There are hereby authorized to be appropriated for  
19 each fiscal year such amounts as may be necessary to carry  
20 out the provisions of this section. Pending such appropria-  
21 tion, the Commissioner may expend from any funds hereto-  
22 fore or hereafter appropriated for expenditure in accordance  
23 with other sections of this Act such sums as may be neces-

## 4

1 sary for immediately providing assistance under this section,  
2 such appropriations to be reimbursed from the appropriations  
3 authorized by this subsection when made.

4     “(c) No payment may be made to any local educational  
5 agency under subsection (a) except upon application there-  
6 for which is submitted through the appropriate State educa-  
7 tional agency and is filed with the Commissioner in accord-  
8 ance with regulations prescribed by him, and which meets  
9 the requirements of section 6 (b) (1). In determining the  
10 order in which such applications shall be approved, the Com-  
11 missioner shall consider the relative educational and financial  
12 needs of the local educational agencies which have sub-  
13 mitted approvable applications. No payment may be made  
14 under subsection (a) unless the Commissioner finds, after  
15 consultation with the State and local educational agencies,  
16 that the project or projects with respect to which it is made  
17 are not inconsistent with overall State plans for the con-  
18 struction of school facilities. All determinations made by the  
19 Commissioner under this section shall be made only after  
20 consultation with the appropriate State educational agency  
21 and the local educational agency.

22     “(d) Amounts paid by the Commissioner to local edu-  
23 cational agencies under subsection (a) may be paid in ad-  
24 vance or by way of reimbursement and in such installments  
25 as the Commissioner may determine. Any funds paid to

1 a local educational agency and not expended or otherwise  
2 used for the purposes for which paid shall be repaid to the  
3 Treasury of the United States.

4 “(e) None of the provisions of sections 1 to 10, both in-  
5 clusive, other than section 6(b)(1), shall apply with re-  
6 spect to this section.”

7 SEC. 2. The Act of September 30, 1950, as amended  
8 (20 U.S.C. 236-244), is amended by inserting, imme-  
9 diately after section 9 of that Act, the following new section:

10 “ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN

11 MAJOR DISASTER AREAS

12 “SEC. 10. (a) If the Commissioner determines with re-  
13 spect to any local educational agency that—

14 “(1) (A) such agency is located in whole or in  
15 part within an area which has suffered a major disaster  
16 as a result of any flood, drought, fire, hurricane, earth-  
17 quake, storm, or other catastrophe which, in the deter-  
18 mination of the President pursuant to section 2(a) of  
19 the Act of September 30, 1950 (42 U.S.C. 1855a(a)),  
20 is or threatens to be of sufficient severity and magnitude  
21 to warrant disaster assistance by the Federal Govern-  
22 ment, and

23 “(B) the Governor of the State in which  
24 such agency is located has certified the need for disaster

1 assistance under this section, and has given assurance of  
2 expenditure of a reasonable amount of the funds of the  
3 government of such State, or of any political subdivision  
4 thereof, for the same or similar purposes with respect to  
5 such catastrophe; and

6 “(2) such agency is making a reasonable tax effort  
7 and is exercising due diligence in availing itself of State  
8 and other financial assistance, but as a result of such  
9 major disaster it is unable to secure sufficient funds to  
10 meet the cost of providing free public education for the  
11 children attending the schools of such agency,

12 he may provide to such agency the additional assistance  
13 necessary to provide free public education to the children  
14 attending the schools of such agency, upon such terms and  
15 in such amounts (subject to the provisions of this section)  
16 as the Commissioner may consider to be in the public interest.

17 Such additional assistance may be provided for a period not  
18 greater than a five fiscal year period beginning with the  
19 fiscal year in which the President has determined that such  
20 area suffered a major disaster. The amount so provided  
21 for any fiscal year shall not exceed the amount which the  
22 Commissioner determines to be necessary to enable such  
23 agency, with the State, local, and other Federal funds avail-  
24 able to it for such purpose, to provide a level of education  
25 equivalent to that maintained in the schools of such agency

1 during the last full fiscal year prior to the occurrence of such  
2 major disaster. The amount, if any, so provided for the  
3 second, third, and fourth fiscal years following the fiscal year  
4 in which the President determined that such area has suf-  
5 fered a major disaster shall not exceed 75 per centum, 50  
6 per centum, and 25 per centum, respectively, of the amount  
7 so provided for the first fiscal year following such determi-  
8 nation.

9     “(b) In addition to and apart from the funds provided  
10 under subsection (a), the Commissioner is authorized to  
11 provide to such agency an amount which he determines  
12 to be necessary to replace instructional and maintenance  
13 supplies, equipment, and materials (including textbooks)  
14 destroyed or seriously damaged as a result of such major  
15 disaster, and to lease or otherwise provide (other than by  
16 acquisition of land or erection of facilities) school and cafe-  
17 teria facilities needed to replace temporarily such facilities  
18 which have been made unavailable as a result of the major  
19 disaster.

20     “(c) There is hereby authorized to be appropriated  
21 for each fiscal year such amounts as may be necessary to  
22 carry out the provisions of this section. Pending such appro-  
23 priation, the Commissioner may expend from any funds  
24 heretofore or hereafter appropriated for expenditure in ac-  
25 cordance with other sections of this Act, such sums as may

## 8

1 be necessary for immediately providing assistance under this  
2 section, such appropriations to be reimbursed from the appro-  
3 priations authorized by this subsection when made.

4 “(d) No payment may be made to any local educa-  
5 tional agency under this section except upon application  
6 therefor which is submitted through the appropriate State  
7 educational agency and is filed with the Commissioner in  
8 accordance with regulations prescribed by him. In deter-  
9 mining the order in which such applications shall be ap-  
10 proved, the Commissioner shall consider the relative edu-  
11 cational and financial needs of the local educational agencies  
12 which have submitted approvable applications.

13 “(e) Amounts paid by the Commissioner to local edu-  
14 cational agencies under this section may be paid in advance  
15 or by way of reimbursement and in such installments as the  
16 Commissioner may determine. Any funds paid to a local  
17 educational agency and not expended or otherwise used for  
18 the purposes for which paid shall be repaid to the Treasury  
19 of the United States.”

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., August 13, 1965.

Hon. LISTER HILL,  
Chairman, Committee on Labor and Public Welfare,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Bureau of the Budget on S. 289, a bill to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster.

The bill would authorize the Commissioner of Education to provide financial assistance in major disaster areas (a) for construction and (b) for operation of elementary and secondary schools. As the Office of Emergency Planning has previously advised your committee, authority is already available under Public Law 81-875 which in the past has, generally speaking, been effective in meeting community needs for repair or replacement of damaged or destroyed schools. We believe that OEP should continue to exercise such authority as part of its general responsibility for restoring damaged public facilities.

Provision of Federal assistance for current operating expenses of schools would extend Federal disaster responsibilities into a major new area. We understand that in past major disasters the efforts of private groups and the various other Federal and State aids have generally caused any net impairment in the local tax base to be both brief and relatively minor. Also, initiation of Federal aid for school operations would set a precedent which could extend to many other local government functions. In the light of the substantial Federal aids otherwise made available directly and indirectly to local communities stricken by disasters, we question whether this specific type of aid should not be provided from State resources in the limited instances where it may be urgently needed.

Finally, we note that S. 1861, the Disaster Relief Act of 1965, which passed the Senate on July 22, 1965, contains provisions similar to those of S. 289.

Under the circumstances, we recommend against enactment of S. 289.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
May 4, 1965.

Hon. LISTER HILL,  
*Chairman, Committee on Labor and Public Welfare,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request for a report on S. 289, a bill to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster.

The bill would amend Public Law 815 to provide that the Commissioner of Education may make assistance available to a local public educational agency located in whole or in part in an area which has been declared a disaster area by the President pursuant to section 2(a) of the act of September 30, 1950, and the Governor of the State in which such agency is located has certified to the need for such disaster assistance. The grant would be upon such terms and in such amounts as the Commissioner determines are in the public interest, but in no case to exceed an amount which, together with funds available from State, local, other Federal sources, and from insurance, is needed to restore or replace the school facilities destroyed or damaged as a result of a disaster. In addition, the local educational agency must make a reasonable tax effort and exercise due diligence in availing itself of State and other financial assistance for the replacement and restoration of such damaged school facilities. The local educational agency would make application for assistance to the Commissioner of Education who would consult with the State educational agency to determine whether the project is consistent with State plans for construction of school facilities.

The amendment to Public Law 874 would authorize assistance for current operating expenses after the same determinations have been made regarding the need for assistance. In measuring the amounts of assistance to be granted, the Commissioner would determine the amount needed to enable the local educational agency, together with all funds available to it for such purposes, to provide a level of education equivalent to that maintained by that agency during the full fiscal year prior to the occurrence of the disaster. Assistance would be authorized for 5 fiscal years. The amount provided in the second, third, and fourth fiscal year following the fiscal year in which a determination was made would not exceed 75 percent, 50 percent, or 25 percent respectively of the amount provided for the first fiscal year following such determination. In addition, the Commissioner would be authorized to provide assistance in such amounts as he determines to provide necessary supplies, equipment, and materials and to replace temporarily (other than by acquisition of land or erection of facilities) facilities that have been made unavailable as a result of the disaster. The bill would authorize the appropriation of such sums as may be necessary to carry out the provisions of the act. It would also authorize the Commissioner to use funds already available for Public Laws 815 and 874 for immediate assistance in the disaster area and to reimburse the appropriations from which these funds were borrowed after an appropriation is made for the disaster assistance.

We believe that tragic earthquakes and floods in recent years clearly demonstrate the need for a coordinated and overall Federal program of disaster relief

on a permanent basis. Disasters destroy homes and essential community services, such as hospitals, roads, and water and sewage facilities, in addition to schools. The adequacy of the assistance available under the Federal Disaster Relief Act of 1950 (Public Law 875, 81st Cong.) is currently under review within the executive branch.

Pending the outcome of such study, we would not object to the enactment of S. 289. However, in view of the desirability of an overall Federal program for disaster relief, we would recommend that S. 289 be limited to a 2-year program.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,  
*Assistant Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF EMERGENCY PLANNING,  
Washington, D.C., May 13, 1965.

HON. WAYNE L. MORSE,  
*Chairman, Education Subcommittee of the Labor and Public Welfare Committee,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR MORSE: During the recent hearings on S. 289, Senator Randolph requested that we supply you with a list of the repair and reconstruction of schools that we have undertaken during the 3-year period beginning January 1, 1962, under the Federal Disaster Assistance Act, Public Law 81-875.

Enclosed for your information is a list of this work totaling \$12,144,600. This figure represents the bulk of such expenditures. Some of our earlier records of this period have gone to Archives and are not readily available for inclusion in this tabulation. The amount covered by those records would not be substantial. You will note on page 5 of the enclosure that there are nine recent disasters in which school damage occurred but for which we do not as yet have final damage estimates. We will, of course, make the necessary repairs or replacement of these facilities under Public Law 81-875 as rapidly as possible.

Sincerely,

BUFORD ELLINGTON, *Director.*

MAY 12, 1965.

*Repair and reconstruction of schools under Public Law 81-875*

Nevada, Feb. 22, 1962: 1 school, repair parking areas, playgrounds and driveways.....	\$4, 000
Kentucky, Mar. 12, 1962: 15 schools damaged in 9 counties. Work included miscellaneous building and ground repairs, debris clearance, repair and replacement of books, equipment and supplies.....	35, 600
Guam, Nov. 12, 1962: Emergency repairs were made to 17 schools and Guam college. This included repairs and in some cases, replacement of destroyed buildings with preengineered steel buildings.....	445, 000
9 schools and the department of education administration building and warehouse were completely reconstructed. Approximately 40 percent of the total was contributed from Public Law 81-875 funds. The balance was made up from government of Guam funds. The 9 schools included the George Washington High School and comprised approximately 165 classrooms. The amount contributed was.....	3, 271, 000
A grant was also made for replacing books, equipment, and supplies.....	559, 000
Total for schools.....	4, 275, 000

West Virginia, Mar. 13, 1963: 54 schools were damaged in 5 counties. Work included repairs to buildings and grounds and replacement of books, equipment and supplies. 1 school, the East Logan Junior High School in Logan County sustained major damage totaling \$121,000. Total for schools-----	\$254, 000
Kentucky, Mar. 13, 1963: About 68 schools were damaged in 10 counties including 6 State vocational schools. No major damage was sustained. Work included debris removal, repairs of buildings and grounds, and replacement of books, equipment and supplies-----	184, 000
Virginia, Mar. 21, 1963: 18 schools sustained slight damage in 4 counties. Work was of the same nature as noted above-----	19, 000
Guam, Apr. 30, 1963: 8 schools were damaged to some extent. Work was primarily debris clearance and minor repairs-----	76, 000
Trust Territory of the Pacific Islands, Apr. 30, 1963: 8 schools on the islands of Saipan, Tinian, and Rota suffered damage. Repairs required were minor except for an elementary school on Tinian which had to be replaced-----	87, 000
New York, Aug. 23, 1963: 33 schools were damaged in the city of Buffalo. Minor repairs only were required-----	34, 000
California, Dec. 21, 1963: 1 school was damaged in Los Angeles and required repairs to the buildings and grounds-----	13, 000
Kentucky, Mar. 17, 1964: 4 schools in 3 counties suffered moderate damage. Work consisted of clean-up, repairs to grounds and buildings and repair of equipment-----	42, 000
Ohio, Mar. 24, 1964: 4 schools in 4 cities had moderate damage. Work consisted of grounds and building repairs, and replacement of books, equipment and supplies-----	43, 000
Alaska, Mar. 28, 1964: 49 schools in 12 localities suffered varying degrees of damage. The 2 most badly damaged were West High School and Government Hill Elementary School in Anchorage, both of which had to be almost totally replaced at a cost of approximately \$4,200,000. At Valdez, the town had to be completely relocated because of the instability of the underlying strata resulting from the quake. The relocation of the schools will cost about \$1,200,000. The balance of the necessary repair is estimated at about \$1,000,000. Total for schools-----	6, 412, 000
Montana, June 9, 1964: Only 1 school was appreciably damaged. This school, in Cascade County, required major repairs to the building and the repair and replacement of books, equipment and supplies. Rental costs for emergency classroom space during the reconstruction were also approved-----	98, 000
Florida, Sept. 10, 1964: Almost 300 schools were repaired to some degree with Public Law 81-875 funds. Work consisted of debris clearance, building repairs and replacement of books, equipment and supplies. The only major repair required was at the Suwannee High School in Suwannee County. About 1/2 of the school had to be replaced at a cost of about \$175,000. Total school repairs-----	363, 000
Louisiana, Oct. 3, 1964: 57 schools in 6 parishes were damaged to some extent. Most of the building repair entailed roofs and windows. Work consisted of repairs to buildings and grounds, replacement of books, equipment and supplies, bus repair, and debris clearance-----	60, 000
Oregon, Dec. 24, 1964: 9 schools in 4 counties suffered minor to moderate damage. Work consisted of debris clearance, repairs to buildings and grounds, and replacement of books, equipment and supplies. 1 of the schools suffered extensive damage to its outdoor physical education areas, emergency repair of which will amount to about \$77,000. Total for school repair-----	142, 000
Idaho, Dec. 31, 1964: 1 school had minor damage to drainage facilities, grounds, and building-----	3, 000
Total-----	12, 144, 600

In addition to the disasters listed above, school damage occurred in the following very recent disasters:

California.....	Dec. 24, 1964	Wisconsin.....	Apr. 21, 1965
Minnesota.....	Apr. 11, 1965	Iowa.....	Apr. 22, 1965
Indiana.....	Apr. 14, 1965	Illinois.....	Apr. 24, 1965
Michigan.....	Do.	Washington.....	May 11, 1965
Ohio.....	Do.		

The tabulation of school damages for these disasters is not complete as yet but it is known that a number of schools were either seriously damaged or completely demolished. In these instances, construction will be authorized to the extent necessary to provide minimum, safe, usable schools having approximately the same floor space as existed before the disasters.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF EMERGENCY PLANNING,  
Washington, D.C., July 7, 1965.

Hon. WAYNE L. MORSE,  
*Chairman, Education Subcommittee of the Labor and Public Welfare Committee,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR MORSE: At the recent hearing on S. 289, Senator Randolph requested that we supply you with information on school construction under Public Law 81-875, administered by the Office of Emergency Planning.

We have discussed construction criteria with the Office of Education and with the Community Facilities Administration, which handles construction of schools for the Office of Education. Based on our discussions we understand that under Public Law 815, administered by the Office of Education, school construction varies among school districts. Facilities constructed under Public Law 875 are the same throughout the country except for variations required by climatic conditions and building codes. As indicated in Mr. Dryden's testimony of May 4 before your subcommittee, we know of no instances where this program has been unable to meet the community needs for the repair or replacement of damaged or destroyed schools. This program appears to meet the objectives of S. 289, except for the provision of funds for the future maintenance and operation of the facility.

Enclosed are our general criteria for repair or reconstruction under Public Law 875. In addition to repair or replacement of the structures we also authorize repair or replacement of necessary supplies and equipment. These criteria provide for austere construction in terms of esthetic values, but safe and usable buildings in terms of sound construction standards. The application of such standards perforce results in facilities of a lasting nature.

Very often, in the case of completely demolished schools, school districts wish to replace the facilities with a larger and improved plant. In order to assist in the accomplishment of this objective, the estimated amount of money required to replace the school under Public Law 875 is made available to the school district as a grant-in-lieu to which the State or local government adds the additional amount necessary to fund the betterments desired.

From the standpoint of the administration's program, the Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely,

BUFORD ELLINGTON, *Director.*

MAY 24, 1965.

**CRITERIA FOR SCHOOL REPAIR OR RECONSTRUCTION UNDER PUBLIC LAW 81-875**

The criteria provide for construction to safe, usable but minimum standards which will meet the safety requirements of local fire or safety ordinances. Restoration is limited to providing the same floor space that existed originally or, if the original school was larger than needed, sufficient floor space to meet enrollment requirements. Unless otherwise justified the following criteria are used:

1. Concrete slab floor.
2. Least expensive type of structural framing, walls, and roofs suitable to the area.
3. One coat of paint on interior surfaces except in washrooms where more than one coat may be necessary.

4. Floor covering, such as asphalt tile, in classrooms and administrative areas.
5. No acoustical treatment.
6. Artificial lighting, heating system, and toilet fixtures to meet essential requirements.
7. No air conditioning.
8. Water fountains without coolers.
9. Indoor and outdoor physical education facilities but not including facilities for competitive sports.
10. Ground repairs to the extent necessary for playgrounds, surface water control and access to the site including surface treatment.
11. Playground equipment not provided.
12. Library facilities.
13. Auxiliary areas such as cafeterias, general purpose rooms, etc., can be provided if such areas were present in the original school.

[From the Washington Evening Star, Apr. 30, 1965]

#### FIVE DEAD, DAMAGE IN MILLIONS IN PACIFIC NORTHWEST QUAKE

SEATTLE, WASH.—Washington State counted five dead today and damage in the millions of dollars in the wake of the Pacific Northwest's worst earthquake in more than a decade.

More than 30 persons were injured and treated at hospitals in the Seattle area. Dozens were reported to have suffered minor injuries elsewhere throughout the area.

In Seattle, the hardest hit area, Frank Brock, assistant superintendent of schools, said the loss to the system "should easily be in excess of \$1 million."

Ensley Llewellyn, State civil defense director, said it was impossible to give an accurate damage estimate until reports from around the State had been compiled.

Llewellyn estimated damage to light fixtures and elevator shafts in the State Capitol Building at Olympia at \$200,000 and damage to a road and railroad in the area at possibly another \$200,000.

Some roads heaved upward, others sagged downward; bridges swayed and some freeway ramps buckled as the tumbler rolled through at 8:29 a.m. (Pacific daylight time) Thursday.

Raymond Haughton, 52, and Eugene Goulet, 40, were near a 14-story tower at the Fisher Flouring Mills when a 50,000-gallon wooden water tank atop the structure exploded. Torrents of water and twisted timbers cascaded down upon them. Houghton died in the debris, Goulet was injured critically.

Adolphus Lewis, 60, was hurrying in the bright sun to his usual morning breakfast of mush and tea at a restaurant near his downtown roominghouse. A concrete parapet struck him down. A pile of bricks quickly covered the dead man.

Mrs. James Johnson, 56, of Seattle, died while talking on the telephone. Ethel Webb, 75, Tacoma and Zenola Lorenz, Olympia, were found dead. All were victims of heart attacks.

The earthquake knocked the needles off the University of Washington seismograph, but seismologists elsewhere said it registered 6.5 to 7 on the Richter scale. The devastating Alaska earthquake of March 20, 1964, was rated at 8.3 on the Richter scale. That one killed 113.

The quake rumbled through British Columbia where buildings swayed and windows rattled on coastal Vancouver Island and 300 miles inland at Trail. It was felt in northern Idaho, western Montana, and Oregon, but no injuries or damage were reported in those States.

Three rolling shock waves, lasting nearly a minute, tore loose brick veneer walls in the older parts of Seattle and Tacoma. Both railroad stations in Seattle were damaged and huge chunks of concrete fell from the roof of the Union Pacific Railway Depot in Tacoma.

In Olympia, Gov. Dan Evans, a civil engineer, ordered the Capitol Building evacuated. The 287-foot-tall capitol dome that rises above the legislative chambers was cracked and daylight could be seen through the wall in one place.

He said President Johnson telephoned his sympathy and an offer of help. Alaska's Gov. William Egan also called and offered aid.

[From the Congressional Record, Apr. 30, 1965]

## NOTICE OF HEARINGS ON S. 289

Mr. MORSE. Mr. President, headlines in the national newspapers for Thursday, April 29, 1965, revealing that the Pacific Northwest had been struck by an earthquake measure 7 on the Richter scale, have once more focused attention upon a problem which demands legislative solution.

The last 2 years have been unfortunately replete with instance after instance of natural calamities ranging from earth movement through flood and tornado.

While major legislation quite properly should be considered to deal with many of the areas of support for those afflicted by these natural disasters, it is my judgment that in the educational field there is one area which ought to be defined by statute. I have reference to the need of providing financial support to local school districts to repair damage and restore schools to full operating condition as soon as possible after the calamity has occurred. It was for that purpose that on January 6, 1965, I introduced S. 289.

Hearings on a substantially similar measure, S. 2725, of the 88th Congress, were held last July 29 and 30. In order that prompt consideration may be given to the merits of such legislation, I wish to announce that the Education Subcommittee of the Senate Committee on Labor and Public Welfare will meet at 10 a.m. on May 4 in room 4234 of the New Senate Office Building for public hearings on S. 289.

In view of the recency with which consideration has been given by the subcommittee to similar legislation, I feel that it is unnecessary to have extended hearings on the proposal. It is my intention to call for administration views and to incorporate into the hearing record the relevant material from the summer of 1964 hearings record.

I know, however, that many Senators may wish to have statements presented to the subcommittee in support of this legislation, based upon the problems which so many of our areas have suffered in recent months through flood and wind damage. The subcommittee will be most pleased to have statements from all Senators on the merits of the bill and I can assure you that the hearing record will be kept open for a 1-week period in order that written statements from the public sector may be added to it for the consideration of the subcommittee at an early executive session.

Mr. President, in order that Senators and others may have the basic information on S. 289 available, I ask unanimous consent that material pertaining to the measure which appears on pages 45 through 50 of our hearings record of July 29 and 30, 1964, be printed at this point in my remarks.

(There being no objection, the material was ordered to be printed in the Record, as follows:)

## STATEMENT ON S. 2725 BY SENATOR MORSE

I turn now to the consideration of S. 2725 which, if enacted, would add standby disaster authority to the authorities exercised by the Commissioner of Education. Specifically, the Commissioner would be empowered upon a finding by the President that a disaster had occurred, to immediately make funds in his possession previously appropriated under Public Law 815 available for use in the repairing and renovation or restoration of the schools in the disaster area. The amount of the grant which he would make would not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the full cost of restoring or replacing the damaged facility.

The Commissioner would also be authorized under the authorities of Public Law 874 to make disaster grants for current operating expenses to the school districts in the disaster area for a 5-fiscal-year period beginning with the fiscal year in which the disaster occurred. Here again, however, the amount of the grant could not exceed the difference between that which was reasonably available to the local educational agency from other sources and the cost of providing a level of education equivalent to that maintained in the schools during the last full fiscal year prior to the disaster.

Amounts provided during the last 3 years of the 5-year period could not exceed 75, 50, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster. In addition, however, the Commissioner could provide funds to replace destroyed supplies, equipment, and materials, and to provide school and cafeteria facilities. Senators will recall that the occasion of the introduction of this legislation was the disastrous consequences suffered by our friends and neighbors in the great State of Alaska. Subsequent to that time,

there have been other areas, such as those in Montana, in which much damage was suffered, by reason of floods. Truly, as set forth in the publication of the Alaska Education Association, such a tragedy could strike any community or State in our Nation. The advantage of having standby legislation for disasters to restore as soon as possible educational opportunities to the youngsters in the community, is that within a matter of hours after the determinations were made by the President, help would be on its way. Reconstruction could take place far more quickly, and most importantly, the communities would not be faced, in nearly the same degree of difficulty, with making agonizing choices between equally important public functions, all of which had been damaged by the disaster.

The safeguards in the bill, in my judgment, are sufficient to make sure that the State and the community will bear their full share of the burden while also making sure that the education of the children will not suffer because of the financial stringencies on local governmental units which occur through the almost complete erosion of proceeds from the tax rolls in the first years immediately following a major disaster. At this point in my remarks, Mr. President, I ask unanimous consent that communications I have received from the Honorable William A. Egan, Governor of the State of Alaska, Resolution No. 37 of the State Senate and Resolution No. 16 of the State House of Representatives of Alaska, together with the text of an article which was prepared by the Alaska Education Association and which I understand will be given wide distribution at the national convention of the National Education Association in Seattle, be inserted at this point in my remarks.

(There being no objection, the material was ordered to be printed in the Record, as follows:)

STATE OF ALASKA,  
OFFICE OF THE GOVERNOR,  
*Juneau, June 16, 1964.*

HON. WAYNE MORSE,  
U.S. Senator,  
Washington, D.C.

DEAR SENATOR MORSE: This letter is written to express my full support for provisions of S. 2725, introduced by you, to authorize the U.S. Commissioner of Education to extend grants to local public educational agencies for reconstruction, rehabilitation, and/or operation of school facilities in a major disaster area.

As Governor of the State of Alaska, which is now engaged in a major effort to recover from the devastating effects of earthquake and seismic seas, I have particular reason to be aware of the desirability for automatic standby authority of the nature proposed by S. 2725.

Its enactment—particularly as regards the authority provided in section 2 of the bill relating to grants for school operation—would fill a gap now existing among the statutory remedies available to areas of our Nation in the wake of disaster. Essential and badly needed assistance could be extended promptly—at a time when urgency of action is most vital to mitigate against unnecessary delay or interruption in the provision of vital educational services.

The March 27 disaster in Alaska caused in excess of \$10 million damage and destruction to school buildings and related educational facilities. Funds for reconstruction and rehabilitation of these facilities have been forthcoming from President Johnson and the Office of Emergency Planning under the provisions of Public Law 875.

Of even greater magnitude than that inflicted upon these physical properties, however, is the serious financial blow struck at the future operation of these facilities through the destruction of land values, loss of employment, and other factors directly affecting the tax base providing the revenues needed by the State and local school entities for school support. The State of Alaska has estimated that it will suffer, together with individual school districts, a shortfall of approximately \$12 million during the remainder of this fiscal year and fiscal years 1965 and 1966 in school support revenues. This need too has been recognized in part in the enactment of legislation to amend the Alaska Omnibus Act and extend for 2 years the program of transitional grants to Alaska.

While Alaskans shall forever be grateful for the prompt and ready manner in which the President and Congress of the United States have responded to the needs arising from the March 27 disaster, it is pertinent to note that had the provisions of S. 2725 been in effect it would not be necessary that the State seek special legislation to meet this disaster-caused need.

Additionally, it should be noted that the Bureau of the Budget, in preparing its estimate of revenue shortfalls in connection with the Alaska disaster, did so

on the basis of an 18-month recovery. The estimate of the State of Alaska was based on a 30-month recovery which it believes is a more reasonable period over which rehabilitation and economic recovery will occur. This uncertainty would be resolved under the provisions of section 2 of S. 2725 which would permit the Commissioner of Education, where justified by circumstances, to make gains for operation of schools suffering the impact of disaster over a 5-year period with appropriate reductions in amount in each of the last 3 fiscal years.

The Office of Emergency Planning has done an outstanding job in assisting Alaska's recovery. Of necessity, however, it must give priority to those responsibilities involving the emergency needs of human beings. It cannot give immediate attention to those other equally essential but less urgent tasks of reconstruction.

Assignment of responsibility for reconstruction, rehabilitation, and operation of disaster-affected educational facilities to the U.S. Commissioner of Education not only would relieve the Office of Emergency Planning from this responsibility at a time when it is hard pressed to meet other more urgent needs but would also place the responsibility in an agency particularly adapted by its day-to-day program to know the nature and extent of the need which exists.

The State of Alaska strongly supports the provisions of S. 2725.

Sincerely,

WILLIAM A. EAGAN, *Governor.*

---

RESOLUTION REQUESTING THE EXPANSION OF FEDERAL PROGRAMS TO MEET  
THE EFFECTS OF THE NATURAL DISASTER ON THE STATE SCHOOL SYSTEM

*Be it resolved by the senate:*

Whereas the earthquake disaster has had a grave impact on the public education program and system of the State through the destruction of school facilities and the loss of revenues vital to the existence of education; and

Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school system in Alaska; and

Whereas U.S. Senator Wayne Morse has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

*Resolved,* That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the State is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

*Resolved,* That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable Wayne Morse, U.S. Senator; and the members of the Alaska delegation in Congress. Passed by the Senate April 10, 1964.

---

*President of the Senate (pro tempore).*

Attest:

EVELYN K. STEVENSON,  
*Secretary of the Senate.*

Certified true, full, and correct.

EVELYN K. STEVENSON,  
*Secretary of the Senate.*

STATE OF ALASKA,  
Juneau, April 17, 1964.

Hon. WAYNE MORSE,  
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: At the request of the House of Representatives of the State of Alaska, I have the honor of transmitting to you a certified copy of House Resolution 16, requesting the expansion of Federal programs to meet the effects of the natural disaster on the State school system.

Sincerely yours,

HUGH J. WADE,  
Secretary of State.

#### HOUSE RESOLUTION 16

Resolution requesting the expansion of Federal programs to meet the effects of the natural disaster on the State school system

*Be it resolved by the House of Representatives:*

Whereas the earthquake disaster has had a grave impact on the public education program and system of the State through the destruction of school facilities and the loss of revenues vital to the existence of education; and

Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school systems in Alaska; and

Whereas U.S. Senator Wayne Morse has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

*Resolved*, That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the State is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

*Resolved*, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable Wayne Morse, U.S. Senator; and the members of the Alaska delegation in Congress. Passed by the house April 12, 1964.

Attest:

Certified true, full, and correct.

[SEAL]

BRUCE KENDALL,  
Speaker of the House.  
PATRICIA R. SLACK,  
Chief Clerk of the House.

PATRICIA R. SLACK,  
Chief Clerk of the House.

ALASKA EDUCATION ASSOCIATION,  
Juneau, Alaska, June 15, 1964.

Hon. WAYNE MORSE,  
Senator From the State of Oregon,  
New Senate Office Building, Washington, D.C.

MY DEAR SENATOR MORSE: We are sending you a copy of a leaflet that has been prepared by us for general distribution at the National Education Association representative assembly at Seattle later this month.

We are hoping that we can aid in garnering widespread individual and collective support from teachers and educators across the Nation. The enclosed leaflet and other material will be distributed in Seattle prior to the presentation of a resolution on the floor of the assembly calling for NEA support.

Senator Morse, know that we in Alaska are most appreciative of all of your efforts in behalf of education, and particularly, we are grateful for your efforts

in this most recent instance. With friends like you "in the garrison," certainly the future for public education in this Nation is much brighter.

Sincerely yours,

HAZE J. BERGERON,  
*Executive Secretary.*

[Reprinted from Congressional Record—Senate, April 9]

### IT HAPPENED IN ALASKA—BUT IT COULD HAPPEN TO YOU

#### FEDERAL AID TO SCHOOLS IN DISASTER-STRUCK AREAS

Mr. MORSE. Mr. President, I know you share with me the heartfelt sympathy that all Americans extended immediately to our brothers in Alaska and on the sea-ravaged portions of the west coast as a result of the earthquake and the tidal wave which followed. I shall, of course, support every effort to provide financial assistance to the State of Alaska and the affected communities. This terrible news caused me to think, however, that perhaps we should explore the utility of an automatic standby authority which would release Federal funds for the replacement of schools damaged by such acts of God. Three to four schools a week in this country, I am advised, burn or are destroyed. Floods, windstorm, tornadoes, and hurricanes take all their toll of our schools, and as importantly, the local tax base which supports the school. The replacement of these schools in a great many cases, where tragedy has also wiped from the tax rolls the land values in the community, poses a terribly difficult financial problem to the affected local communities.

I sent to the desk for appropriate reference a bill designed to meet these contingencies which we will all hope will never strike our own home States. It is a standby authority bill which, if enacted, would go far in restoring the damage to the school plant, thus permitting an early resumption of the school operations.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks the text of the bill together with a short section-by-section analysis of the major provisions.

(There being no objection, the bill and section-by-section analysis was ordered to be printed in the Record:)

#### "SENATOR MORSE PROPOSES FEDERAL AID TO SCHOOLS IN DISASTER-STRUCK AREAS (S. 2725)

"Senator Wayne Morse, Democrat, of Oregon, chairman of the Senate Subcommittee on Education, on April 9, proposed major disaster amendments to Public Laws 815 and 874. Senator Morse pointed out that 'as a result of the [Alaskan] earthquake and tidal wave, perhaps we should explore the utility of an automatic standby authority which would release Federal funds for the replacement of schools damaged by such acts of God.'

"The new Morse bill, S. 2725, would amend Public Law 815 to permit the Commissioner to make school construction and rehabilitation grants to a local public educational agency located in whole or in part in an area which, in the determination of the President, has suffered a major disaster. The grants would be in such amounts as the Commissioner determines to be in the public interest, but they could not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the cost of restoring or replacing the public school facilities destroyed or damaged as a result of the disaster. Assurances would be required that the appropriate State and local governments would also make reasonable expenditures for these purposes. Appropriations would be authorized in such amounts as would be necessary to carry out this provision, and pending such appropriations the Commissioner could use funds appropriated for other sections of Public Law 815.

"S. 2725 would also amend Public Law 874 to permit the Commissioner to make grants for current operating expenses to a local public educational agency located in whole or in part in an area which, in the determination of the President, has suffered a major disaster. The grants, which could be made for the 5-fiscal-year period beginning with the fiscal year in which the disaster occurred, could not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the cost of providing a level of education equivalent to that maintained in the agency's schools during the last full fiscal year prior to the disaster. Amounts provided during the last 3 years of the 5-fiscal-year period could not exceed 75, 60, and 25 percent, respectively, of the

amount provided during the first fiscal year following the disaster. In addition the Commissioner could provide funds to replace temporarily facilities destroyed as a result of the disaster. Assurance would be required that the appropriate State and local governments would also make reasonable expenditures for these purposes. Appropriations authorized in such amount as would be necessary to carry out this provision, and pending such appropriations the Commissioner could use funds appropriated for other sections of Public Law 874.

"If enacted by Congress, S. 2725 would become broad permanent general legislation that would benefit all areas of our Nation faced with disaster. Write to your congressional delegation. Offer your support for S. 2725.

"Mr. MORSE. Mr. President, I assure those who have written me on this subject that it is my earnest hope that this needed standby legislation can receive congressional approval in this session of the Congress."

Mr. MORSE. Mr. President, from the preliminary reports which have been received in my office, it would appear that the earthquake damage in the Pacific Northwest, I am very happy to say, is not as severe as that which has occurred on other occasions, but the fact that it did occur brings vividly to mind the potential damage that such natural cataclysms could accomplish. Disasters such as those referred to in S. 289 can strike and have struck in every geographical area of the United States from the hurricane damage which afflicts the east and gulf coasts to the tidal waves which are a threat to the Western United States through Hawaii. The standby authority conveyed in S. 289 can provide the Government with an effective tool to meet the special needs of our schools and our schoolchildren whenever and wherever the blows of nature are of sufficient magnitude to justify designation by the President of the United States of the area as a disaster area.

#### WASHINGTON EARTHQUAKE DAMAGE

Senator RANDOLPH. Perhaps we should discuss briefly why we are holding these hearings at this particular time. Our public elementary and secondary schools have been adversely affected by major disaster. Senator Morse points out the recent damage suffered to the Seattle, Wash., school system in the recent earthquake. We have included in the record a newspaper article which tells of that difficulty. We have also received this morning information that that recent earthquake has brought property damage to schools in the amount of \$7 million in King County, Pierce County, and in Snohomish County. I understand from Charles Lee that we have requested reports on certain other school properties including buildings that have been damaged.

The breakdown will be included in the record.

(The information referred to follows:)

#### TENTATIVE ESTIMATE OF SCHOOL DAMAGE FROM WASHINGTON STATE EARTHQUAKE (THURSDAY, APP. 29, 1965)

The superintendent of public instruction of the State of Washington, Louis Bruno, has advised the State legislature that cost for repairs and replacement of school property damaged in the recent earthquake will approximate \$7 million.

An approximate breakdown of the expense by county shows:

##### *King County*

Seattle and Issaquah area, \$4 million; West Seattle Junior High, \$600,000; Queen Anne High School, \$50,000 to \$75,000; Madison Junior High, \$50,000 to \$75,000; extensive to junior and senior high in Issaquah; Alki Elementary School (West Seattle) must be replaced; also extensive damage to at least five elementary schools.

##### *Pierce County*

Buckley, Wash.: White River Junior High, extensive repairs.

*Snohomish County*

Monroe High School, probably will have to be abandoned, repairs would run to over \$400,000; Edmonds Junior High, \$5,000; Marysville High, \$490,000; Sultan High, \$20,000.

Reports are not yet received from certain schools.

Senator RANDOLPH. Senator Morse says all of these contribute to the sense of urgency.

Now, we are holding our hearings on S. 289. This bill has several cosponsors, and you will recall that we had S. 2725 in the 88th Congress. I was one of the cosponsors of that legislation. We had hearings on this measure as recently as July 29 and 30, 1964.

And Senator Morse says:

I propose that relevant portions of those hearings be incorporated in our present hearings—

and so forth.

The Senator indicates he is not wedded to the precise language as presented in S. 289, and he wishes to make a final point before hearing witnesses.

If S. 289 should be enacted—

says Senator Morse—

prior to the completion of congressional consideration of S. 1861, then the overlapping authorities may be easily deleted. The converse is also true. \* \* \* I am less concerned with the legislative wrapping paper in which a program is presented than in getting it translated into statute law.

He is mindful of certain legislative pitfalls that could befall either of these bills. He would not want S. 1861 jeopardized by an argument over jurisdiction. He feels it is important that this Subcommittee on Education of the Committee on Labor and Public Welfare which has jurisdiction over Public Laws 815 and 874 should hold these hearings so that we have the data on the merits.

So, Senator Prouty, if agreeable, we will begin by hearing, unless you wish to make a comment at this point, our first witness, the Honorable Francis Keppel, U.S. Commissioner of Education, who is accompanied by Mr. Lillywhite and Dr. Halperin, and I believe I will allow the Commissioner to make introductions as he desires and proceed with his testimony. Thank you.

**STATEMENT OF HON. FRANCIS KEPPEL, U.S. COMMISSIONER OF EDUCATION, ACCOMPANIED BY B. A. LILLYWHITE, ASSISTANT COMMISSIONER, DIRECTOR, DIVISION OF SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS; DR. SAMUEL HALPERIN, DIRECTOR, OFFICE OF LEGISLATION; AND RICHARD JOHNSON, LEGISLATIVE SPECIALIST, OFFICE OF EDUCATION**

Mr. KEPPEL. Thank you very much, Mr. Chairman.

May I introduce, as you know, Mr. Lillywhite on your right, and Mr. Johnson, who is Mr. Halperin's associate, on your left.

Senator RANDOLPH. Mr. Halperin, yes sir.

Mr. KEPPEL. It is Mr. Johnson. Mr. Halperin is here. ---

Mr. HALPERIN. Here.

Mr. KEPPEL. In position to keep me in line I think.

Senator RANDOLPH. Yes.

Mr. KEPPEL. Mr. Chairman, this is my first opportunity to express my personal and professional appreciation for the work of this committee with regard to the Elementary and Secondary Education Act of 1965. Before starting, if I may, with regard to S. 289, I would like to comment particularly on the very excellent committee report on that bill which was the product, of course, of this subcommittee and of the full committee, and I may say it is a highly important part of the legislative history of this new legislation, a highly important part for which my office is very grateful.

May I thank you also for the opportunity to appear here today and discuss with you the legislation introduced by the distinguished chairman of this subcommittee to assist schools destroyed or damaged by disasters. Unfortunately the rampages of nature have been much in evidence lately, and schools have not been exempt from destruction.

S. 289 would amend Public Laws 815 and 874 to give permanent standby authority to the Commissioner of Education to provide Federal assistance to public school systems in disaster areas. Under this bill the Commissioner would be empowered, upon a finding by the President that a major disaster has occurred, immediately to make available funds which have been previously appropriated, in order to repair, restore, or rebuild public elementary and secondary schools seriously damaged by a major disaster. In addition, the legislation would authorize grants for current operating expenses of such schools on a reducing basis over a 5-year period to enable the affected school district to continue its educational program. Grants could also be made for the purchase of supplies, instructional materials, and equipment so that normal school operations can be resumed.

The amount of any Federal grant for school construction could not exceed the difference between the amount of funds reasonably available to the local educational agency from all other sources and the full cost of restoring or replacing the damaged facilities. The amount of any grant for operating expenses, similarly could not exceed the difference between the amount of funds reasonably available to the local educational agency from other sources and the cost of providing a level of education equal to that maintained in the schools during the last full year prior to the disaster.

Amounts provided during the last 3 years of the 5-year period for operating expenses would be 75, 50, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster. The authority to provide funds immediately after a disaster to replace supplies, equipment, and materials that were destroyed, including cafeteria facilities, will make it possible to begin school in areas affected by major disasters with a minimum of delay.

The bill authorizes the Commissioner to use funds from appropriations previously made to carry out the purposes of Public Laws 815 and 874 for disaster relief and to request replacement of those funds through supplemental appropriations. This provision will expedite the availability of funds urgently needed for disaster relief.

Senator RANDOLPH. Commissioner Keppel, what funds have now been expended through you meeting any disaster problems? Have any funds been spent?

Mr. KEPPEL. May I ask Mr. Lillywhite on that?

Mr. LILLYWHITE. No, sir; there have been none.

Senator RANDOLPH. Thank you, sir.

Mr. LILLYWHITE. You are talking about this year, of course.

Senator RANDOLPH. Yes.

Mr. LILLYWHITE. None, sir.

#### RECENT DISASTERS

Mr. KEPPEL. Almost every year, as the subcommittee well knows, some type of major disaster strikes some area in the United States. Several years ago there was major earthquake damage in Montana. Last year, as you all recall, there was a major catastrophe in Alaska caused by earthquakes. Currently, of course, we are hearing of the extensive damage caused by flooding of areas in Minnesota, Wisconsin, Iowa, Illinois, and Missouri. As you recall there was a major earthquake damage in Montana. Several weeks ago major disasters by hurricanes and wind damage caused severe damage in Indiana and other areas in the Midwest. Every year some areas in the country are damaged by flooding of some of our major rivers. Just recently a severe earthquake caused extensive damage, as Senator Morse noted, in Seattle, Oregon, and other areas of the Northwest.

In most of these natural disasters there is damage to public schools requiring rebuilding or extensive repairs. In addition, these disasters—particularly flooding and hurricanes—often destroy the supplies, equipment, and teaching materials used in everyday instruction of the students. Ordinarily, when these disasters occur, school district budgets have already been established for the year, and seldom are emergency funds available that can be used to put these facilities back into operation without extensive delays.

The Office of Emergency Planning now has authority not only to coordinate efforts of the various Federal agencies to repair damage caused by natural disasters but also to use emergency funds to assist local educational agencies in repair and cleanup operations and to provide temporary school facilities where the permanent facilities are destroyed. The Office of Emergency Planning first determines what can be done under the existing authority of the various Federal agencies to assist in the repair of damage to public facilities. The Bureau of Public Roads, for example, has emergency authority to repair public roads that are damaged by floods and earthquakes. The Office of Education does not have any authority of its own to go in and provide emergency disaster help to schools.

As the subcommittee well knows, under the authority of Public Laws 815 and 874 the Office of Education administers a program of Federal assistance for current operating expenses and for construction of school facilities in federally impacted areas. In carrying out the functions of these two acts our office has a staff of 66 people in 9 field offices who visit the federally "impacted areas" school districts and work with local educational agencies in determining the capacity of their existing school facilities, the need for additional facilities, and the number of federally connected children in their districts each year. In performing these functions members of our staff work in cooperation, as you know, Senator, with State departments of education.

The pattern of administration of the disaster program as proposed in S. 289 would closely follow the pattern already in effect for the "impacted areas" program. Thus, this legislation would not add

materially to the administrative costs, and staff members already in the department's regional offices could be on the scene in the disaster areas with a minimum of delay. Field representatives of the Office of Education now working in the "impacted areas" program frequently become directly involved in the disaster assistance program upon request of the Office of Emergency Planning. On these occasions they may go to a disaster area, review the damage to public school facilities, give estimates of the cost of temporary or permanent repairs, and make recommendations regarding the type and kinds of teaching supplies and materials that are necessary to resume the educational program as quickly as possible. In fact, field representatives from this program are now giving this type of assistance to other Federal agencies in areas that have suffered major disasters during the current school year.

#### SAFEGUARDS IN PROGRAMS

The provisions of S. 289 contain safeguards, Mr. Chairman, to make sure that the State and local communities affected by disasters will bear their full share of the burden, while at the same time assuring that the education of children in the areas struck by disasters will not suffer because of unexpected and severe strains on local government finances. Assistance may not be granted to any area unless the Governor of the State has requested the President to declare the area a disaster area, and the President has made a finding that the area should be declared a major disaster area and that emergency assistance should be provided. The bill contains the further requirement that the educational program be at the same level as was provided in the school district in the year prior to the disaster.

In addition, the amount of Federal assistance granted would be the difference between all funds reasonably available to the school district from local and State funds, proceeds from insurance, and other resources, and the cost of repairing and replacing existing school facilities and conducting a normal education program.

Gentlemen, a moment ago, I pointed out that S. 289 would authorize temporary assistance to get the educational program back in operation, up to a maximum of 5 years, and that the amounts granted for the last 3 years of the 5-year period could be 75, 50, and 25 percent respectively of the amounts granted to local educational agencies the first year in which the disaster occurred. It is our opinion that this authority to grant funds over the whole 5-year period would be needed only in rare instances, where the disaster is of such magnitude and severity that it seriously affects the ability of the local educational agency to provide adequate operating revenues for a period of years. Generally, emergency assistance to get the schools in operation, and perhaps for 1 additional year, should be sufficient to meet most of the major problems.

Senator RANDOLPH. Do you feel, Commissioner, that we must be careful not to just give a blanket authority?

Mr. KEPPEL. Precisely sir.

Senator RANDOLPH. Is that correct.

Mr. KEPPEL. Precisely, sir.

Senator RANDOLPH. That could be misunderstood, could it not?

Mr. KEPPEL. I think it could be, sir.

Senator RANDOLPH. Thank you, sir.

Mr. KEPPEL. Thank you.

S. 289 authorizes the appropriation of such sums as may be necessary for the disaster program authorized by the provisions of the legislation. It is not possible, sir, to estimate with any degree of accuracy the amount that would be needed in any year or for any specific disaster because it is obviously unpredictable where disasters will occur, how many school facilities will be affected, the extent of the damage to these facilities or the resulting cost. Since the bill authorizes the use of funds appropriated for the other provisions of Public Laws 815 and 874 for the purpose of immediately repairing damage, the subsequent request for supplemental appropriations would be based on reasonably complete information of the amounts required for any specific disaster.

It should also be pointed out that while there are usually a dozen or more major disasters occurring each year, the number which would require expenditure of Federal assistance is never large and consequently the cost of this program each year can be expected to be relatively small.

It has been Federal policy for the past 15 years—since the enactment of the Federal Disaster Relief Act in 1950—to provide emergency assistance in case of severe disasters; and it is apparent that in a number of cases there would have been serious interruptions in local school operations if this emergency assistance had not been available. I have previously pointed to the involvement of our field staff in assisting local schools both to construct and operate schools in “impacted areas.”

However, schools are not the only community facilities ravaged by natural disasters; hospitals, water and sewage facilities, and roads can be the casualties of flood and earthquake and storm. The executive branch is now reviewing the Federal Disaster Relief Act of 1950 and the outcome of such a study will be an improved overall approach to the problems created for communities in disaster areas. Accordingly, the Department of Health, Education, and Welfare recommends that the authority contained in this legislation be limited to a period of 2 years. Pending the outcome of the comprehensive review that I just mentioned, we do feel, sir, that it would be appropriate for the Office of Education to have direct standby authority to provide assistance for educational facilities and programs in major disaster areas and we feel that the so-called impacted areas program under Public Laws 815 and 874 is an appropriate vehicle for this assistance. May I again commend the subcommittee for its continuing strong leadership in the strengthening of American education at all levels and assure you of the administration's wish to assist the subcommittee in every way in this mutual responsibility.

Thank you, Mr. Chairman.

Senator RANDOLPH. Thank you, Mr. Commissioner.

We have some questions we might direct perhaps to Mr. Lillywhite bringing out the points that you have mentioned.

#### OFFICE OF EDUCATION AUTHORITIES

Under the authority that is available in the Office of Education what help can you give to a school district adversely affected by one of these major disasters, for facilities replacement, for facilities rehabilitation, and for equipment replacement or repair?

Mr. LILLYWHITE. There is virtually no help, Senator. If the building is under construction at the time the disaster occurs there is a provision in the act permitting us to go in and replace the damage. You can rebuild it. But unless it is under construction there is no other authority to help do any of the things mentioned in your question.

Senator RANDOLPH. Now, do these school districts come to you in reference to resuming normal operations? Do they cite needs that they believe are paramount? What is the procedure?

Mr. LILLYWHITE. Whenever anything occurs in the school district and they need additional school facilities. Of course, there are usually letters, as you well know, because you have had some of them and sent them down to us for answers. They want to know if there is anything that we can do to help under the impacted area programs, either for the facilities or for operating expenses, even for minor disasters such as the burning of a school building. These calls come in continuously and, of course, the answer is that there is no authority to do anything about disaster damages, the eligibility requirements under these laws are very specific, and there is not anything we can do outside those requirements.

Senator RANDOLPH. I want to particularly now ask if your Division is so geared staffwise and otherwise to give the service which is contemplated under S. 289?

Mr. LILLYWHITE. Well, I would not like to give the impression, Senator, that we have a great deal of staff available to go to work on any new project because we are moving about as fast as we can to keep up with the regular work. The facts are, however, that the 40 professional people in our field offices have as their major responsibility going to the federally impacted school districts continuously during the year reviewing their records, inspecting their school facilities, determining the capacity of those facilities, the number of school-children they have and the facilities they have to house them with. They are out in the areas most of the time.

I think with a minimum of time they could be to the disaster areas. My guess is that in Seattle one of our field representatives has probably already been out with the superintendent of schools to help review the damage.

I would say that there would be some time required in the central office in setting the ground rules by which the money was to be granted. This is a pretty open-end type of an authority, and I think there would have to be pretty specific regulations set in order for the school districts to know what the ground rules were.

Senator RANDOLPH. Well, in S. 289 we have certain objectives and presumably you would think of initial aids that in your judgment might help to strengthen the overall approach. Of course, we want to have the operation of the school actually resuming with a minimum of delay so that the education of these children will not be long interrupted.

Do you want to make a comment to that?

Mr. LILLYWHITE. As you probably know, and Mr. Lee knows, we were consulted and advised with last year in developing the concepts that went into this legislation. The authority to use funds to replace the teaching materials and the supplies would help get the schools back in operation, even if they were held in a church or a temporary

building of some kind. Teaching supplies are frequently washed out or blown away and the authority to be able to purchase the teaching supplies and materials would help get back into operation in a hurry if the school building is not damaged so that it is not dangerous to go into. This authority I think is all that is needed. I do not think you need any further authority to help get the school in operation immediately.

Senator RANDOLPH. If the area is declared a disaster area, with the present Government agreement, how long would it take you to send needed funds?

Mr. LILLYWHITE. Well, if you have your regulation approved our field representative would go over the damage almost immediately with the school superintendent. I assume the Office of Emergency Planning would certainly want to have somebody on the scene, because there would be other things involved, and I think that it would be a matter of, perhaps, a week or so before you could get the emergency funds out to the district for operation. It would take a little bit longer for engineering assessment of any structural defects that may have occurred before beginning construction. It would not take very long in order to get underway.

#### APPROPRIATIONS PROBLEMS

Senator RANDOLPH. Do you feel there are any problems appropriationswise that you would have if S. 289 were enacted?

Mr. LILLYWHITE. I do not think there are any major problems. I think the advantage of this kind of an approach is that Congress would be hard put to know what to appropriate for a disaster program at the beginning of a year. Under this bill money that is appropriated for other purposes can be used for the disaster. The way this program operates we do not need to have all of the money that is appropriated for it until the end of the year. We pay it out over the period of time, so that we could use the money that is appropriated for the impact area programs to help with the disaster damage, and then replenish the impact area funds when they are needed. I think it is a very nice approach. Then when we do go to Congress for funds, as the testimony said, we know pretty specifically what the amounts needed are and what the requirements are.

Senator RANDOLPH. Mr. Forsythe raises the point which is one we need to explore. Say a disaster would come the end of the fiscal year and there would be no opportunity for the appropriation of additional moneys. How would we presumably move the matter?

Mr. LILLYWHITE. Of course, that is where we are right now.

Senator RANDOLPH. Yes, sir.

Mr. LILLYWHITE. To go into Seattle.

I was thinking about the same thing, Jack, this morning. I do not think there will be too much of a problem using money that we have appropriated for Public Law 874 for disaster damage.

Of course, it would depend, in part, on whether there are still supplemental appropriation bills to come along and how late in the year they would be. But as to the impact area program, we make an estimate of the amount the district has coming sometime during the fall or the middle of the year, and pay 75 percent of that amount. We do not know what the actual amount is until the school year is

over and the final report comes in, and districts have until September 30 to make that report. So there is still some leeway involved even between now and September, if there is a possibility of getting a supplemental to replace the fund, say, by September or October.

Senator RANDOLPH. You might come to a point where you would not actually have any money available. This could happen.

Mr. LILLYWHITE. That is right, particularly on construction programs. Now, we have the so-called cutoff date in the fall when the applications come in, and we will pay out on the applications that are eligible for that date and then we have a cutoff date in the spring. We will not have enough money this year to pay off all of the applications that come in by the June 30 cutoff date.

But you have this past year made available the next year's appropriations for the applications that are filed by the preceding June, and this provision would help.

I cannot see any major problem as long as that provision is in the law, Jack, that we can use the next year's appropriation for the last year's applications.

Senator RANDOLPH. Jack, you go ahead and ask the questions.

Mr. FORSYTHE. Mr. Lillywhite, I think on the Public Law 815 money there is not much of a problem because there you have the construction and that will normally take some time before you get plans—

Mr. LILLYWHITE. That is right.

Mr. FORSYTHE. And architects working, and so forth. But what about the Public Law 874 problem where you speak of providing money within a week to buy chairs, tablets, books, and the other things? Do you ever have your funds so depleted that you just would not have money to give out in the disaster area under Public Law 874 on a relief basis?

Mr. LILLYWHITE. As you know, the amount that has been appropriated has not all been used the past several years. This year we are right on the borderline. We think we are just barely going to have enough to pay full entitlements.

But the final reports come in after school is out, and we give the districts until September 30 to get in those final reports and before the final payment is made one of the field representatives goes out and checks the records and verifies the basis for the claim.

So we really have a period of time from the end of the school year until October, November, even December, where we have some money that was appropriated for the past year that has not been paid out.

Mr. FORSYTHE. Aside from the problems which may come up because of the law expiring, assuming the law is still in existence, then you do not have to actually compute the money that you have appropriated for 1 fiscal year until the fall or the beginning of the next fiscal year, and you always have some money back of you there.

Mr. LILLYWHITE. We have to obligate it.

Mr. FORSYTHE. Yes, sir.

Mr. LILLYWHITE. But we do not have to pay it out; that is correct.

Mr. FORSYTHE. But could you use the obligated money in an emergency for the disaster area and come back to Congress and ask them for replenishment of that?

Mr. LILLYWHITE. That is something I will have to consult with the lawyers on. We have so many applications in here and they request

so much money, and we have to obligate the money on June 30 on the basis of the requests. We have an actual document on file against which we obligate the money. And we would obligate all of it. I think it might raise a question to use money obligated for these payments for other purposes.

Senator RANDOLPH. I think a memorandum on this would be helpful.

Mr. KEPPEL. Glad to enter one.

Senator RANDOLPH. Thank you, Mr. Commissioner. Thank you, Mr. Lillywhite.

Senator Prouty?

Senator PROUTY. Mr. Keppel, in your testimony you say—  
it should also be pointed out that while there are usually one or two—

Mr. KEPPEL. I am sorry, sir. I was wrong and changed it to "a dozen or more."

Senator PROUTY (continuing):

a dozen or more major disasters occurring each year, the number which would require expenditure of Federal assistance is never large and consequently the cost of this program each year can be expected to be small.

Has any estimate been made as to what it would cost to take care of the situation in the Midwest flood areas and perhaps Seattle and Oregon?

Mr. KEPPEL. I believe that the chairman entered into the record earlier an estimate with regard to the Seattle situation of the order of magnitude of \$7 million. With regard to the Midwest disaster area, Senator Prouty, I am afraid I have no estimate, and Mr. Lillywhite has not.

Mr. LILLYWHITE. It is still going on.

Mr. KEPPEL. Yes.

Senator PROUTY. Let me ask, also, has S. 289 been considered by the Bureau of the Budget? Have they expressed an opinion?

Mr. KEPPEL. Yes, sir; and the recommendation that I venture to make this morning with regard to a 2-year as against a 5-year or a permanent authority is something that we have explicitly discussed with the Bureau; yes, sir.

I understand, further, Senator Prouty—

Senator RANDOLPH. The Bureau of the Budget report has been made a part of the record.

Mr. KEPPEL. I understand they were submitting a separate report.

Senator PROUTY. The program as envisioned in S. 289, I think, is over a period of 5 years, is it not?

Mr. KEPPEL. I believe it is permanent legislation as the bill is now, as I read it, sir. I believe it was permanent authority. The proposed—

Senator PROUTY. I believe you are right in that respect. I wondered what effect making this a 2-year program would have over that? We have expenditures which are authorized, and laws and regulations approved which would be available to a stricken community over a period of 5 years, is that correct, to one community?

Mr. KEPPEL. I am not quite sure that I follow, sir. I am sorry.

Senator PROUTY. Let me see if I can clarify.

Mr. LILLYWHITE. The payment is authorized for a 5-year period with the amount reduced each year. Under the Bureau of the Budget

letter the program is restricted to 2 years. The question is, what effect will that restriction have?

Mr. KEPPEL. I am sorry, sir. Perhaps Mr. Lillywhite could speak to that one, sir. I think the reason for suggesting the 2 years is because the executive branch is now engaged in a major study—to which I think my followers on the witness stand this morning can speak—about the overall handling of the disaster situation in all aspects of the Government, and we recommend that this be taken into consideration once this full study is completed.

Senator PROUTY. So I can get this clear in my own mind—

Mr. LILLYWHITE. I was going to add one other thing, Senator, if I may, please, sir. We said in the testimony that the Commissioner just gave that there are probably few disasters that are of such magnitude that you would need to pay money for operating expenses over the entire 5-year period. If we could get them started the first year and help them out the next year, that would seem to us to take care of most of the disasters that occur.

Senator PROUTY. Well, in other words, under the 2-year program the Commissioner would be authorized to spend 100 percent the first year and 75 percent the next.

Mr. KEPPEL. My understanding, sir, is that it would be 100 percent or perhaps 100 percent of what is estimated to be needed for both years.

Senator PROUTY. For both years?

Now, Public Law 815 runs through June 30, 1966, and Public Law 874 runs through June 30, 1968.

The congressionally authorized study on impacted aid now being affected in Stanford is due June 30 of this year.

My question is in three parts. Is this disaster aid proposal in S. 289 which amends Public Law 815 and Public Law 874 included in the study now being conducted at Stanford?

Mr. LILLYWHITE. I am sorry. I did not hear all of the question. Did you ask if the disaster provisions are being included in the study? Was that your question, sir?

Senator PROUTY. Yes.

Mr. LILLYWHITE. I think that perhaps the specific question of disaster authority being added to these laws is not being studied by the group.

I would point out that there is the authority to make payments for certain categories of children in both Public Law 874 and Public Law 815 which is now permanent. The authority to make payments for other categories of children expires periodically and so there would be some part of each law in effect on a permanent basis.

Senator PROUTY. Since both Public Law 815 and Public Law 874 are scheduled to expire soon and they could be radically altered or discontinued, why base school disaster aid on these two laws? That could be handled through some other course other than tying it in with these two laws.

Mr. LILLYWHITE. As I said, the authority to make payments to school districts that educate children living on Federal property is permanent in each law, both Public Law 815 and Public Law 974. It is the authority to make payments for children whose parents are employed on a nontaxable Federal property that is temporary and expires periodically.

Of course, as you said, that could be altered by the Congress after the report is made.

There seems to have been rather general agreement that the burden imposed by children who both live on Federal property and the parents also work on Federal property constitutes a burden and it may not be that that would be changed at all.

Senator PROUTY. That is all the questions I had along that line.

Mr. KEPPEL. May I add to that, Senator Prouty, like Senator Morse we at least do not feel wedded to a particular way of accomplishing this.

Public Law 815 and Public Law 874 seem to provide a fairly natural vehicle, but I do not feel we are bound at all to the particular legislative methods.

#### AMOUNT OF AID LIMITATION

Senator PROUTY. Now, I would like to refer to section 16(a)(4) which is on page 3 of the bill, lines 14 to 17. This indicates that the disaster payment may not exceed cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster.

My question to you is this: Is any money limit contemplated as to the cost of replacement compared to the original cost of the structure? In other words, suppose a rather rundown building had a value of, say, \$500,000. Would this be replaced or could it be replaced with a building costing \$1 million?

Mr. LILLYWHITE. Well, I do not know precisely what kind of ground rules would be set up in this case. If the building were destroyed to the point where it would need to be replaced, of course, we would take into account the insurance that is available and most school districts carry insurance on their buildings. Other funds that they have available from State and local sources would also be considered. I think what would need to be done is to rebuild the school capacity that was destroyed. It is the capacity needed to house the schoolchildren that were displaced by the disaster that is needed.

I would not be able to say what the costs would be but you have to put these kids back in school. This is what is needed.

Senator PROUTY. That certainly seems to be a logical conclusion.

Senator RANDOLPH. I think at that point we might say that even to replace here would still be below the standard. Is that not true, as we envision it in Public Law 815 or the minimum capacity rather; is this correct?

Mr. LILLYWHITE. Minimum school facilities; that is correct.

Senator RANDOLPH. That is right. Minimum, not below, but it would reach that point that you would call minimum.

Mr. LILLYWHITE. That is correct.

Senator RANDOLPH. Is that correct?

Mr. LILLYWHITE. I would certainly think so. It is part of the Public Law 815 concept, yes.

Senator PROUTY. Last Thursday I believe Senator Bayh and others introduced S. 1861 which is known as the Disaster Relief Act of 1965. Why should this proposal S. 289 be considered separately here instead of as part of the disaster relief package?

Mr. KEPPEL. Senator Prouty, once again I believe our position would be very close to that of Senator Morse in the comments which

were introduced at the very opening of this hearing. The Senator spoke to that in the last paragraph at page 2 of his comments with regard to the interrelation between S. 289 and S. 1861, and the views the Senator expressed are those of the administration.

Senator PROUTY (presiding pro tempore). Perhaps this question has been asked and answered, but I will ask it again for sake of clarification. What does the Federal aid in a disaster-struck school receive as part of other programs?

Mr. KEPPEL. May I ask Mr. Lillywhite, sir?

Mr. LILLYWHITE. I am sorry, sir; would you repeat the question, sir?

Senator PROUTY. What present Federal aid to disaster-struck schools receive as part of the programs?

Mr. LILLYWHITE. They do not receive any under Public Laws 815 or 874 under the present eligibility requirements unless the disaster damage occurs to a federally aided school building under construction. Then there is specific authority, if a building under construction is destroyed by natural disaster or an act of God, we can provide enough additional money under section 8 of the act to rebuild it.

Now, of course, we can, if the district has not filed its application for operating expenses, we can help them get it in a hurry and make the payment immediately so they will have something to go on. We can rush up the payment. Other than that there is no authority. For the few buildings on Federal property, where we do have a few school buildings built on Federal property, of course, if they are destroyed we can go ahead and rebuild those, but you cannot give a grant to a school district to do it.

Senator PROUTY. Suppose there is a relatively small community with one major industry and this industry is destroyed by fire, for instance, and the community decides not to rebuild. What happens in a case like that?

Mr. LILLYWHITE. The school building is destroyed by fire?

Senator PROUTY. No. The main industry in the community which furnishes employment to most of the people in the community.

#### PRESIDENTIAL ACTION REQUIRED

Mr. LILLYWHITE. Well, I am not sure what would happen. Of course, under this authority the Office of Education would not act unless and until the Governor of the State had requested or made representation to the President and requested that a disaster area be declared and the President had found it to be of sufficient severity to declare a disaster and the emergency assistance was needed. We would not operate until this occurred.

Mr. KEPPEL. May I comment a bit further, Senator Prouty? I take it that the thrust of your question is toward the situation in which, in effect, the natural local tax base is quite literally washed away or otherwise affected, and I take it this is the reason for the inclusion in S. 289 of operating funds to handle the situation for the year in which it takes place plus the second year. We are suggesting only 2 years for reasons I gave earlier. But I would have thought, sir, your question goes to the heart of the reason why some of the operating funds are included in S. 289.

Senator PROUTY. We are very happy to have had you with us, Commissioner Keppel, and to have listened to your statement with a great deal of interest. Thank you, Doctor.

Mr. KEPPEL. Thank you very much, Senator.

(Subsequently the following material was supplied for the record by the Department of Health, Education, and Welfare:)

STATEMENT REGARDING THE TERM "MINIMUM SCHOOL FACILITIES" AS USED IN PUBLIC LAW 815

Public Law 815 was enacted September 23, 1950, to provide Federal assistance for the construction of school facilities in areas in which Federal activities have been or are being conducted.

Section 210(10) of the original act (now sec. 15(9)) defined school facilities as follows:

"The term 'school facilities' includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public. Except as used in sections 203 and 204, such term does not include interests in land and off-site improvements."

Under the terms of this original act quoted above, eligible school districts could use the Federal grants to construct any type of school facility desired except those expressly prohibited by the second sentence of section 210(10).

In 1953 there were major changes made in some provisions of Public Law 815 by the passage of Public Law 246, 83d Congress. The changes made at this time included the concept of "minimum school facilities." The act, as amended by Public Law 246, provided that the Federal payment to an eligible school district in no event could exceed the cost of constructing "minimum" school facilities in the district. The following provision was added to section 210(11) (now sec. 15(10)):

"Whether or not school facilities are minimum school facilities shall be determined by the Commissioner, after consultation with the State and local educational agencies, in accordance with regulations prescribed by him."

The amended act did not define minimum school facilities but congressional intent with respect to the meaning of the term is to be found on page 9 of House Report 702, dated July 3, 1953, which explained the amendments to Public Law 815 made by Public Law 246. This report reads as follows:

"The term 'minimum' school facilities used in the bill (H.R. 6049, 83d Cong., 1st sess.) does not mean that the test to be applied will be one based on the use of inferior materials or on the provision of inadequate space for the basic school needs of the children. \* \* \* the term 'minimum' school facilities merely insures against Federal participation in expenditures beyond those needed to conduct an adequate school program and, hence, spreads Federal funds as far as possible to meet adequately the basic needs. Under this concept, the Federal payment to the school districts will be based on the cost of the type of facility which the average school district has in recent years been building out of its own funds."

The regulations issued by the Commissioner define "minimum" school facilities (par. 114.1(i)) as follows:

"'Minimum school facilities' means those instructional and auxiliary rooms (and initial equipment) exclusive of single purpose auditoriums, single purpose gymnasiums, and any built-in spectator space necessary to operate a program of free public education for the school members of the applicant at normal capacity in accordance with the laws and customs of the State."

Under the concept of minimum school facilities, Federal funds may be approved to construct school facilities of the size and type which school districts have been providing in recent years with their own funds.

Since the Federal law does not specifically define minimum school facilities, the Office follows the guidelines given in the committee report. Circumstances vary by States. Some States allocate substantial amounts of State funds to local school districts for construction of school facilities, and have definite standards in terms of area per pupil and the type of construction that must be followed. In these States, it is not too difficult to determine what common practice is.

Other States allocate little or no State funds for local school construction. Most of these States have recommended standards for school construction but they may or may not have the authority to enforce them. In these States school

districts determine what they will build with the available local funds. In these States it is more difficult to determine what common practice is.

Section 15(6) of the act requires the Commissioner to determine the average per pupil cost of constructing minimum school facilities in each State. In order to make this determination, we ask each State department of education to furnish detailed reports for each fiscal year on contracts awarded in the State for the construction of new school buildings. These cumulative reports give very good indication of the normal practices on school construction in each State.

Section 9 of Public Law 815 authorizes the Commissioner to construct temporary school facilities, when the Federal activity will be of temporary duration. This is a different concept than "minimum" school facilities. It is the experience of this Office that the cost of temporary school facilities averages about 75 percent of the cost of permanent "minimum" school facilities.

---

STATEMENT BY OFFICE OF GENERAL COUNSEL, WELFARE AND EDUCATION DIVISION, TO B. ALDEN LILLYWHITE, DIRECTOR, DIVISION OF SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREA

Interpretation of sections 16(b) of Public Law 815 and 10(c) of Public Law 874 as those sections would be added by S. 289, to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster

You have been asked how the new section 16(b) of Public Law 815, 81st Congress, and the new section 10(c) of Public Law 874, 81st Congress, as those sections would be added by S. 289, 89th Congress, would be applied to use for disaster relief purposes appropriations made for other purposes authorized by those statutes. The purpose of S. 289 is to amend Public Laws 815 and 874 so as to authorize the providing of financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster.

Section 16(b) of Public Law 815 would read as follows:

"(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this act such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made."

Section 10(c) of Public Law 874, 81st Congress, would be in substantially the same form. The two sections referred to above would authorize existing appropriations to be diverted for the purpose of assisting in the event of a major disaster until such time as funds can be appropriated for that specific purpose, at which time the appropriations that were borrowed from would be reimbursed.

This provision clearly authorizes the Commissioner to spend funds for a designated purpose other than the one for which the funds were appropriated, and such action would therefore fall within the exception clause of section 3678 of the Revised Statutes (31 U.S.C. 628) which provides:

"Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

We understand, however, that, in the course of hearings on S. 289, an opinion was requested from our department as to whether this authority would extend to funds which have already been obligated, but not yet expended, for the purposes for which appropriated. This question must be answered in the negative in view of the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 685), known as the anti-deficiency law. This section provides that "\* \* \* No officer or employee of the United States shall make or authorize an expenditure from or create or authorize an obligation under any appropriation or fund in excess of the amount available therein \* \* \*". (See also sec. 1311(a), particularly clause 5, of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200(a)(5)) which provides for recordation of obligations.) As presently worded, the subject provision does not provide for an exception from the application of the anti-deficiency law.

If such an exception is also intended, this might be accomplished by inserting after the phrase "appropriated for expenditure in accordance with other sections of this act" a phrase such as "whether or not previously obligated." This possi-

bility occurs to us primarily because it may have operational significance particularly under Public Law 815. While funds are legally committed upon the approval of a construction project, a large portion of the funds so committed may not have to be paid until a considerably later time following completion of bidding, the letting of contracts, and the completion of stages of construction. We understand that there is a shorter timelag between the obligation and the expenditure of funds under Public Law 874. If the intent is to give the Commissioner the authority to use previously obligated, but not yet expended, funds, the statute should clearly so state.

Another alternative, which would not be limited to the amount in any appropriation, would be a recasting of the second sentence in the form of an obligation authorization to read substantially as follows:

"Pending such appropriation, the Commissioner may incur such obligations as may be necessary for immediately providing assistance under this section, such obligations to be charged to the appropriations authorized by this subsection when made."

It should also be noted that the amendment to Public Law 874, 81st Congress, that would be effected by S. 289 does not reflect the amendment of that law that was made by Public Law 89-10, which, among other things, redesignated section 9 of Public Law 874 as section 303. However, the new section 10(c) that would be added to Public Law 874 would authorize such expenditures from funds heretofore or hereafter appropriated for expenditure in accordance with other sections of "this act." Inasmuch as title II of Public Law 874, which was added by title I of Public Law 89-10, is a part of Public Law 874, as amended, the authority to use funds would extend to any unobligated funds which may be appropriated to carry out the provisions of title II of that act as well as those appropriated to carry out the purposes of title I.

HENRY H. PIKE,

*Chief, State and Local School Assistance Section.*

Senator PROUTY. The next witness will be Mr. Franklin B. Dryden, Deputy Director, Office of Emergency Planning.

You may proceed, as you wish, Mr. Dryden.

**STATEMENT OF FRANKLIN B. DRYDEN, DEPUTY DIRECTOR,  
OFFICE OF EMERGENCY PLANNING, ACCOMPANIED BY ROBERT  
Y. PHILLIPS, DIRECTOR, GOVERNMENT READINESS OFFICE AND  
MORDECAI MERKER, LEGAL ADVISER, OFFICE OF EMERGENCY  
PLANNING**

Mr. DRYDEN. Thank you, Mr. Chairman.

It is a pleasure to appear before you this morning to testify in relation to S. 289, a bill to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster.

Section 1 of S. 289 provides that, in areas affected by a major disaster as declared by the President under Public Law 81-875, the Commissioner of Education may make funds available for the reconstruction of public elementary and secondary schools provided that certain criteria are met. One of the criteria in question is the availability of other Federal funds to reconstruct schools damaged in such major disasters. Public Law 81-875, which the Office of Emergency Planning administers for the President, provides Federal funds to make emergency repairs and replacement of essential public facilities in areas affected by disasters which the President has declared to be "major disasters." Schools are considered to be essential public facilities within the meaning of the act and, therefore, in all such cases Federal funds for the repair or replacement of damaged or destroyed

schools are made available on a grant basis. Under our regulations, the school facilities are made safe and usable.

Public Law 81-875, The Federal Disaster Act, is of course an emergency program and the regulations to implement that act provide for expeditious repair and replacement. In order to facilitate these objectives the regulations provide for an advance of funds to a project applicant as soon as the project has been approved by the Office of Emergency Planning. Our regulations provide for advances up to 75 percent. I know of no instances, Mr. Chairman, where this program has been unable to meet the community needs for damaged or destroyed schools.

RELIANCE BY OFFICE OF EDUCATION BY OFFICE OF EMERGENCY  
PLANNING

With regard to the amendment in Public Law 874 dealing with the maintenance and operation of schools in areas affected by major disasters, we would defer generally to the Department of Health, Education, and Welfare since the programs for which we are responsible do not cover the kind of assistance that would be provided by new section 10(a). However, I would like to point out that the type of assistance offered by the proposed new section 10(b) is now generally accomplished under Public Law 81-875. Therefore, my previous remarks with respect to section 1 of S. 289 apply also to the proposed new section 10(b).

These remarks are submitted for the subcommittee's consideration. If the subcommittee intends to have S. 289 go beyond the kind of assistance presently available under Public Law 81-875, the Office of Emergency Planning would have no objection to its enactment.

Senator RANDOLPH (presiding, pro tempore). Thank you very much, Mr. Dryden. We are very happy to see you back on the Hill, of course.

Mr. DRYDEN. Thank you, sir. I am very happy to be here.

Senator RANDOLPH. We remember your very effective service with the committee.

Mr. DRYDEN. Thank you, sir.

Senator RANDOLPH. The statement you have given this morning is brief but succinct and helpful. It spells out exactly the position which the Office of Emergency Planning finds itself in at this time.

I think that perhaps Senator Prouty has some questions that he wishes to direct while you are our witness, so I will defer to him.

Senator PROUTY. Thank you, Mr. Chairman.

Mr. Dryden, in your statement you say this, and I quote:

I know of no instances where this program has been unable to meet the community needs for damaged or destroyed schools.

That seems to suggest that insofar as damage or destruction is concerned there is no great problem at the present time, is that correct?

Mr. DRYDEN. Within the framework of our authority under Public Law 875, I would say that is true, sir.

Senator PROUTY. And you can make advances to a maximum of 75 percent, is that correct?

Mr. DRYDEN. Yes, we can do that. Generally, Senator, the school board prepares our application, submits it through its county and

through its State to our regional OEP office. When the regional office has approved such a request we can at that time make available immediately 75 percent of the requested funds.

Senator PROUTY. And the rest would have to come from local or State?

Mr. DRYDEN. No, sir. It would come upon completion of the project and after it was audited.

Senator PROUTY. Then it is really 100 percent?

Mr. DRYDEN. Yes, sir.

Senator PROUTY. That is what I was concerned about.

Mr. DRYDEN. Yes, sir.

Senator RANDOLPH. At this point, Mr. Dryden, you have said that you make the facilities safe and usable. Now, how do you proceed to do this job? Is it done in contract or is it done——

Mr. DRYDEN. We do not do this ourselves.

Senator RANDOLPH. No. I understand.

Mr. DRYDEN. Mr. Chairman, it is done by contract.

Senator RANDOLPH. By contract?

Mr. DRYDEN. And when I say safe and usable I mean just that. We do not put up elaborate structures under this act as under the authority we have at the present time, but we do restore.

Senator RANDOLPH. You are trying to meet minimum standards?

Mr. DRYDEN. Yes, sir.

Senator RANDOLPH. Would that be your understanding, Mr. Lillywhite, on that point? I thought perhaps you had a question at that point.

Mr. LILLYWHITE. No.

It was my understanding that they restored the facilities or provided temporary facilities.

#### TEMPORARY BASIS OF REPLACEMENT

Senator RANDOLPH. Not in any wise permanent, is this correct?

Mr. PHILLIPS. Mr. Chairman, the act specifies that we shall replace essential public facilities on a temporary basis. Now, it is impossible to build a school that meets the zoning requirements, the fire, the safety, all of the factors that go into a safe, usable structure and have it "temporary" in the sense that we normally use the word as laymen in common speech.

We build a structure that is safe and usable according to minimum standards. The minimum standards do not affect the safe and usable nature of the building; for example, we do not face it with fancy brick. In the case of laboratory facilities, we use only the amount of ceramic tile that is necessary from a health point of view, not from an esthetic point of view. But when the building is completed it is usable for any reasonable length of time and it meets all minimum standards and is an acceptable usable school facility according to the standards in the United States.

Senator PROUTY. In other words, could I interrupt?

Senator RANDOLPH. Yes, Senator Prouty.

Senator PROUTY. In other words, the facility will be equally as good insofar as that particular school is concerned as it was before it was destroyed.

Mr. PHILLIPS. They are equally good as far as their use and durability is concerned. They may not be as fancy in terms of landscaping, in terms of face brick on the building, and some of the esthetic qualities of it.

Senator PROUTY. That is not as important as some people seem to think it is.

Mr. PHILLIPS. That is right. It is good, safe, usable building according to standards of this country.

Senator RANDOLPH. I think it might be helpful, and I am sure I would be helped by it if education and emergency planning could bring us a memorandum here on what you really consider minimal. I do not mean to say you are in conflict here, but this might be helpful.

Mr. DRYDEN. We would be glad to do that, sir.

Senator RANDOLPH. Furnish that to the subcommittee.

Senator PROUTY. I think you say in your statement that the type of assistance offered by the proposal section 10(b) is now generally accomplished under Public Law 81-875.

Does that mean that you can replace instructional and maintenance, supplies, equipment, materials and so forth, including textbooks?

Mr. DRYDEN. Yes, sir, provided that the textbooks were provided by the State, not privately owned, sir.

Senator PROUTY. Thank you, Mr. Chairman.

I think, if I may just make an observation at this point, that one particular reason why we ask you gentlemen to appear before the committee is because we are particularly interested in the damage to educational facilities throughout the country in any disaster area. It is my feeling that this question perhaps should be considered under the general bill which is now before the Public Works Committee, but I am sure that we are very much interested and hope that this situation is going to be handled very effectively and in an efficient manner and for the benefit of all concerned.

Mr. DRYDEN. Yes.

Senator PROUTY. Thank you, Mr. Chairman.

Senator RANDOLPH. Thank you. It would be helpful, Mr. Dryden, if you could give to the subcommittee the work that you have actually done, let us say, under the Alaska disaster, if you had done work in connection with the Alaska disaster. I think it would also be of value to us if we could review what has been done during the 3-year period, what facilities have been constructed.

Mr. DRYDEN. In the educational, primary and secondary?

Senator RANDOLPH. Yes.

Mr. DRYDEN. Yes, sir. We will be happy to furnish that.

Senator RANDOLPH. This would help us very much.

Mr. FORSYTHE. And the cost of money, and what has been done.

Senator RANDOLPH. That is right. Break it down.

Mr. DRYDEN. We would be happy to furnish that, Mr. Chairman. I think in Alaska it would be quite interesting and helpful to the committee.

Senator RANDOLPH. Mr. Dryden, I am sure you understand Senator Prouty and I and members of the subcommittee as well as the full committee have to watch very carefully that there is not an overlapping in these two programs.

Mr. DRYDEN. Yes sir.

Senator RANDOLPH. I am sure your education and emergency planning both recognize this as a problem to a degree. If we can clarify it that is what we want to do before we continue further.

Mr. DRYDEN. Yes. That was, of course, our intention when we said we feel like we have the authority and the need has been met. We mean in this area of 875. We certainly are not talking about the school construction problem generally where there have been lesser disasters, but just as great to the people affected.

Senator RANDOLPH. Thank you very much, Mr. Dryden.

We will conclude our hearing this morning but we will add to the record the statement by Senator Nelson, of Wisconsin, in support of S. 289.

(The statement referred to follows:)

#### STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Mr. Chairman, thank you for the opportunity to submit testimony in support of S. 289.

Very briefly, this bill would provide Federal assistance to elementary and secondary schools in declared disaster areas where the stricken communities had exhausted local and State sources of funds for repairing damaged and replacing destroyed school buildings and equipment.

Specifically, the Commissioner of Education would be authorized to make funds available under Public Law 815 for use in the repairing and renovation or restoration of the schools in the disaster area.

Payments would be made only where it was determined that there was a definite need because of the effects of the disaster.

Three things would have to be determined before assistance would be granted. First that the public elementary or secondary school facilities had been destroyed or seriously damaged as a result of a major disaster. Second, that the local educational agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other available financial assistance for replacement or restoration of such school facilities. Third, that such agency does not have sufficient funds available from State, local, and other Federal sources or from insurance on such school facilities to provide the minimum school facilities needed for the restoration or replacement of the destroyed facilities.

The Commissioner also would be authorized under Public Law 874 to make disaster grants for current operating expenses to the school districts in a disaster area for a period of up to 5 fiscal years. Here again the effort being made by the local educational agency and available resources would be the basis upon which such grants would be made.

Mr. Chairman, as you know, I am cosponsor with the distinguished chairman of this committee and with more than two dozen other Senators of a comprehensive disaster relief bill. This bill, S. 1861, which was introduced last Friday, includes a section relating to elementary and secondary schools and this section was patterned after the bill now before this committee.

It is regrettable that either S. 1861 or S. 289 had to be introduced, but unfortunately the recent floods and tornadoes in the Midwest

and the earthquake last Thursday in the Pacific Northwest demonstrate again that there is a need just for such legislation.

Natural disasters have a way of leaving their mark and unless someone acts swiftly the damage can become even greater. Never is this more true than when an elementary or secondary school is damaged or destroyed. Education and schools are and have long been the keystone to the progress of this great country. Consequently, it is imperative that we never let our educational system deteriorate. This bill seeks to make sure that natural disasters don't stop our continuing process of education.

The standby authority that would be provided by S. 289 would give the Federal Government an effective tool to meet the needs of our schools and schoolchildren in the event of a natural disaster. We now have built a strong dike to aid disaster victims. This bill would make the dike even stronger. This bill would keep our school system functioning after a natural disaster. I hope that this committee will recommend S. 289 for passage.

Senator RANDOLPH. We will also include a statement by Oscar V. Rose, superintendent of schools, Midwest City, Okla.

(The prepared statement of Mr. Rose follows:)

PREPARED STATEMENT OF OSCAR V. ROSE, SUPERINTENDENT OF SCHOOLS,  
MIDWEST CITY, OKLA.

Mr. Chairman and members of the subcommittee, on July 29, 1964, I presented testimony before this subcommittee in connection with S. 2825 and S. 2725 which is a matter of record in your office. However, since you are presently considering S. 289 which proposes to modify Public Law 874 and Public Law 815 to provide assistance in both operational funds and the construction of school facilities where the need results from a disaster, I should like to update my testimony favoring immediate action in order that this unusual need may be met.

Americans have always had compassion and concern for the general welfare of their people as well as the people of other lands. Especially is this true in the case of such disasters as the earthquakes in Alaska and Seattle and the floods in Montana and currently being experienced in the Mississippi River Valley as well as other disasters of less proportions. S. 249 proposes an orderly plan for all citizens to assist school districts affected and insure the continued operation of schools in such disaster areas as determined by the President. Certainly, we can do no less for our neighbors. The Federal Government is the only entity through which this can be accomplished.

As one who has been active in the continuance of Public Laws 874 and 815 throughout the past 15 years, I am more than pleased that they might now provide a vehicle through which this additional Federal responsibility may be met in an orderly and equitable manner. I believe the Members of Congress have great confidence in the general administration of these two laws and that extension should be readily accepted by both Houses of the Congress. Thus, I fully approve their expansion in this regard.

I would, however, suggest that the language of the report on this expansion fully recognize and support the need for an additional supplemental appropriation to take the place of whatever funds are found to be necessary in meeting this new emergency need. It is my understanding that the present appropriations were made only to meet the normal Federal impact area need and thus would be inadequate to meet this additional need. Thus, deficits would be created in both the operation and construction budgets of the federally impacted area school districts without additional appropriations.

I plan to send a similar statement to the House Education Subcommittee when it considers similar legislation and trust that both bodies may take immediate action on this legislation in order that schools affected by disasters may have some means of continuing their educational programs.

Senator RANDOLPH. At this point in the record I will insert statements and various correspondence the subcommittee has received.

(The material referred to above follows:)

**STATEMENT OF HON. EDWARD V. LONG, A U.S. SENATOR  
FROM THE STATE OF MISSOURI**

Mr. Chairman, I appreciate the opportunity to submit a brief statement in support of S. 289, a bill to provide disaster relief for schools damaged or destroyed by natural disaster. Certainly we cannot fail to comprehend the destructive power of the rampant forces of Nature. At this time, floods are still ravaging the Midwest, the upper Midwest and other areas have been struck by a series of tornadoes, and earthquakes have occurred in the Northwest. These unfortunate incidents of natural catastrophe with which we have all become familiar, either in person or through our news media, attest to the urgent need for measures with which to deal effectively with natural disaster. I can never forget the savage destruction to homes and businesses and schools caused in the suburbs of Kansas City by the tornadoes of 1957. I will long remember the fury of the Mississippi as it gnawed at the dikes of Hannibal, Mo., and Quincy, Ill., last week. Nor does Nature discriminate among her victims. Our schools are not inviolate from the raging waters which carry away books and desks, gut and wreck classrooms, and undermine foundations.

Congress has provided on other occasions for disaster programs that can spring into action instantly to aid the homeowner to begin the restoration of his home, and the businessman to reopen his store. Certainly all of us would agree that the reconstruction of our schools and the resumption of normal classroom activity are no less important. Unfortunately, we are able neither to foresee the occurrence of natural disaster, nor to prevent its happening. School boards and other public groups do not plan annual budgets in anticipation of natural disaster—indeed in most cases current expenditures for normal operating costs tax the strength of local school systems. If we are to avoid a complete breakdown in education as a result of disaster, then we must put the great power of all the American people into the disaster-ravaged areas to replace books and equipment, and restore buildings. This is entirely proper, because our whole spirit as a Federal Union is predicated upon the proposition that regional tragedy is national tragedy.

We have already at hand an experienced and highly effective working program of assistance to local school districts through which disaster assistance could be swiftly and efficiently channeled to areas of need. I refer, of course, to the program of Federal aid to the "impacted areas," under the authority of Public Laws 815 and 874. The personnel of the Department of Education, who by cooperating with local school districts in the distribution of impacted areas assistance have become familiar with local school district conditions and needs, could be used to administer programs of disaster assistance in areas designated as such by the Office of Emergency Planning.

S. 289 would provide a coordinated plan of Federal assistance to aid school districts affected by disaster through the "impacted areas" program which would insure the continued operation of the schools in such areas. The bill would amend Public Laws 815 and 874 to provide standby authority to the Commissioner of Education to provide emergency assistance to public school systems in disaster areas for reconstruction and return to normal activity. Funds would be made immediately available from previous impacted areas appro-

priations to be used for the repair, restoration, or rebuilding of public elementary and secondary schools. Grants would be made for replacement of supplies, equipment, and other instructional material. Under the authority granted by this act, the Commissioner of Education could use funds appropriated from the impacted areas program which would then be replaced through supplemental appropriations. Such a funding program would be more efficient than a general appropriation for disaster programs, since it would operate on the basis of realized rather than anticipated need.

Recently, Congress enacted, and the President signed into law, a measure which I believe will go down in history as the most significant and far-reaching step ever taken by a government to insure equal educational opportunity to its citizens. I consider S. 289 a logical correlative of the Elementary and Secondary Education Act of 1965. The latter provides a massive nationwide program of assistance to insure the adequate education of all our youth. The former, S. 289, provides a specific program of assistance based on definite need to safeguard against the interruption of that education caused by natural catastrophe.

Mr. Chairman, I was honored to have been a cosponsor of the Elementary and Secondary Education Act. I am proud to be a cosponsor of S. 289 as well. The need is urgent, and demands swift action. I hope that this subcommittee will report and recommend this bill to the full committee and then to the Senate as soon as possible, so that Congress can enact it quickly, and the President can sign it into law in the near future.

Thank you.

---

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
May 11, 1965.

HON. WAYNE MORSE,  
*Chairman, Subcommittee on Education, Committee on Labor and Public Welfare,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR MORSE: Enclosed is a statement I have written in support of S. 289, the bill to provide emergency authority in the Office of Education so that the Commissioner may assist school systems in disaster areas. I should very much appreciate your making it a portion of the record of the hearings.

With highest regards, I am,  
Sincerely yours,

E. L. BARTLETT.

#### STATEMENT OF HON. E. L. BARTLETT, A U.S. SENATOR FROM THE STATE OF ALASKA

I appreciate very much the opportunity you have given me to make a statement in behalf of S. 289. This bill would give the Commissioner of Education authority to move rapidly when a natural disaster strikes a community to insure the continuity of high quality education.

As the Congress is well aware, the earthquake which struck Alaska on Good Friday of 1964 wreaked an incredible toll in damage to Alaska's public facilities. It is estimated that approximately 50 percent of the income-producing businesses in Alaska were damaged extensively or totally destroyed. Alaska's schools, particularly in Anchorage, suffered severe damage and the grade school and one high

school were made totally unusable for the remainder of the year and, as a matter of fact, have still not been fully restored.

The schools in the Anchorage area were closed for about a week. Then, with many adjustments, all of the students remaining in that area were placed in the usable schools and these children's education was allowed to continue. Many students from the Valdez area, a town which was almost completely wiped out, were transferred to the public schools at Fairbanks and Juneau. Some of the smaller communities, such as Chenega and Old Harbor, were completely wiped out and the children in those communities, of course, had to be transferred to other communities so that they could continue their education.

Congress acted speedily and generously in approving the amendments to the Alaska Omnibus Act to provide emergency aid to the State. Among those amendments was provision for a grant of \$23.5 billion to replace the funds estimated to be lost in revenue to the State so that State services could continue. Originally, the President had requested \$22.5 million but this figure was raised by an additional million simply to cover expenses of the Anchorage Independent School District which could not have been paid for because of the loss of revenue. In Alaska, by the way, schools rely on property taxes for their support and in the Anchorage area so much valuable property has been damaged that the school district estimated its loss at \$1 million.

Had it not been for Congressional generosity in this emergency situation, Alaska would be only a short distance down the road to recovery. Alaska was particularly hard hit, but, in the last year and a half or 2 years, many other areas throughout the United States have suffered severe damage from natural disasters and even at this time we are receiving daily reports of extensive flood and tornado damage in the Midwest. Of all vital services communities can render its citizens, education is the most important.

I strongly support this measure, and I urge its speedy enactment. Alaska's situation was unique, but I do not feel that we should wait for each natural disaster to occur before taking special action. We should have a basic framework of legislation to enable the many agencies in the Federal Government to move immediately and effectively in helping to restore damaged areas. The authority which this bill would give to the Commissioner of Education is very important, perhaps one of the most important delegations of authority we can make. A year lost in a child's education can rarely be made up. A year of poor quality education is little better than none at all.

In any severely damaged area, the recovery effort must continue for well over 1 year. In Alaska's case the recovery effort could very well extend over a period of 5 years. I believe it is very important that the Commissioner of Education be permitted to offer a continuity of support to the educational system in the disaster area. Reconstruction of damaged facilities is only half the battle. The real struggle is to insure that educational standards are preserved and carried forward. It is in this area that S. 289 will have greatest effect.

Mr. Chairman, I should like to make one suggestion as to this bill. The preservation of good quality education is so important to any community which suffers even minor damage from natural causes, insufficient to permit the declaration of a natural disaster area, that some

authority should be given to the Commissioner of Education to permit him to lend assistance in such a case. A recent example of the kind of a situation which I have in mind is the earthquake which occurred in the Seattle, Wash., area approximately 2 weeks ago. This was not a severe earthquake, but it did cause some damage to Seattle schools, particularly in the west Seattle area. Replacement of these facilities will cause a sharp drain on the financial structure of the Seattle school system. There is every likelihood that many programs carried on by Seattle schools will suffer in order to make up the amount of money necessary to restore the damaged school buildings. I would like to suggest to the committee that it include a provision within S. 289 which would permit the Commissioner of Education to give assistance to school systems which find themselves in situations such as we now have in Seattle.

Mr. Chairman, S. 289 is a very important measure and I commend you for having undertaken the leadership on it. I urge most strongly that the Congress pass it immediately. The education of our youth is far too important to be left to the kind of emergency assistance—great though it was—contained in the amendments to the Alaska Omnibus Act. Permanent authority such as contained in this bill should be given to the Commissioner of Education so that no time is lost by having to seek special assistance for every area struck by natural disaster.

---

**STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM  
THE STATE OF INDIANA**

Mr. Chairman, on Palm Sunday, April 11, 1965, vicious tornadoes swept through five Midwestern States. Great loss of life, serious personal injuries, and hundreds of millions of dollars in property damages were incurred in Illinois, Indiana, Wisconsin, Michigan, and Ohio.

Shortly thereafter massive floods, first inundating areas surrounding the headwater tributaries of the Mississippi River, moved down that great waterway to wreak devastation and havoc in Minnesota, Wisconsin, Iowa, Illinois, and Missouri. Only last Thursday an earthquake brought extensive damage to settled parts of the State of Washington.

This series of natural disasters was but the culmination of a year which will be long remembered for its almost unequalled destruction. Some 12 months earlier the State of Alaska suffered tremendous loss from a severe earthquake. Last winter flooding in our Western States exacted a very heavy toll.

These recent outbursts of nature, unexpected and tragic as they are, are neither isolated nor unique events. Similar disasters have occurred before and will, no doubt, continue to plague our fellow citizens in the future. It is not only proper but also essential that the Nation come to the aid of the unfortunate victims of these major calamities.

Mr. Chairman, shortly after tornadoes ravaged my home State 3 weeks ago, I had the opportunity to tour in person those sections which had been most seriously affected. It is difficult to imagine, without first viewing it, the devilish destruction which these storms

had wrought. Homes, schools, churches, hospitals, and other buildings were smashed flat, splintered in small pieces, and widely scattered.

No scene from "Dante's Inferno" could be much worse.

After a series of conferences with colleagues from the Midwestern States, it was agreed that new legislation would be needed to bring substantial relief in the wake of the disastrous floods and tornadoes. Consequently, with the cosponsorship of 27 other Senators, I introduced S. 1861 last Friday, April 30, for this purpose.

Our investigations had revealed that, despite the fact that Federal law does permit some Federal assistance to be rendered to schools following major disasters, additional legislation would be desirable. A careful examination of the provisions of S. 289, and of its predecessor, S. 2725 of the 88th Congress, both of which were authored by the distinguished chairman of this subcommittee, led us to believe that these features should be incorporated in any comprehensive measure for assistance in disaster areas. After consulting staff counsel, section 10 of S. 1861 was framed in terms very similar to and basically adapted from these two earlier bills introduced by the chairman. Let me at this point commend the chairman for his pioneering efforts in this field and pay tribute to his long leadership in educational matters. By including his principles in the comprehensive disaster relief bill, we hopefully will rally support for both measures.

S. 289 would provide assistance for school construction and repair and for current school operations in major disaster areas. This would be accomplished by amendments to the basic law vesting power in the Commissioner of Education to make grants to schools for these purposes. To be eligible for such assistance, however, a local educational agency must not only suffer severe damage in a declared major disaster area, the Governor of the State in which it is located must also certify that reasonable efforts have been made to provide for the restoration of minimum school facilities through local, State, and other available funds or tax resources.

Additional safeguards which circumscribe these grants are provided in the bill. No grant for facilities may be in excess of the cost of construction or restoration, less any amount which may be realized from insurance or be received from other sources. Applications for aid must be submitted through the proper State educational agency and projects cannot be approved unless they are consistent with overall State educational plans. Assistance to schools for current operational expenses, which is limited to a 5-year period, cannot be greater than necessary to provide a level of education equivalent to that which prevailed before the disaster. These latter grants, if continued for the third, fourth, and fifth years, would be limited to 75, 50, and 25 percent, respectively, of the amount contributed during the first year.

There can be no doubt that S. 289, if adopted, would be helpful to the many schools which suffer losses in national disasters. Although the total record is not yet in, it would appear that educational facilities have been hard hit in many places by recent tornadoes and floods. For instance, yesterday the Indiana State superintendent of public instruction reported to me the following estimates of school damage in my State: Kokomo, approximately \$1 million; Greentown, over \$1 million; Marion, approximately \$250,000; Russiaville, total destruction of an older 12-room school; Rossville, \$60,000; Elkhart (Concord Township), \$10,000; Lakeville, new school under construction demolished; Alto, 8-room school destroyed. Fortunately, in some of these cases insurance will cover a sizable portion of the loss, but others will require outside assistance.

Mr. Chairman, permanent legislation of the type proposed by S. 289 is necessary to assure prompt, effective aid to schools which may be damaged or destroyed in major disaster areas. Although the Office of Emergency Planning now has some responsibility in providing such assistance, it seems more logical and consistent to assign this task to the U.S. Office of Education. More than temporary, emergency action is required in restoring educational facilities. I believe that S. 289 would establish sound guidelines for long-range rehabilitation of schools in disaster areas and urge favorable consideration be given this bill.

---

**STATEMENT OF HON. WARREN G. MAGNUSON, A U.S. SENATOR  
FROM THE STATE OF WASHINGTON**

Mr. Chairman, after your hearing on the above bill on May 4, I contacted Mr. Louis Bruno, State superintendent of public instruction, Olympia, Wash., in regard to damage caused to Washington State schools by the earthquake which occurred on April 29 in the Pacific Northwest.

Damage in western Washington, where the earthquake was most severe has been estimated to amount to between \$5 and \$7 million. Many school buildings suffered damage and will require extensive repairs—some must be entirely rebuilt.

The attached report was prepared for the Washington State Legislature and for the Governor. Our situation in Washington State emphasizes the great and continuing need for the enactment of S. 289, the bill which is presently before your subcommittee for action.

**PRELIMINARY REPORT ON EARTHQUAKE DAMAGE TO SCHOOLS, STATE OF  
WASHINGTON, MAY 3, 1965**

A very quick and incomplete survey of earthquake damage has brought forth the following information:

*Pierce County*

White River Junior High School will require extensive repairs. No cost estimate available.

In addition, we have had reports on damage in Puyallup and Tacoma. We believe that as our survey continues and school districts complete inspections that the amount in Pierce County would be higher.

*Snohomish County*

Monroe Elementary School, estimated loss is \$200,000; Edmonds Junior High School, estimated loss is \$5,000; Marysville, large building, extensive repairs needed, estimated cost is \$490,000; Sultan High School, estimated repairs, \$20,000; Monroe High School: It is possible that this building may have to be abandoned. However, estimated cost of repairs is \$400,000. There was extensive damage to this building.

We do not have a complete survey for Snohomish County.

*King County*

Issaquah: Three-story junior high and two-story senior high both have extensive damage. Major repairs will be needed. No estimated cost figure yet available.

Seattle: Estimate total loss somewhere between \$1,250,000 and \$1,500,000. List follows:

West Seattle High School, estimated repairs \$600,000.

Alki Elementary School must be replaced.

Queen Anne High School, damage at \$50,000 to \$75,000.

Madison Junior High, damage at \$50,000 to \$75,000.

There are other losses in elementary schools involving badly cracked walls and chimney replacements: Broadview Elementary School, Coleman Elementary School, Gatewood Elementary School, Hawthorne Elementary School, and Leschi Elementary School.

The total cost estimate of the above repairs as a result of earthquake damage totals approximately \$1,115,000 for Snohomish County. Total figures are not yet available for Pierce County, but an estimate of \$500,000 would be on the conservative side. King County, including Seattle and Issaquah, a figure of approximately \$4 million would be on the conservative side.

Our estimate of earthquake damage will total approximately \$5 million. This is a conservative figure and the final tally may bring it closer to \$7 million.

Respectfully submitted.

LOUIS BRUNO,

*State Superintendent of Public Instruction.*

### STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

I am grateful for the opportunity to express my support of S. 289, which would add standby disaster authority to the powers exercised by the commissioner of education under Public Law 815 and Public Law 874, the impacted areas program. At the outset, I wish to say that I believe this measure is carefully drafted, containing safeguards against abuse. It is wholly in the tradition of a Government which is designed to aid the people when the people cannot provide such aid themselves as individuals or in local groups.

Highly destructive floods in the Pacific Northwest in December of 1964 and January of 1965 prompted me to call for a National Disaster Act so that the resources of the Federal Government could be efficiently and rapidly utilized to cope with the chaos resulting from floods, fires, earthquakes, tornadoes, hurricanes, or any other national disaster. A number of Senators joined with me in urging the President to study the possibility of such legislation. Since that time, a bill providing for a National Disaster Act has been introduced in the Senate.

Our experience in the Pacific Northwest this winter, like the aftermath of the Alaskan earthquake last spring, and the floods in the Mississippi River Valley in recent weeks, demonstrated the grave need for both the authority and the machinery for rapid relief. The Nation has met the demands of housing and feeding homeless families, restoring roads and communications networks and other public utilities, in a remarkable way.

Senator Morse, you have proposed in S. 289 that we face a further responsibility. Our responsibility to the Nation's boys and girls is a serious one which has sometimes been sadly overlooked. What more important investment do we make that in the time, quality, and temper of our education? The educational foundations of our society must not be impaired or retarded, for a loss in education is the most crucial and costly loss a man and his society can suffer. If textbooks have been swirled away by flood waters, if laboratory facilities have been demolished by upheavals in the earth, or if entire schools and communities have been engulfed by fire, the educational loss to individuals and in turn to the Nation is a staggering loss.

The legislation now being considered seeks to provide for the resumption of normal educational activity in localities where the world of family, community, and school have been temporarily and suddenly turned upside down or wiped out altogether. As one who has seen the ravages of natural disaster, I want government, at all levels, to seek ways to rapidly ease the restoration process. The

importance of this bill is that it seeks to minimize the break in educational activity in communities hit by natural disaster. This bill encourages rapid action in situations where time is of the essence. Thus, I sincerely endorse S. 289 as an extension of Federal service where Federal service is needed most, and at a time when localities are least able to confront grave difficulties.

---

PREPARED STATEMENT OF FRANCIS KEPPEL, COMMISSIONER OF EDUCATION

Mr. Chairman and members of the Subcommittee on Education, may I first express my appreciation to you for the efficient manner in which you proceeded in your consideration of the Elementary and Secondary Education Act of 1965. The excellent committee report on that bill, which was the product of the deliberations of this subcommittee and the full committee, is a highly important part of the legislative history of this new legislation. The Senate report is a classic example of how legislative proposals can be improved in committee.

I wish to thank you for the opportunity to appear here today and discuss with you the legislation introduced by the distinguished chairman of this subcommittee to assist schools destroyed or damaged by disasters. Unfortunately the rampages of nature have been much in evidence lately, and schools have not been exempt from destruction.

S. 289 would amend Public Laws 815 and 874 to give permanent standby authority to the Commissioner of Education to provide Federal assistance to public school systems in disaster areas. Under this bill the Commissioner would be empowered, upon a finding by the President that a major disaster has occurred, immediately to make available funds which have been previously appropriated in order to repair, restore, or rebuild public elementary and secondary schools seriously damaged by a major disaster. In addition, the legislation would authorize grants for current operating expenses of such schools on a reducing basis over a 5-year period to enable the affected school district to continue its educational program. Grants could also be made for the purchase of supplies, instructional materials, and equipment so that normal school operations can be resumed.

The amount of any Federal grant for school construction could not exceed the difference between the amount of funds reasonably available to the local educational agency from all other sources and the full cost of restoring or replacing the damaged facilities. The amount of any grant for operating expenses could not exceed the difference between the amount of funds reasonably available to the local educational agency from other sources and the cost of providing a level of education equal to that maintained in the schools during the last full year prior to the disaster. Amounts provided during the last 3 years of the 5-year period for operating expenses would be 75, 50, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster. The authority to provide funds immediately after a disaster to replace supplies, equipment, and materials that were destroyed, including cafeteria facilities, will make it possible to begin school in areas affected by major disasters with a minimum of delay.

The bill authorizes the Commissioner to use funds from appropriations previously made to carry out the purposes of Public Laws 815 and 874 for disaster relief and to request replacement of those funds through supplemental appropriations. This provision will expedite the availability of funds urgently needed for disaster relief.

Almost every year some type of major disaster strikes some area in the United States. Several years ago there was major earthquake damage in Montana. Last year, as you all recall, there was a major catastrophe in Alaska caused by earthquakes. Currently, we are hearing of the extensive damage caused by flooding of areas in Minnesota, Wisconsin, Iowa, Illinois, and Missouri. Several weeks ago major disasters by hurricanes and wind damage caused severe damage in Indiana and other areas in the Midwest. Every year some areas in the country are damaged by flooding of some of our major rivers. Just recently a severe earthquake caused extensive damage in Seattle, Wash., Oregon, and other areas of the Northwest.

In most of these natural disasters there is damage to public schools requiring rebuilding or extensive repairs. In addition, these disasters—particularly flooding and hurricanes—often destroy the supplies, equipment, and teaching materials

used in the everyday instruction of the students. Ordinarily, when these disasters occur, school district budgets have already been established for the year, and seldom are emergency funds available that can be used to put these facilities back into operation without extensive delays.

The Office of Emergency Planning now has authority not only to coordinate efforts of the various Federal agencies to repair damage caused by natural disasters but also to use emergency funds to assist local educational agencies in repair and cleanup operations and to provide temporary school facilities where the permanent facilities are destroyed. The Office of Emergency Planning first determines what can be done under the existing authority of the various Federal agencies to assist in the repair of damage to public facilities. The Bureau of Public Roads, for example, has emergency authority to repair public roads that are damaged by floods and earthquakes. The Office of Education does not have any authority of its own to go in and provide emergency disaster help to schools.

As the subcommittee well knows, under the authority of Public Laws 815 and 874 the Office of Education administers a program of Federal assistance for current operating expenses and for construction of school facilities in federally impacted areas. In carrying out the functions of these two acts our Office has a staff of 66 people in 9 field offices who visit the federally impacted areas school districts and work with local educational agencies in determining the capacity of their existing school facilities, the need for additional facilities, and the number of federally connected children in their districts each year. In performing these functions members of our staff work in cooperation with State departments of education.

The pattern of administration of the disaster program as proposed in S. 289 would closely follow the pattern already in effect for the "impacted areas" program. Thus, this legislation would not add materially to the administrative costs, and staff members already in the Department's regional offices could be on the scene in the disaster areas with a minimum of delay. Field representatives of the Office of Education now working in the impacted areas program frequently become directly involved in the disaster assistance program upon request of the Office of Emergency Planning. On these occasions they may go to a disaster area, review the damage to public school facilities, give estimates of the cost of temporary or permanent repairs, and make recommendations regarding the type and kinds of teaching supplies and materials that are necessary to resume the educational program as quickly as possible. In fact, field representatives from this program are now giving this type of assistance to other Federal agencies in areas that have suffered major disasters during the current school year.

The provisions of S. 289 contain safeguards to make sure that the State and local communities affected by disasters will bear their full share of the burden, while at the same time assuring that the education of children in the areas struck by disasters will not suffer because of unexpected and severe strains on local government finances. Assistance may not be granted to any area unless the Governor of the State has requested the President to declare the area a disaster area, and the President has made a finding that the area should be declared a major disaster area and that emergency assistance should be provided. The bill contains the further requirement that the educational program be at the same level as was provided in the school district in the year prior to the disaster. In addition, the amount of Federal assistance granted would be the difference between all funds reasonably available to the school district from local and State funds, proceeds from insurance, and other resources, and the cost of repairing and replacing existing school facilities and conducting a normal education program.

Gentlemen, a moment ago, I pointed out that S. 289 would authorize temporary assistance to get the educational program back in operation, up to a maximum of 5 years, and that the amounts granted for the last 3 years of the 5-year period could be 75, 50, and 25 percent, respectively, of the amounts granted to local educational agencies the first year in which the disaster occurred. It is our opinion that this authority to grant funds over the whole 5-year period would be needed only in rare instances, where the disaster is of such magnitude and severity that it seriously affects the ability of the local educational agency to provide adequate operating revenues for a period of years. Generally, emergency assistance to get the schools in operation, and perhaps for 1 additional year, should be sufficient to meet most of the major problems.

S. 289 authorizes the appropriation of such sums as may be necessary for the disaster program authorized by the provisions of the legislation. It is not possible to estimate with any degree of accuracy the amount that would be needed in any year or for any specific disaster because it is obviously unpredictable where

disasters will occur, how many school facilities will be affected, the extent of the damage to these facilities or the resulting cost. Since the bill authorizes the use of funds appropriated for the other provisions of Public Laws 815 and 874 for the purpose of immediately repairing damage, the subsequent request for supplemental appropriations would be based on reasonably complete information of the amounts required for any specific disaster.

It should also be pointed out that while there are usually a dozen or more major disasters occurring each year, the number which would require expenditure of Federal assistance is never large and consequently the cost of this program each year can be expected to be small.

It has been Federal policy for the past 15 years—since the enactment of the Federal Disaster Relief Act in 1950—to provide emergency assistance in case of severe disasters; and it is apparent that in a number of cases there would have been serious interruptions in local school operations if this emergency assistance had not been available. I have previously pointed to the involvement of our field staff in assisting local schools both to construct and operate schools in “impacted areas.”

However, schools are not the only community facilities ravaged by natural disasters; hospitals, water and sewage facilities, and roads can be the casualties of flood and earthquakes and storm. The executive branch is now reviewing the Federal Disaster Relief Act of 1950 and the outcome of such a study may well be an improved overall approach to the problems created for communities in disaster areas. Accordingly, the Department of Health, Education, and Welfare recommends that the authority contained in this legislation be limited to a period of 2 years. Pending the outcome of the comprehensive review, we feel that it would be appropriate for the Office of Education to have direct standby authority to provide assistance for educational facilities and programs in major disaster areas and we feel that the “impacted areas” program under Public Laws 815 and 874 is an appropriate vehicle for this assistance.

I commend the subcommittee again for its continuing strong leadership in the strengthening of American education at all levels and assure you of the administration's wish to assist the subcommittee in every way in this mutual responsibility.

---

PREPARED STATEMENT OF FRANKLIN B. DRYDEN, DEPUTY DIRECTOR, OFFICE OF EMERGENCY PLANNING

Mr. Chairman and members of the subcommittee, it is a pleasure to appear before you this morning to testify in relation to S. 289, a bill to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster.

Section 1 of S. 289 provides that, in areas affected by a major disaster as declared by the President under Public Law 81-875, the Commissioner of Education may make funds available for the reconstruction of public elementary and secondary schools provided that certain criteria are met. One of the criteria in question is the availability of other Federal funds to reconstruct schools damaged in such major disasters. Public Law 81-875, which the Office of Emergency Planning administers for the President, provides Federal funds to make emergency repairs and replacement of essential public facilities in areas affected by disasters which the President has declared to be “major disasters.” Schools are considered to be essential public facilities within the meaning of the act and, therefore, in all such cases Federal funds for the repair or replacement of damaged or destroyed schools are made available on a grant basis. Under our regulations, the school facilities are made safe and usable.

Public Law 81-875, the Federal Disaster Act, is of course an emergency program and the regulations to implement that act provide for expeditious repair and replacement. In order to facilitate these objectives the regulations provide for an advance of funds to a project applicant as soon as the project has been approved by the Office of Emergency Planning. Our regulations provide for advances up to 75 percent. I know of no instances, Mr. Chairman, where this program has been unable to meet the community needs for damaged or destroyed schools.

With regard to the amendment to Public Law 874 dealing with the maintenance and operation of schools in areas affected by major disasters, we would defer generally to the Department of Health, Education, and Welfare since the programs for which we are responsible do not cover the kind of assistance that would be

provided by new section 10(a). However, I would like to point out that the type of assistance offered by the proposed new section 10(b) is now generally accomplished under Public Law 81-875. Therefore, my previous remarks with respect to section 1 of S. 289 apply also to the proposed new section 10(b).

These remarks are submitted for the subcommittee's consideration. If the subcommittee intends to have S. 289 go beyond the kind of assistance presently available under Public Law 81-875, the Office of Emergency Planning would have no objection to its enactment.

U. S. SENATE,  
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
July 29, 1965.

Hon. WAYNE MORSE,  
*Chairman, Subcommittee on Education,  
Labor and Public Welfare Committee,  
U.S. Senate, Washington, D.C.*

DEAR WAYNE: I am writing to call your attention to a very critical situation involving Public Law 874 entitlements of the Box Elder County School District, and to request subcommittee attention to it when you consider legislation in which it would be appropriate. I understand that the subcommittee has completed consideration of S. 289, which amends Public Laws 815 and 874, and will consider it soon in the full committee. I would hope that an amendment to relieve the Box Elder County situation could be incorporated in that bill.

Briefly, what has happened is this. The school district has been asked to pay back some \$228,819.29 of Public Law 874 funds allocated to it by the U.S. Office of Education, and spent in good faith. As a result of a State law declared valid by the courts, the district received privilege taxes paid by the Thiokol Chemical Corp., covering the same period. But it is impossible for the district to pay back Public Law 874 funds and still carry its present educational load.

To understand the situation fully, it is necessary to repeat some history. From the inception of Public Law 874, the Box Elder School District has been eligible for assistance, primarily through pupils whose parents are employed at Hill Air Force Base and Utah Defense Depot in nearby Ogden, or because of the Intermountain Indian School which is located in Brigham City.

During the 1959-60 school year, the Wasatch division of the Thiokol Chemical Corp., which had received a number of Air Force missile production contracts, was declared federally connected to the extent that the school district could count pupils whose parents were employed at Thiokol on a commingled basis. The commingle percentage rose to almost 17 percent by 1963. The school district had a difficult time providing for its rapidly expanding school population, but by using temporary buildings, building new ones, going into double sessions in some schools, and hiring extra teachers, they were able to meet the demands put on them by the extra pupils.

In 1964, however, work rapidly declined at Thiokol. As people moved away from Brigham City, the school district found itself with too many employees, with empty classrooms not paid for, and with other numerous problems. Moreover, the city of Brigham had bonded for water and sewer improvement so local taxes were up.

It was during this difficult readjustment period that the district received the shattering news from the U.S. Office of Education that over a period of several years there had been a Public Law 874 overpayment amounting to \$228,819.29 from Thiokol privilege taxes, and that this sum would have to be repaid.

It would work a great hardship on the Box Elder County School District to pay back over \$200,000 which has already been spent. Even if the money is returned on an installment basis by withholding current entitlements, as proposed by the Office of Education, it will cause serious problems. For one thing, the effect of an installment payback will cost the district some \$80,000 because of State-sharing arrangements. But of even greater concern is what it will do to the ability of the district to handle its expenses in the coming years.

For example, for the school year 1965-66, the Office of Education proposes to cut the Box Elder County payment from \$200,000 to only \$64,000. This would mean that the district would not have enough money to pay its 400 teachers and other professional employees the salaries authorized by the 1965 session of the Utah State Legislature. As soon as the teachers became cognizant of this situation they voted to postpone signing contract agreements until the middle of August. So, at the present, the district has no teacher contracts for next year.

Other equally unsolvable problems loom on the horizon if some solution cannot be found. Obviously a school district cannot take such a large cut in its resources without many repercussions.

Box Elder County school officials say that adjustment would not be as difficult if the school were losing a proportionate number of federally connected pupils. But because of the 10-percent comingle percentage factor, only about 1 out of 10 of their pupils have had parents working at Thiokol Chemical Corp. The bulk of their entitlements comes from other installations whose employment is fairly stable. Therefore, federally connected pupils have not decreased in proportion to the decrease in Public Law 874 funds.

I understand that similar circumstances have arisen in other school districts throughout the country, and it seems to me that legislative action should be taken to clear them up.

In my opinion, therefore, Public Law 874 should be amended to remove any provision which could require repayment of funds already paid to a school district because it later received privilege taxes paid by a private corporation.

I am attaching a possible amendment to S. 289 for subcommittee consideration. I will appreciate anything you can do on this.

Sincerely,

FRANK E. MOSS.

AMENDMENT TO S. 289

Viz: At the proper place in the bill insert the following subsection:

( ) (1) Section 3(e) of the Act of September 30, 1950, as amended (20 U.S.C. 238(e)), is amended to read as follows:

“DEDUCTION OF CERTAIN FEDERAL CONTRIBUTIONS

“(e) In determining the total amount which a local educational agency is entitled to receive under this section (other than subsection (c)(4) of this section) for a fiscal year, the Commissioner shall deduct such amount as he determines to be the value of transportation and of custodial and other maintenance services furnished such agency by the Federal Government during such year.”

(2) The amendment made by this subsection shall be effective as of December 31, 1961.

COMMENTS RECEIVED RELATIVE TO PROBLEM RAISED BY SENATOR MOSS

DEDUCTION FROM GROSS ENTITLEMENTS UNDER PUBLIC LAW 874 OF FEDERAL PAYMENTS AND TAXES PAID WITH RESPECT TO FEDERAL PROPERTY

Public Law 874 requires that the Commissioner shall deduct from the gross entitlement computed for a school district for any year the taxes and “other Federal payments” received by that school district on account of Federal property and actually available for current operating expenses of schools. This provision generally is considered to be just an equitable, however, it has a number of ramifications some of which are inequitable and all of which are extremely difficult to administer.

If a school district receives “other Federal payments” on account of Federal property the deduction from gross entitlements is limited to the amount of entitlement computed for the school district with respect to the Federal property from which the shared-revenue payments were received. If a school district receives taxes from improvements or leaseholds interest on Federal property all such taxes must be deducted from gross entitlements regardless of the amount of entitlement computed for that district with respect to the Federal property which gave rise to the taxes. In other words, taxpayments and shared-revenue payments, both made with respect to Federal property, are treated differently in making the deduction.

This requirement is found in subsection 3(e) of Public Law 874 which is as follows:

“In determining the total amount which a local educational agency is entitled to receive under this section (other than subsection (c)(4) thereof) for a fiscal year, the Commissioner shall deduct (1) such amount as he determines such agency derived from other Federal payments (as defined in section 2(b)(1)) and actually had available in such year for current expenditures (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), and (2) such amount as he determines to be the value of transportation and of custodial and other maintenance services furnished such agency by the Federal Government during such year."

The task of determining the amount of taxes or shared revenue paid with respect to Federal property actually available for current operating expenses of schools is extremely difficult and complicated, is time consuming, and is expensive. Taxes are paid on improvements constructed on Federal property such as national forests, etc. Taxes are levied on oil produced from land underlying Federal property. Sometimes taxes are levied on these Federal properties by local school districts and counties and are then allocated to local school districts on some equalization basis. Some of these districts are and some are not applicants under Public Law 874. Some of the shared-revenue payments and tax-payments received by school districts are as little as \$10 a year or as much as several hundred thousand dollars a year.

There appears to be no justification for deducting on one basis for shared-revenue payments and on an entirely different basis for taxpayments. The basis on which shared-revenue payments are deducted appears to be fair, reasonable, and consistent with the purpose and intent of Public Law 874.

AGUDATH ISRAEL OF AMERICA,  
New York, N.Y., June 28, 1965.

Hon. WAYNE MORSE,  
Chairman, Subcommittee on Education,  
Committee on Labor and Public Welfare,  
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Our organization, which has been concerned with educational problems for over four decades, wants to enter into the record specific observations regarding S. 289, which you are sponsoring, and which amends Public Law 815 and 874.

We appreciate the concern that S. 289 expresses for the educational continuity of schoolchildren when natural disaster strikes their schools. However, we are deeply convinced that the assistance of the Federal Government to disaster areas for educational purposes should include all schools, public and religiously oriented.

The consensus of the American public, as expressed in the recently enacted elementary and secondary education aid law, indicates a new awareness that the needs of children attending religiously oriented schools cannot be ignored. In this same spirit, any legislation which tackles the problems of schoolchildren whose schools have been rendered unusable by disaster, should benefit equally all the schoolchildren, without discrimination as to the type of school involved.

The types of benefits that could be immediately rendered to the religiously oriented schools struck by disaster are already outlined in the above-mentioned Morse-Perkins Act. Furthermore, since these situations are of an emergency nature beyond the control of any human being, the benefits under such circumstances could be extended to the reconstruction or repair of the private school buildings, in the full spirit of the Government's desire to help disaster-stricken areas quickly resume normal life.

We are relating to unusual circumstances which cannot be measured in usual terms. At such times of stress, our primary concern must be to enable all schoolchildren to return to their studies with the greatest possible haste, for the weal of our entire Nation.

With all good wishes to you and your colleagues,

Sincerely,

Rabbi MORRIS SHERER,  
Executive Vice President.

BOARD OF EDUCATION OF THE CITY OF NEW YORK,  
*Brooklyn, N.Y., May 13, 1965.*

HON. WAYNE MORSE,  
*Senate Office Building,  
 Washington, D.C.*

DEAR SENATOR MORSE: May I indicate the support of the New York City school system for the measure you recently introduced, S. 289, which would provide financial assistance in the construction and operation of public schools in areas affected by major disasters.

We believe this is a forward step and a very great benefit to public school systems throughout the country. We would urge the passage of this bill.

Sincerely,

BERNARD E. DONOVAN,  
*Acting Superintendent of Schools.*

---

ST. MARY'S CATHEDRAL SCHOOL,  
*Galveston, Tex., June 3, 1965.*

Senator WAYNE MORSE,  
*Senate of the United States,  
 Washington, D.C.*

DEAR SIR: Regarding Senate bill S. 289, which will provide aid to public schools in times of natural disaster, we have found that in the Hurricane Carla our need for immediate aid was as great if not greater than that of any public school. The entire school building was destroyed by a tornado which followed the hurricane. During the school year 1962-63 the children of St. Mary's school were forced to take up classes in temporary quarters until a new school could be built. Surely some type of aid could be provided for private as well as public schools at a time such as this. Please give this problem careful consideration as you present this bill to the Senate.

Sincerely,

Sr. GEORGE MARIE, O.P., *Principal.*

---

NATIONAL EDUCATION ASSOCIATION,  
*Washington, D.C., May 17, 1965.*

HON. WAYNE MORSE,  
*Senate Office Building,  
 Washington, D.C.*

DEAR SENATOR MORSE: I am enclosing herewith a statement by Dr. Lois Edinger on behalf of the National Education Association in support of S. 289.

You can be assured of our full support for this program. Please feel free to call upon us.

Sincerely,

JOHN M. LUMLEY,  
*Director, Division of Federal Relations.*

PREPARED STATEMENT OF DR. LOIS EDINGER, PRESIDENT, NATIONAL EDUCATION ASSOCIATION

The National Education Association enthusiastically supports S. 289 and urges its immediate enactment. The introduction of this proposal by the distinguished chairman and members of this subcommittee and others is further evidence of the dedicated and meticulous efforts of these Senators in support of public schools.

Following the tragic 1964 earthquake in Alaska, the resultant tidal wave damage to other coastal areas, and the severe 1964 floods in Montana, Senator Morse and others introduced S. 2725 in the 88th Congress. At the 1964 convention of the National Education Association, the delegates unanimously adopted the following resolution:

"24—DISASTER AID TO PUBLIC SCHOOLS

"The recent earthquake in Alaska not only destroyed public school buildings in many districts but also destroyed a considerable share of the tax base upon which public education in Alaska depends for finance. To alleviate the effects of such calamities, the National Education Association urges the enactment of Federal legislation to provide supplementary financial assistance to States,

commonwealths, and local school districts to enable them to maintain public education in the event of major disaster."

The two 1964 disasters herein noted caused considerable dislocation of the public school tax base in the areas affected. Fortunately, the President and the Congress moved swiftly to provide some effective relief in both these situations. However, had either catastrophe occurred during a period in which Congress was not in session, the interruption of school services would have been even more of a major problem.

S. 289, in proposing to amend Public Law 81-815 and Public Law 81-874 to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster, is a wise measure, and long overdue. At this present time the spring rampages of the Mississippi and its tributaries are causing inestimable damage to schools in the Midwestern States, again underscoring the need for the enactment of S. 289.

Under Public Law 875, the disaster relief act, it has been reasonably possible, in time, to provide for the reconstruction of school physical plant facilities in recent years. However, because of the dependence of public schools for the major proportions of maintenance and operation funds on the local property tax base, which is often totally destroyed, the construction of facilities is not alone the problem. The scope of the Alaska earthquake—and the 1965 floods—clearly indicates that, without the kind of support envisioned in S. 289, the schools in the States affected, whether or not they are directly in the disaster area, will find their operating funds drastically affected.

For example, if the local tax bases of several communities in a given State are destroyed, unless there is aid as provided in S. 289, the State aid formula for the entire State is seriously affected, since the damaged schools will siphon off a larger proportion of State aid than usual—because of the loss of the local tax support—thus creating a problem for all schools in the State by requiring a lowering of school support throughout the entire State.

The proposal in S. 289, of providing through existing laws the machinery to act swiftly, in times of disaster, to restore and preserve the public schools is indeed ingenious. It permits the school officials to deal with the proper Federal agency, the U.S. Office of Education, which already has the skilled personnel to handle the situation with dispatch and the maximum of sound economy.

We urge the enactment of S. 289 and pledge whatever assistance the National Education Association can give in support of this vital legislation.

---

SUPERINTENDENT OF PUBLIC SCHOOLS,  
*Detroit, Mich., May 7, 1965.*

HON. WAYNE MORSE,  
*Chairman, Subcommittee on Education,  
Senate Office Building, Washington, D.C.*

DEAR SENATOR MORSE: I have reviewed the provisions of Senate bill 289 providing financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster. The legislation is directed at an area of concern of many school administrators throughout the country, since the natural and unnatural disasters that occur from time to time often present a situation that has no relief at a local or State level of government.

I would note that the funds would be made available upon the determination of the Commissioner, thus providing immediate relief to school districts affected. The experience that the Office of Education has had in the area of school construction under Public Law 815 and Public Law 874 since 1951 would enable the Commissioner to make the necessary allocations on a realistic basis in terms of cost and need. The 4-year period of adjustment provided under the act would appear to be reasonable. However, the time limits of adjusting to major disasters are difficult to determine.

The qualifying provisions provided under the act are broad enough to limit the application of the bill to the intent of the act without providing administrative obstacles that are so often difficult to comply with in periods of emergency.

The use of Public Law 815 and Public Law 874 funds from the current appropriation certainly provides a source of funds that is readily available. However, the provisions providing for the replacement of the appropriations should be of a higher order, with definite assurance that the basic programs would not be limited in any way.

While I have confined my remarks to the single-purpose provisions of Senate bill 289, I would add that other amendments suggested to Public Law 815 as supplementary construction funds to the Elementary and Secondary Education Act of 1965 are of much concern to many school districts of the Nation. Should these amendments appear in bill form, I would appreciate having copies of them as soon as possible.

May I say in closing that I appreciate the opportunity to comment on this proposed legislation, and I would like you to know that I have always enjoyed appearing before this committee to discuss matters of educational concern.

Sincerely,

S. M. BROWNELL.

---

THE SCHOOL COMMITTEE OF THE CITY OF BOSTON,  
May 3, 1965.

HON. WAYNE MORSE,  
U.S. Senate, Washington, D.C.

DEAR SENATOR: I wish to be recorded in favor of S. 289.

I sincerely hope that this bill will receive favorable action in the Senate.

Sincerely yours,

WILLIAM G. TOBIN,  
Associate Superintendent.

---

LOS ANGELES, CALIF., May 11, 1965.

Senator WAYNE MORSE,  
Chairman, Subcommittee on Education,  
Senate Office Building, Washington, D.C.

We have recently reviewed S. 289 regarding financial assistance for school construction and current school expenditure in major disaster areas.

The Los Angeles city schools as well as other school systems in this area experienced major disaster in an earthquake in March 1933. This disaster provides a case history of considerable significance. We had 676 masonry buildings declared unsafe after the quake. These buildings have been repaired and replaced over the years as quickly as finances permitted. As an example of local effort, our citizens have approved bond issues totaling \$702 million since 1953. However, the limited local financial resources coupled with a growth in student enrollment of approximately 30,000 additional students each year have made it impossible to replace all of these buildings as rapidly as we should. A large part of the funds which we should use to construct additional facilities to house our increased student enrollment will have to be used to repair or replace the remaining pre-1933 masonry buildings. If we could use only the amount of funds allocated for some of these buildings from our last bond issue we could put on regular sessions. Over 27,740 elementary pupils presently on double or half-day sessions. We would still have more than enough money left to eliminate the more than 10,000 half-day sessions expected next year on the high school level. Catastrophes such as these place impossible burdens for school construction on the local community. Such burdens cannot be met, except with the passage of many years, from State and local resources. Many times the local tax base itself is seriously damaged by the disaster. Inadequate educational housing and educational programs are the inevitable result of these major disasters.

School reconstruction financed by S. 289 would be of great assistance to the school districts struck by disaster. I support this bill and urge its early passage.

Sincerely,

JACK P. CROWTHER,  
Superintendent,  
Los Angeles City Schools.

Senator RANDOLPH. The hearing is adjourned.

(Whereupon, at 11:27 a.m., the subcommittee adjourned subject to the call of the Chair.)

○





