

Public Law 382

CHAPTER 868

AN ACT

To amend Public Laws 815 and 874, Eighty-first Congress, which provide for assistance to local educational agencies in areas affected by Federal activities, and for other purposes.

August 12, 1955
[H. R. 7245]

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

Educational
agencies in Fed-
erally affected
areas.

EXTENSION OF PUBLIC LAW 874

SECTION 1. The first sentence of section 2 (a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended by striking out "five succeeding fiscal years" and inserting "six succeeding fiscal years". Sections 3 (a), 3 (c), 4 (a), and 8 (d) of such Act are amended by striking out "1956" wherever appearing therein and inserting "1957". Section 3 (c) (2) (D) of such Act is amended by inserting after "July 1, 1955," the following: "and the succeeding fiscal year,". Section 10 (a) of such Act is amended by striking out "or the succeeding fiscal year" in the first sentence and inserting "or either of the two succeeding fiscal years", and by striking out the second sentence and inserting the following: "Notice of such an election shall be filed with the Secretary of the Interior and with the Commissioner of Education before January 1 of the calendar year in which the fiscal year in question begins."

67 Stat. 530.
20 USC 237.

67 Stat. 530, 531,
532, 536.
20 USC 238, 239,
243.

67 Stat. 536.
20 USC 245.

PAYMENTS UNDER PUBLIC LAW 874 FOR CURRENT INCREASES IN FEDERALLY CONNECTED CHILDREN

SEC. 2. Section 4 (a) (1) of such Act is amended by striking out "at least 5 per centum of the number of all children in average daily attendance at the schools of such agency during the preceding fiscal year" and inserting "at least 5 per centum of the difference between the number of children in average daily attendance at the schools of such agency during the preceding fiscal year and the number of such children whose attendance during such year resulted from activities of the United States (including children who resided on Federal property or with a parent employed on Federal property)".

20 USC 239.

POSTPONEMENT OF 3 PER CENTUM "ABSORPTION" REQUIREMENT UNDER PUBLIC LAW 874

SEC. 3. The Act of August 31, 1954 (Public Law 732, Eighty-third Congress), is amended by inserting after "June 30, 1955," the following: "and the succeeding fiscal year".

68 Stat. 1006.
20 USC 238 note.

TRANSFER OF TEMPORARY SCHOOL FACILITIES MADE AVAILABLE UNDER PUBLIC LAW 815

SEC. 4. Sections 203 and 309 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, are each amended by inserting at the end thereof the following new sentence: "The Commissioner may transfer to such agency or its successor all the right, title, and interest of the United States in and to any temporary facilities made available to such agency under this section; any such transfer shall be without charge, but may be made on such other terms and conditions, and at such time, as the Commissioner deems appropriate to carry out the purposes of this title." The amendments made by this section shall apply to any facility made available

64 Stat. 971; 67
Stat. 525.
20 USC 273, 299.

to a local educational agency either before or after the enactment of this Act.

DATE FOR DETERMINING "UNHOUSED" CHILDREN

67 Stat. 522.
20 USC 294.

20 USC 293.

20 USC 294.

67 Stat. 424.

20 USC 275.

20 USC 297, 296.

SEC. 5. (a) Section 304 of such Act is amended, effective December 1, 1954, by striking out "the number of such children who will otherwise be without such facilities at such time shall be determined by reference to those facilities which (A) are built or under contract as of the date set by the Commissioner under section 303 for filing applications for payments from the funds out of which such Federal share is to be paid" and inserting the following: "the number of such children who will otherwise be without such facilities at such time shall be determined by reference to those facilities which (A) are built or under contract as of the earliest date set by the Commissioner under section 303, on or before which the application for such project is filed".

(b) Such section is further amended by inserting "(a)" after "SEC. 304." and by adding at the end of section the following new subsection:

"(b) (1) Where a local educational agency filed an application for payments under this title on or before November 24, 1953, and after that date entered into any construction contract which had the effect of diminishing or eliminating payments to such agency on the basis of the application, the Commissioner shall pay to such agency, out of funds appropriated pursuant to this subsection, an amount equal to the difference between the amount, if any, reserved on the basis of the application and the amount which would have been reserved on the basis of the application out of funds appropriated by the Supplemental Appropriation Act, 1954, if such funds had been sufficient to permit payments without establishing priorities under section 303.

"(2) Payments under this subsection shall be made upon request of the local educational agency involved, filed with the Commissioner within ninety days after the date on which funds are appropriated to make such payments. Except as provided in paragraph (3), such payments shall be made in a lump sum, and shall be made upon condition that the funds paid shall be used solely to finance the construction of school facilities for such agency (including the payment of obligations incurred with respect to school facilities constructed before the enactment of this subsection).

"(3) If, as of the date on which funds are appropriated to make payments under this subsection, any agency to which this subsection applies has not provided minimum school facilities (determined by reference to those facilities which, as of such date, are built or under contract, or are included in a project the application for which has been approved under this title) for the estimated number of children who will be in the membership of its schools at the close of the regular school year 1955-1956, its request shall set forth one or more projects for the construction of minimum school facilities for such children, and with respect to such projects shall meet the requirements of section 205 (b) (1). If, and only if, the projects included in its request and approved for payment will provide minimum school facilities for the number of children for whom such facilities have not been provided, as determined under the preceding sentence, the balance, if any, of the amount payable to such agency under this subsection shall be paid to it in accordance with paragraph (2). Upon approval of the request, payments with respect to each project included in the request shall be made under section 307 as if an application for such project had been approved under section 306."

ASSISTANCE UNDER PUBLIC LAW 815 FOR CHILDREN RESIDING ON INDIAN
LAND OUTSIDE SCHOOL DISTRICTS

SEC. 6. (a) Paragraph (1) of section 401 (a) of such Act is amended by inserting before the semicolon the following: "or that the total number of such children who reside on Indian lands located outside the school district of such agency equals or exceeds 100".

67 Stat. 526.
20 USC 311.

(b) Such section 401 (a) is further amended by adding at the end thereof the following: "Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (c)) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection 'Indian lands' means Indian reservations or other real property referred to in the third sentence of section 210 (1)."

(c) Section 401 (b) of such Act is amended (1) by striking out "the succeeding fiscal year" and inserting in lieu thereof "the two succeeding fiscal years", and (2) by striking out "June 30, 1955" and inserting in lieu thereof "June 30, 1956".

PAYMENTS UNDER PUBLIC LAW 815 TO DISTRICTS UNABLE TO FINANCE
NON-FEDERAL SHARE OF PROJECTS

SEC. 7. Section 308 of such Act is amended by inserting "(a)" after "SEC. 308." and by adding at the end of the section the following new subsection:

67 Stat. 525.
20 USC 298.

"(b) Where a local educational agency filed an application for payments under this section before June 30, 1954, and such agency met all the requirements established for approval of such application except the 20 per centum requirement as to children countable for payments under this title (45 C. F. R., 1954 Supp., 107.8 (b) (2)), and the number of children countable for the purposes of such requirement was equal to 10 per centum or more of the average daily membership of such agency for the school year 1953-1954, the Commissioner shall pay to such agency, out of funds appropriated pursuant to this subsection, an amount equal to the amount which would have been reserved on the basis of such application if such requirement had been met. Payments under this subsection shall be made upon application by the local educational agency involved, filed with the Commissioner on or before November 1, 1955, which shall set forth one or more projects for the construction of minimum school facilities for such agency, and shall meet the requirements of section 205 (b) (1) with respect to such projects. Upon approval of an application under this subsection, payments with respect to each project included in the application shall be made under section 307 as if an application for such project had been approved under section 306."

20 USC 275.

20 USC 297, 296.

Approved August 12, 1955.

Public Law 383

CHAPTER 869

AN ACT

To amend the Railroad Retirement Act of 1937, as amended, and the Railroad Unemployment Insurance Act.

August 12, 1955
[H. R. 4744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to annuities accruing in months following the month of enactment hereof, section 2 (e) of the Railroad Retirement Act of 1937, as

Railroad retire-
ment and unem-
ployment insur-
ance.
65 Stat. 683.
45 USC 228b(e).