

Public Law 89-313

AN ACT

November 1, 1965
[H. R. 9022]

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; to eliminate inequities in the application of Public Law 815 in certain military base closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended (20 U.S.C. 631-645), is amended by inserting, immediately after the last section of that Act, the following new section:

72 Stat. 548.

“SCHOOL CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

“SEC. 16. (a) If the Director of the Office of Emergency Planning determines with respect to any local educational agency that—

“(1) (A) such agency is located in whole or in part within an area which, after August 30, 1965, and prior to July 1, 1967, has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

64 Stat. 1109.

“(B) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe, and if the Commissioner determines with respect to such local educational agency that—

“(2) public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of this major disaster;

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

“(4) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance on such school facilities, to provide the minimum school facilities needed for the restoration or replacement of the school facilities so destroyed or seriously damaged; and

“(5) to the extent that the operation of private elementary and secondary schools in the school attendance area of the local educational agency has been disrupted or impaired by such disaster, such local educational agency has complied with the provisions of section 7(a)(3) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), with respect to provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate,

Post, p. 1160.

the Commissioner may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the

Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which he determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act, and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster. In any case deemed appropriate by the Commissioner such assistance may be in the form of a repayable advance subject to such terms and conditions as he considers to be in the public interest.

“(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 (without regard to subsections (a) and (e) of section 3679 of the Revised Statutes (31 U.S.C. 665)) 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.

Appropriation.

“(c) No payment may be made to any local educational agency under subsection (a) except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him, and which meets the requirements of section 6(b)(1). In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. No payment may be made under subsection (a) unless the Commissioner finds, after consultation with the State and local educational agencies, that the project or projects with respect to which it is made are not inconsistent with overall State plans for the construction of school facilities. All determinations made by the Commissioner under this section shall be made only after consultation with the appropriate State educational agency and the local educational agency.

Application requirements.

72 Stat. 551.
20 USC 636.

“(d) Amounts paid by the Commissioner to local educational agencies under subsection (a) may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

“(e) None of the provisions of sections 1 to 10, both inclusive, other than section 6(b)(1), shall apply with respect to this section.”

20 USC 631-640.

SEC. 2. The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended by inserting, immediately after section 6 of that Act, the following new section:

Ante, p. 35.

“ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN MAJOR DISASTER AREAS

“SEC. 7. (a) If the Director of the Office of Emergency Planning determines with respect to any local educational agency that—

“(1) (A) such agency is located in whole or in part within an area which, after August 30, 1965, and prior to July 1, 1967, has suffered a major disaster as a result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens

64 Stat. 1109.

to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government, and

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

and if the Commissioner determines with respect to such local educational agency that—

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

“(3) to the extent that the operation of private elementary and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by such disaster, such local educational agency has made provision for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate: *Provided*, That nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction,

the Commissioner may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five fiscal year period beginning with the fiscal year in which the President has determined that such area suffered a major disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency during the last full fiscal year prior to the occurrence of such major disaster, taking into account the additional costs reasonably necessary to carry out the provisions of subparagraph (3) of this section. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which the President determined that such area has suffered a major disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

Replacement of
supplies, etc.

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

Appropriation.

“(c) There is 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 (without regard to subsections (a) and (e) of section 3679 of

the Revised Statutes (31 U.S.C. 665)) 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.

“(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

Application requirements.

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

SEC. 3. The Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, is amended by inserting immediately after the last section of that Act the following new section:

Ante, p. 1158.

“SPECIAL BASE CLOSING PROVISION

“SEC. 17. In determining the payment to be made to a local educational agency under this Act the Commissioner shall disregard the announcement, made November 19, 1964, of a decrease in or cessation of Federal activities in certain areas, and shall carry out such Act as if such announcement had not been made.”

SEC. 4. (a) Section 3(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out “and paragraph (3)” in the second sentence of paragraph (2), by striking out paragraph (3) thereof, and by striking out “, (3),” where it appears in paragraph (5).

70 Stat. 970.
20 USC 238.

(b) The amendment made by this section shall be effective on and after July 1, 1965.

Effective date.

SEC. 5. Subsection (e) of section 5 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by inserting after “waive or reduce” the following: “the minimum number requirement or”.

72 Stat. 550.
20 USC 635.

SEC. 6. (a) Section 203(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended by inserting immediately after paragraph (4) the following new paragraph:

Ante, p. 28.

“(5) In the case of a State agency which is directly responsible for providing, on a non-school-district basis, free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education), the maximum basic grant which that agency shall be eligible to receive under this title for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for handicapped children operated or supported by that State agency, in the most recent fiscal year for which satisfactory data are available. Such State agency shall use payments under this title only for programs and projects (including the acqui-

Education of handicapped children, grants.

sition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children.”

Ante, p. 31.

(b) Section 206(a)(1) of such Act is amended by striking out “which meet the requirements of that section” and by inserting in lieu thereof “which meet the applicable requirements of that section and of section 203(a)(5)”.

Ante, p. 1161.

Ante, p. 35.

(c) Section 303(6) of such Act is amended by adding before the period at the end of the second sentence thereof “, and for purposes of title II (except sections 203(a)(2), 203(b), and 205(a)(1)) such term includes any State agency which is directly responsible for providing, on a non-school-district basis, free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education)”.

Ante, p. 27.

Ante, p. 32.

SEC. 7. (a) Subsection (b) of section 207 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended to read as follows:

“(b) The Commissioner is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this title (including technical assistance for the measurements and evaluations required by section 205(a)(5)), except that the total of such payments in any fiscal year shall not exceed—

Ante, p. 31.

Limitation.

“(1) one per centum of the total of the amount of the basic grants paid under this title for that year to the local educational agencies of the State, or

“(2) \$75,000, or \$25,000 in the case of Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is the greater.”

Effective date.

(b) The amendment made by this section shall be effective for fiscal years beginning after June 30, 1965.

Approved November 1, 1965.

Public Law 89-314

AN ACT

November 1, 1965
[H. R. 11303]

To amend section 18 of the Civil Service Retirement Act, as amended.

Civil service
retirement annu-
ities, increase.
Extension.
Ante, p. 840.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18 of the Civil Service Retirement Act, as amended (5 U.S.C. 2268), is further amended by adding the following new subsection (f):

“(f) Each annuity payable from the civil service retirement and disability fund (other than the immediate annuity of an annuitant’s survivor or of a child entitled under section 10(d)) which has a commencing date after December 1, 1965, but not later than December 31, 1965, shall be increased from its commencing date as if the annuity commencing date were December 1, 1965.”

SEC. 2. The provisions under the heading “CIVIL SERVICE RETIREMENT AND DISABILITY FUND” in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85-844), shall not apply with respect to benefits resulting from the enactment of this Act.

5 USC 2267
note.

Approved November 1, 1965.