

**STATEMENT OF HONORABLE JOHN E. FOGARTY, 2nd DISTRICT OF
RHODE ISLAND, BEFORE THE EDUCATION AND LABOR COMMITTEE,
HOUSE OF REPRESENTATIVES, URGING AMENDMENT OF PUBLIC LAW 815.
JUNE 21, 1955**

Mr. Chairman.

I appreciate the consideration you have extended to me in permitting me to present my views on Public Law 815 dealing with school construction in federally-impacted areas.

It is my belief that the laws granting assistance to federally-impacted school areas serve a just and equitable purpose. They provide the very minimum grant by which the federal government may repay, in part, the costs of operating programs which federal activities have imposed on the local communities. The communities cannot tax the federal government. The federal government, for its part, should not take over community property or throw additional burdens on it without giving due and proper compensation.

As you well know, the tremendous increase in over-all government activity over the past ten or fifteen years has caused our government to move vast numbers of our population from place to place. Training camps, naval bases and the hundreds of various government installations required thousands upon thousands of workers and personnel. These employees, in turn, naturally moved into the government area bringing their families with them. The resulting impact on the economy of the locality was acutely felt. Schools which previously had been sufficient for local needs could not possibly take care of the additional burden, and the local people could not stand the financial strain of building new schools to house the new pupils.

As a result, the Congress of the United States, mindful of its obligations and keenly aware of the problems involved decided to take action. We accepted our responsibility

and enacted Public Law 815 to provide for assistance in the construction of school facilities in federally-impacted areas.

Over the years, however, the operation of this law has disclosed certain failings in its application which have resulted in inequities to local communities.

As Chairman of the Appropriations Subcommittee for the Departments of Labor and Health, Education and Welfare, I have been thrown in close contact with the operation of the program established by the law. Our Committee appropriates funds for the Office of Education and we have the benefit of hearing testimony from many of the affected school districts. As a result it has been forcibly brought to my attention that some change in the law is not only warranted but urgently needed.

Of particular importance is the situation of a school district which had drawn on its own resources to go ahead with

urgently needed school construction in advance of receiving the federal allotment. They then found that as the result of their initiative in meeting their school facilities needs they were unable to share in federal appropriations because of reduced priorities.

I believe that this is a situation which should be corrected and suggest to this Committee that Public Law 815 be amended along the following lines:

1. To provide for payments to school districts which let contracts to construct school facilities between November 24, 1953 and June 30, 1954.
2. To provide some form of protection for low priority projects from loss due to the application of cut-off dates under present and future application periods.

November 24, 1953 was the original cut-off date for receipt of applications and the final cut-off date was June 30, 1954. Not only has direct federal assistance been lost to communities which let contracts between these dates but under the present law, any construction entered into by a school district for school

facilities shall be counted as capacity available in determining the number of unhoused school children in the district. This compounds the inequity and means that a local community which through its initiative has provided for its needs through the construction of school facilities is further penalized for its action. The Town of Jamestown in my State of Rhode Island has found itself in that predicament.

I believe that school districts should have the choice of re-imbusement - in the situation in which they have already constructed the facility - or of again using the same children as eligibles when applying for new funds. It is certainly unfair to penalize the taxpayers of any district for exercising every possible means to provide suitable facilities for the education of their children. Without the reimbursement feature a school district is constrained to neglect the welfare of children in order to continue to qualify for federal funds.

I'm grateful to you, Mr. Chairman, and the members of your Committee, for permitting me to present my views on this most important subject. I know that you appreciate the severity of the problem and that you will, undoubtedly, bring out legislation which will effectively amend the Act and eliminate its present inequities. I would appreciate your serious consideration of my recommendations for I am convinced that they go to the root of the problem as it affects many school districts in our country.