IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1962

Mr. Fogarty introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Library Services Act in order to make areas lacking public libraries or with inadequate public libraries, public elementary and secondary school libraries, and certain college and university libraries, eligible for benefits under that Act, and for other purposes.

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 Library Services Act (20 U.S.C. 351-358) is
4 amended to read as follows:
5
6 "SHORT TITLE
7 "SECTION 1. This Act may be cited as the 'Library
8 Services Act'.

J. 72001—1—1
"DECLARATION OF POLICY

"Sec. 2. The Congress hereby finds and declares that
the growing need for information and education for all our
people and the rapidly expanding body of knowledge make
good libraries essential at all levels of education from ele-
mental school through adult education in order to provide
maximum opportunity for study and research and to produce
well-informed citizens who are capable of exercising sound
judgment and engaging in profitable employment. The
present deficiencies of public libraries, school libraries, and
college and university libraries are critical. Therefore, a
coordinated program of library development is needed in
order to bring about maximum availability and utilization of
library resources and services.

"DEFINITIONS

"Sec. 3. For the purposes of this Act—

"(1) The term ‘State’ means a State, the District of
Columbia, the Commonwealth of Puerto Rico, the Virgin
Islands, Guam, American Samoa, or the Canal Zone; except
that, as used in section 202 (a), such term does not include
the Commonwealth of Puerto Rico, the Virgin Islands,
Guam, American Samoa, or the Canal Zone.

"(2) The term ‘State library administrative agency’
means the official State agency charged by State law with
the extension and development of public library services
throughout the State, or, if there is no such agency in a
State, the agency or officer designated by the Governor of
such State or by State law for purposes of this paragraph.

"(3) The term 'public library' means any library that
serves free all residents of a community, district, or region,
and receives its financial support in whole or in part from
public funds.

"(4) The term 'Secretary' means the Secretary of
Health, Education, and Welfare.

"(5) The term 'Commissioner' means the (United
States) Commissioner of Education.

"(6) The term 'institution of higher education' means
an educational institution in any State which (A) admits
as regular students only persons having a certificate of gradua-
tion from a school providing secondary education, or the
recognized equivalent of such a certificate, (B) is legally
authorized within such State to provide a program of educa-
tion beyond secondary education, (C) provides an educa-
tional program for which it awards a bachelor's degree or
provides not less than a two-year program which is accept-
able for full credit toward such a degree, (D) is a public
or other nonprofit institution, and (E) is accredited by a na-
tionally recognized accrediting agency or association or, if not
so accredited, is an institution whose credits are accepted,
on transfer, by not less than three institutions which are so
accredited, for credit on the same basis as if transferred from
an institution so accredited.

"(7) The term ‘State educational agency’ means the
State board of education or other agency or officer primarily
responsible for the State supervision of public elementary
and secondary schools, or, if there is no such officer or agency
in a State, the officer or agency designated by the Governor
of such State or by State law for purposes of this paragraph.

"(8) The term ‘school-age population’ means that part
of the population which is between the ages of five and seven-
teen, both inclusive, and such school-age population for the
several States shall be determined by the Commissioner on
the basis of the population between such ages for the most
recent year for which satisfactory data are available from the
Department of Commerce.

"(9) The term ‘elementary school’ means a school
which provides elementary education, as determined under
State law.

"(10) The term ‘secondary school’ means a school which
provides secondary education, as determined under State law.

"(11) The term ‘public’, as applied to any school,
library, or institution, includes a school, library, or institution
of any agency of the United States, except that no such
school, library, or institution shall be eligible to receive any
grant or other payment under the provisions of this Act.

"(12) The term 'nonprofit', as applied to a school, library, or institution, means a school, library, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"ADMINISTRATION

"SEC. 4. (a) The Commissioner shall administer this Act under the supervision and direction of the Secretary, and shall, with the approval of the Secretary, prescribe such regulations as may be necessary for the administration of this Act.

"(b) The Commissioner is also authorized to make such studies, investigations, and reports as may be necessary or appropriate to carry out the purposes of this Act, including periodic reports for public distribution as to the values, methods, and results of various State demonstrations of public library services undertaken under title I of this Act.

"(c) There are hereby authorized to be appropriated for expenses of administration such sums as may be necessary to carry out the functions of the Secretary and the Commissioner under this Act.

"(d) Nothing contained in this Act shall be deemed
to authorize any department, agency, officer, or employee
of the United States to exercise any direction, supervision,
or control over (1) any public library, school library, or
the library of any institution of higher education, which
is not a library administered by a department or agency
of the United States; (2) the personnel of any such library;
or (3) the selection of books and other materials for any
such library.

"TITLE I—PUBLIC LIBRARIES

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 101. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1963, and for each of the four succeeding fiscal years the sum of $20,000,000, which shall be used for making payments to States which have submitted and have approved by the Commissioner State plans for the further extension of public library services to areas without such services, or with inadequate services.

"ALLOTMENTS TO STATES

"Sec. 102. From the sums appropriated pursuant to section 101 for each fiscal year, the Commissioner shall allot $20,000 to the Virgin Islands, Guam, American Samoa, and the Canal Zone, and $80,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the popula-
tion of the United States, according to the most recent decen-
nial census.

"STATE PLANS

"SEC. 103. (a) To be approved under this section, a
State plan for the further extension of public library services
must—

"(1) provide for the administration, or supervision
of the administration, of the plan by the State library
administrative agency, and provide that such agency
will have adequate authority under State law to ad-
minister the plan in accordance with its provisions and
the provisions of this title;

"(2) provide for the receipt by the State treasurer
(or, if there be no State treasurer, the officer exercising
similar functions for the State) of all funds paid to the
State pursuant to this title and for the proper safeguard-
ing of such funds by such officer, provide that such funds
shall be expended solely for the purposes for which paid,
and provide for the repayment by the State to the United
States of any such funds lost or diverted from the pur-
poses for which paid;

"(3) provide policies and methods of administration
to be followed in using any funds made available for
expenditure under the State plan, which policies and
methods the State library administrative agency certifies will in its judgment assure use of such funds to maximum advantage in the further extension of public library services to areas without such services or with inadequate services;

"(4) provide that the State library administrative agency will make such reports as to categories of expenditures made under this title, as the Commissioner may from time to time reasonably require; and

"(5) provide that any library services furnished under the plan shall be made available free of charge under regulations prescribed by the State library administrative agency.

"(b) The Commissioner shall approve any plan which fulfills the conditions specified in subsection (a) of this section.

"(c) The determination of whether library services are inadequate in any area within any State shall be made by the State library administrative agency of such State.

"PAYMENTS TO STATES

"SEC. 104. (a) From the allotments available therefor under section 102, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 103 an amount computed as provided in sub-
section (b) of this section, equal to the Federal share of the total sums expended by the State and its political subdivisions under such plan during the period for which such payment was made, except that no payments shall be made to any State from its allotment for any fiscal year unless and until the Commissioner finds that (1) there will be available for expenditure under the plan from State or local sources during the fiscal year for which the allotment is made (A) sums sufficient to enable the State to receive under this section payments in an amount not less than $20,000 in the case of the Virgin Islands, Guam, American Samoa, and the Canal Zone, and $80,000 in the case of any other State, and (B) not less than the total amount actually expended, in the areas covered by the plan for such year, for public library services from such sources in the fiscal year ending June 30, 1962, and (2) there will be available for expenditure for public library services from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for public library services from such sources in the fiscal year ending June 30, 1962.

"(b) The Commissioner shall from time to time, but not less often than semiannually, and prior to the period for which a payment is to be made, estimate the amount, within
the balance of the allotments for each State, which may be
necessary to pay the Federal share of the total expenditures
for carrying out the approved State plan for such period.
The Commissioner shall certify to the Secretary of the
Treasury the amount so determined, reduced or increased
as the case may be by the amount by which he finds that his
estimate for any prior period was greater or less than the
amount which should have been paid to the State for such
period. The Secretary of the Treasury shall thereupon,
prior to audit or settlement by the General Accounting Office,
pay to the State, at the time or times fixed by the Com-
missioner, the amount so certified.

"(c) The amount of any State's allotment for any fiscal
year which the Commissioner determines will not be re-
quired for such fiscal year for carrying out the State plan
approved under this title for which such allotment is avail-
able shall be available for reallocation from time to time, on
such dates during such year as the Commissioner may fix, to
other States in proportion to the original allotments to such
States under section 102 for such year, but with such adjust-
ments as may be necessary to prevent reallocation to any
State of any sum in excess of the amount which the Com-
missioner estimates it needs and will be able to use for
such year for carrying out the State plan for which the
amount reallocated would be available. Any amount real-
lotted to a State under this paragraph during a year from funds appropriated pursuant to section 101 shall be deemed part of its allotment for such year.

"(d) For the purposes of this section the 'Federal share' for any State shall be 100 per centum less the State percentage and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Canal Zone), except that (1) the Federal share shall in no case be more than 66 per centum or less than 33 per centum, and (2) the Federal share for Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Canal Zone shall be 66 per centum.

"(e) The Federal share for each State shall be promulgated by the Commissioner between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of each of the States and all of the States (excluding Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Canal Zone) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.
“(f) No portion of any money paid to a State under this title shall be applied, directly or indirectly, to the purchase or erection of any building or buildings, or the purchase of any land.

"WITHHOLDING

"SEC. 105. If the Commissioner finds after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this title, that the State plan has been so changed that it no longer complies with the requirements of this title or that in the administration of the plan there is a failure to comply substantially with the provisions required to be included in the plan, he shall notify such State agency that further payments will not be made to the State under this title until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State: Provided, That any State or State agency shall be entitled to judicial review in the United States district court for the district in which the State or State agency is located of any such withholding determination in accordance with applicable provisions of the Administrative Procedure Act.
"TITLE II—LIBRARY PROGRAMS IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS"

"APPROPRIATIONS AUTHORIZED"

"Sec. 201. There are hereby authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1963, and for each of the four succeeding fiscal years, for making grants to State educational agencies under this title to assist them in establishing and maintaining programs of library service in public elementary and secondary schools, which will carry out the objectives of this Act as stated in section 2."

"ALLOCATIONS TO STATES"

"Sec. 202. (a) From the sums appropriated pursuant to section 201 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 1.6 per cent thereof, as he may determine for allotment as provided in subsection (b). From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of such State bears to the school-age population of all of the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than $50,000 shall be increased to $50,000, the total of increases thereby required being derived by proportionately
reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining State from being thereby reduced to less than $50,000.

"(b) The amounts reserved by the Commissioner under subsection (a) shall be allotted by the Commissioner among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Canal Zone, according to their respective needs for assistance in establishing and maintaining programs of library service in public elementary and secondary schools.

"STATE PLANS

"SEC. 203. (a) Any State which desires to receive payments under this title shall submit to the Commissioner, through its State educational agency, a State plan which—

"(1) provides that the State educational agency will be the sole agency for administering the plan;

"(2) sets forth a program of library service in public elementary and secondary schools to meet the library needs of all students and to provide the facilities and resources for challenging education for superior students under which funds paid to the State from its allotment under section 202 will be expended solely for projects approved by the State educational agency for (A) acquisition of library materials (printed and audio-
visual) and library equipment which are suitable for use in providing resources for teaching and learning and which will carry out the objectives of this Act as stated in section 2, (B) the establishment or improvement of local school library supervisory services, (C) minor remodeling of existing space used for library quarters, (D) the establishment or improvement of library supervisory services within the State educational agency, and (E) administration of the State plan;

"(3) provides for the establishment of State standards for public elementary and secondary school libraries;

"(4) sets forth principles for determining the priority of such projects in the State for assistance under this title and provides for undertaking such projects, insofar as financial resources available therefore make possible, in the order determined by the application of such principles;

"(5) provides an opportunity for a hearing before the State educational agency to any applicant for a project under this title;

"(6) provides that the State educational agency will make such reports to the Commissioner, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his duties under this title; and
"(7) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title.

"(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

"PAYMENTS TO STATES

"Sec. 204. (a) From the allotments available therefor under section 202, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 203 for the fiscal year ending June 30, 1963, such payments which equal the amount expended in carrying out the State plan, and for the fiscal year ending June 30, 1964, and for each of the three succeeding fiscal years an amount computed as provided in subsection (b) of this section, equal to the Federal share of the total sums expended by the State and its political subdivisions under such plan during the period for which such payment was made, except that no payments shall be made to any State from its allotment for any fiscal year unless and until the Commissioner finds that (1) there will be available for expenditure under the plan from State or local sources during the fiscal year for which the allotment is made (A) sums sufficient to enable the State to receive under this section payments in
an amount not less than that allotted to it by the Commissioner in the case of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Canal Zone, and $50,000 in the case of any other State, and (B) not less than the total amount actually expended, in the areas covered by the plan for such year, for programs of library service in public elementary and secondary schools from such sources in the fiscal year ending June 30, 1962, and (2) there will be available for expenditure for programs of library service in public elementary and secondary schools from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such programs from such sources in the fiscal year ending June 30, 1962.

"(b) The Commissioner shall from time to time, but not less often than semianually, and prior to the period for which a payment is to be made, estimate the amount, within the balance of the allotments for each State, which may be necessary to pay the Federal share of the total expenditures for carrying out the approved State plan for such period. The Commissioner shall certify to the Secretary of the Treasury the amount so determined, reduced or increased as the case may be by the amount by which he finds that his estimate for any prior period was greater or less than the amount which should have been paid to the State for such period. The Secretary of the Treasury shall thereupon,
prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Commissioner, the amount so certified.

"(c) The amount of any State’s allotment for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State plan approved under this title for which such allotment is available shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under section 202 for such year, but with such adjustments as may be necessary to prevent reallocation to any State of any sum in excess of the amount which the Commissioner estimates it needs and will be able to use for such year for carrying out the State plan for which the amount reallocated would be available. Any amount reallocated to a State under this paragraph during a year from funds appropriated pursuant to section 201 shall be deemed part of its allotment for such year.

"(d) For the purposes of this section the ‘Federal share’ for any State shall be 100 per centum less the State percentage and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, the Virgin Islands, Guam,
American Samoa, and the Canal Zone), except that (1) the Federal share shall in no case be more than 66 per centum or less than 33 per centum, and (2) the Federal share for Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Canal Zone shall be 66 per centum.

"(e) The Federal share for each State shall be promulgated by the Commissioner as soon as possible after the enactment of this Act, and again between July 1 and August 31 of the year 1963, on the basis of the average of the per capita incomes of each of the States and all of the States (excluding Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Canal Zone) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1, 1962, and ending June 30, 1964, and the second shall be conclusive for each of the three fiscal years in the period beginning July 1, 1964, and ending June 30, 1967.

"WITHHOLDING

"SEC. 205. If the Commissioner finds, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, that the State plan has been so changed that it no longer complies with the requirements of this title, or that in the
administration of the plan there is a failure to comply sub-
stantially with the provisions required to be included in the
plan, he shall notify such State educational agency that fur-
ther payments will not be made to the State for carrying out
such plan (or, in his discretion, further payments to the State
will be limited to programs under or portions of the State
plan not affected by such failure), until he is satisfied that
there will no longer be any failure to comply. Until he is
so satisfied, he shall make no further certifications to the
Secretary of the Treasury with respect to such State for
carrying out such plan (or shall limit payments to programs
under or portion of the State plan not affected by such
failure) : Provided, That any State or State agency shall be
entitled to judicial review in the United States district court
for the district in which the State or State educational agency
is located of any such withholding determination in accord-
ance with applicable provisions of the Administrative Proce-
dure Act.

"TITLE III—LIBRARY GRANTS TO INSTITUTIONS
OF HIGHER EDUCATION

"APPROPRIATIONS AUTHORIZED

"Sec. 301. There are hereby authorized to be appro-
priated $10,000,000 for the fiscal year ending June 30,
1963, and for each of the four succeeding fiscal years, to
enable the Commissioner to make grants to institutions of
higher education to assist and encourage such institutions
in the acquisition for library purposes of books (not including
textbooks), periodicals, documents, and other related mate-
rials (including necessary binding).

"GRANT CONDITIONS"

"Sec. 302. From the sums appropriated pursuant to
section 301 for any fiscal year, the Commissioner may, upon
application therefor, make a grant for the purposes set
forth in such section to any institution of higher education—

"(1) in an amount not exceeding 25 per centum
of the amount expended by such institution during the
fiscal year ending June 30, 1962, for books, periodicals,
audio-visual material, documents, and other related
materials (including necessary binding) for library pur-
poses, or not less than—

"(A) $1,000 if it provides a two-year educa-
tional program which is acceptable for full credit
toward a bachelor’s degree;

"(B) $2,500 if it provides an educational pro-
gram for which it awards a bachelor’s degree or a
more advanced degree; or

"(C) $5,000 if it provides an educational pro-
gram for which it awards both bachelors’ and ad-
vanced degrees; and
“(2) if such institution furnishes proof satisfactory to the Commissioner—

“(i) that it will expend, during the fiscal year for which the grant is requested, for all library purposes an amount not less than the amount it expended for such purposes during the fiscal year ending June 30, 1962,

“(ii) that it will expend, during the fiscal year for which the grant is requested, for library purposes for books, periodicals, documents, and other related materials (including necessary binding) an amount not less than the amount it expended for such materials during the fiscal year ending June 30, 1962, and

“(iii) that it will expend for library purposes during the fiscal year for which the grant is requested, in addition to the amount required under clauses (i) and (ii) above, an amount not less than the amount of such grant, and that at least 50 per centum of such expenditure will be for library purposes for books, periodicals, documents, and other related materials (including necessary binding).

“LIMITATION

“Sec. 303. No grant shall be made under this title for books, periodicals, documents, or other related materials
to be used primarily in connection with any part of the pro-
gram of a divinity school, theological seminary, or other
institution, or a department or branch of an institution, whose
program is for the education of students to prepare them to
become ministers of religion or to enter upon some other
religious vocation.

"TITLE IV—LIBRARY TRAINING INSTITUTES

"APPROPRIATIONS AUTHORIZED

"Sec. 401. There are hereby authorized to be appro-
priated $7,500,000 for the fiscal year ending June 30, 1963,
and $10,000,000 for each of the four succeeding fiscal years,
to enable the Commissioner to arrange, by contracts with
institutions of higher education, for the operation by them
of short-term or regular session institutes for the provision
of training to improve the qualifications of librarians, or indi-
viduals preparing to engage in library work. Each indi-
vidual, engaged, or preparing to engage in library work, who
attends an institute operated under the provisions of this title
shall be eligible (after application therefor) to receive a
stipend at the rate of $75 per week for the period of his
attendance at such institute, and each such individual with
one or more dependents shall receive an additional stipend
at the rate of $15 per week for each such dependent for
the period of such attendance."