

85TH CONGRESS  
2D SESSION

# H. R. 12023

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1958

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

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## A BILL

To establish a program to enable students in the fields of science and mathematics to attend high schools and institutions of higher education, to improve the teaching of science and mathematics in the schools of the Nation, to make grants to permit the construction of minimum facilities for the teaching of science in the schools of the Nation, 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 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Science and  
5 Mathematics Education Act of 1958".

## 1 FEDERAL CONTROL OF EDUCATION PROHIBITED

2 SEC. 2. Nothing in this Act shall be construed to  
3 authorize any department, agency, officer, or employee of  
4 the United States to exercise any direction, supervision, or  
5 control over the curriculum, program of instruction, admin-  
6 istration, or personnel of any educational institution.

## 7 DEFINITIONS

8 SEC. 3. As used in this Act—

9 (1) the term "State" means a State, Alaska, Ha-  
10 waii, Puerto Rico, the District of Columbia, Guam, or  
11 the Virgin Islands;

12 (2) the term "institution of higher education"  
13 means an educational institution in any State which  
14 (A) admits as regular students only persons having a  
15 secondary school education or its recognized equivalent,  
16 (B) is legally authorized within its own State to pro-  
17 vide a program of higher education, (C) offers and  
18 conducts an educational program extending at least two  
19 academic years beyond the secondary school level, (D)  
20 is accredited by a recognized accrediting agency or asso-  
21 ciation approved by the Commissioner, and (E) either  
22 is nonprofit and tax-supported, or is determined by the  
23 Secretary of the Treasury to be an organization de-

1 scribed in section 501 (c) (3) of the Internal Revenue  
2 Code of 1954, which is exempt from taxation under  
3 section 501 (a) of such Code;

4 (3) the term "Commissioner" means the Commis-  
5 sioner of Education;

6 (4) the term "legislature" means the State or  
7 Territorial legislature or other comparable body, except  
8 that in the District of Columbia it means the Board of  
9 Education, and in Guam and the Virgin Islands it means  
10 the Governor;

11 (5) the term "Federal Board" means the Federal  
12 Board on Mathematical and Scientific Education estab-  
13 lished by section 203 (a) of this Act;

14 (6) the term "science and mathematics teaching  
15 facilities" means specialized buildings and equipment  
16 suitable for use in providing education in science or  
17 mathematics, or both, in secondary schools or institu-  
18 tions of higher education;

19 (7) the term "acquisition" when used in conjunc-  
20 tion with "science and mathematics teaching facilities"  
21 includes (A) the construction of new buildings and the  
22 expansion, remodeling, and alteration of existing build-  
23 ings, including architects fees, but not including the

1 cost of acquisition of off-site improvements or land, and  
2 (B) equipping new buildings, and existing buildings,  
3 whether or not expanded, remodeled, or altered;

4 (8) the term "approved lender" means any institu-  
5 tion of higher education, bank, trust, loan company,  
6 building and loan association, credit union, association,  
7 fund, foundation, or person which (A) is authorized to  
8 make loans in a State, (B) makes loans to students to  
9 permit them to attend high schools and institutions of  
10 higher education, (C) is approved by the Commissioner,  
11 and (D) enters into an agreement with the Commis-  
12 sioner to permit the United States to pay the interest on  
13 all loans made by it which are insurable under title I of  
14 this Act;

15 (9) the term "secondary school" means the seventh  
16 through the twelfth grades in a school under public  
17 supervision and direction in a State;

18 (10) the term "high school" means the seventh  
19 through the twelfth grades in a school if attendance at  
20 such school meets the requirements of the compulsory  
21 school attendance laws of the State; and

22 (11) the term "State educational agency" means  
23 the State board of education or other agency or officer  
24 primarily responsible for the State supervision of public

1 elementary and secondary schools, or, if there is no  
2 such officer or agency, an officer or agency designated  
3 by the governor or by State law.

#### 4 TITLE I—INSURANCE OF LOANS TO STUDENTS

##### 5 SCOPE OF PROGRAM

6 SEC. 101. For the purpose of facilitating loans to stu-  
7 dents in the last two years of a four-year high school and  
8 in institutions of higher education, approved lenders shall  
9 be insured by the United States against losses on loans  
10 made by them to such students in any fiscal year beginning  
11 after June 30, 1958, if made upon the conditions and within  
12 the limits specified in this title. The total principal amount  
13 of new loans to students covered by insurance under this title  
14 in any fiscal year shall not exceed \$45,000,000. The Com-  
15 missioner may, if he finds it necessary to do so in order to  
16 assure an equitable distribution of the benefits of this title,  
17 assign, within such maximum amount, insurance quotas  
18 applicable to high schools or to institutions of higher educa-  
19 tion, or to States or areas, and may from time to time re-  
20 assign unused portions of such quotas.

##### 21 LIMITATIONS ON INDIVIDUAL LOANS AND ON INSURANCE

22 SEC. 102. (a) No loan or loans by one or more ap-  
23 proved lenders in excess of \$1,500 in the aggregate to any  
24 single student in any fiscal year shall be covered by insur-



1 essentially full time to educational work in the last two years  
2 of high school or in attendance at an institution of higher  
3 education taking a course of studies leading to a degree of  
4 bachelor of science, but failure to be in attendance at such a  
5 school or institution during an academic vacation period shall  
6 not in itself constitute a violation of this requirement.

7 (b) To be insurable under this title, a loan must be  
8 evidenced by a note or other written agreement which (1)  
9 provides for repayment of the principal amount of such loan  
10 in equal annual installments beginning (except in the event  
11 of default by the borrower) during the second calendar  
12 year following the year in which the student ceases to  
13 devote essentially full time to educational work, (2) re-  
14 quires full repayment of the principal within ten years after  
15 the date on which the first installment of principal becomes  
16 due, (3) provides, (A) that the interest payable on such  
17 loan may be paid by the United States, and (B) a rate  
18 of interest payable on such loan which is no greater than the  
19 average rate of interest which the Commissioner finds is  
20 payable on long-term secured commercial obligations nego-  
21 tiated in the area in which such loan is made during the  
22 six-month period immediately preceding the date on which  
23 such loan is made, (4) entitles the student borrower at his  
24 option to accelerate repayment of the whole or any part of  
25 the unpaid principal part of such loan, and (5) contains

1 such other terms and conditions consistent with the pro-  
2 visions of this title and with the regulations issued by the  
3 Commissioner pursuant to this Act as may be agreed upon  
4 by the parties to such loan, including, at their option, a  
5 provision requiring the borrower to pay to the lender, in  
6 addition to principal, amounts equal to the insurance pre-  
7 miums payable by the lender to the Commissioner with re-  
8 spect to such loan.

9 (c) Upon application therefor by the borrower, the  
10 Commissioner shall provide for the payment of interest which  
11 is payable on each loan which is insurable under the pro-  
12 visions of this title.

13 CERTIFICATES OF INSURANCE—EFFECTIVE DATE OF  
14 INSURANCE—PREMIUMS

15 SEC. 105. (a) If, upon application by an approved  
16 lender, made upon such form, containing such information,  
17 and supported by such evidence as the Commissioner may  
18 require, and otherwise in conformity with this section, the  
19 Commissioner finds that the applicant has made a loan to an  
20 eligible student which is insurable under the provisions of  
21 this title, he shall, upon tender by the applicant of the first  
22 year's insurance premium payable pursuant to subsection  
23 (d), issue to such applicant a certificate of insurance cover-  
24 ing such loan and setting forth the amount and terms of such  
25 insurance.

1 (b) Insurance evidenced by a certificate of insurance  
2 pursuant to subsection (a) shall become effective upon the  
3 date of issuance of such certificate: *Provided*, That the  
4 Commissioner is authorized, in accordance with regulations,  
5 to issue commitments with respect to proposed loans sub-  
6 mitted by approved lenders, and in that event, upon com-  
7 pliance with subsection (a) by the approved lender, the  
8 certificate of insurance may be issued effective as of the date  
9 when the loan to be covered by such insurance was made.  
10 Such insurance shall cease to be effective upon thirty days'  
11 default by the approved lender in the payment of any install-  
12 ment of the premiums payable pursuant to subsection (d).

13 (c) An application submitted pursuant to subsection  
14 (a) shall contain (1) an agreement by the applicant to pay,  
15 in accordance with regulations, the premiums fixed by the  
16 Commissioner pursuant to subsection (d), and (2) an  
17 agreement by the applicant that if the loan is covered by  
18 insurance the applicant will submit such supplementary  
19 reports and statements during the effective period of the  
20 loan agreement, upon such forms, at such times, and con-  
21 taining such information as the Commissioner may by regu-  
22 lation prescribe.

23 (d) The Commissioner shall, pursuant to regulations,  
24 charge for each insurance on a loan under this title a pre-

1 mium in an amount not to exceed one-half of one per centum  
2 per annum of the unpaid balance of the principal of such  
3 loan, payable in advance, at such time and in such manner  
4 as may be prescribed by the Commissioner. Such regula-  
5 tions may provide that such premium shall not be payable,  
6 or if paid shall be refundable, with respect to any period  
7 after default in the payment of principal or interest, or after  
8 the borrower has died or become totally and permanently  
9 disabled, if (1) notice of such default or other event has  
10 been duly given, and (2) request for payment of the loss  
11 insured against has been made or the Commissioner has made  
12 such payment on his own motion pursuant to section 106  
13 (a).

14 (e) The rights of an approved lender arising under in-  
15 surance evidenced by a certificate of insurance issued under  
16 this section may be assigned as security by such approved  
17 lender to any financial or credit institution (including any in-  
18 surance company) which is subject to examination and super-  
19 vision by an agency of the United States or of any State and  
20 which has made a loan to such approved lender under a loan  
21 agreement expressly requiring that the proceeds of the loan  
22 be used solely for providing the principal sums of student  
23 loans covered by insurance under this title. Such rights may  
24 not be otherwise transferred, assigned, or pledged by an ap-  
25 proved lender except as may be authorized by regulation.

1 (f) The consolidation of the obligations of two or more  
2 insured loans obtained by a student borrower in any fiscal  
3 year into a single obligation evidenced by a single instrument  
4 of indebtedness shall not affect the insurance by the United  
5 States. Upon surrender of the original certificates of in-  
6 surance in such cases, the Commissioner may issue a new cer-  
7 tificate of insurance in accordance with this section upon such  
8 consolidated obligation.

9 **PROCEDURE ON DEFAULT, DEATH, OR DISABILITY OF**  
10 **STUDENT**

11 **SEC. 106. (a)** Upon default in payment of principal due  
12 upon any loan covered by insurance pursuant to this title,  
13 or upon the death of the student borrower or a finding by  
14 the lender or insurance beneficiary that the borrower has  
15 become "totally and permanently disabled" (as such term  
16 is defined in regulations prescribed by the Commissioner)  
17 before the loan has been repaid in full, and prior to the  
18 commencement of suit or other enforcement proceeding upon  
19 the loan or upon any security for such loan, the insurance  
20 beneficiary shall promptly notify the Commissioner who  
21 shall thereupon, if requested by such beneficiary or on his  
22 own motion, if the insurance is still in effect, pay to the  
23 beneficiary the amount of the loss sustained by the insured  
24 upon such loan as soon as such amount has been deter-  
25 mined. The "amount of the loss" on any loan shall, for the

1 purposes of this subsection, be deemed to be an amount  
2 equal to the unpaid balance (including interest accrued and  
3 unpaid) of the loan unpaid on the date of payment by the  
4 United States on its insurance obligation pursuant to sub-  
5 section (b), except that where the Commissioner has de-  
6 cided to make payment on his own motion the amount of  
7 loss as so determined shall be deemed tentative and shall be  
8 increased by the excess, if any, over such tentative amount  
9 of any net recovery made by the Commissioner on such loan  
10 or security therefor after deduction of the cost of such re-  
11 covery (including reasonable administrative cost).

12 (b) Upon payment by the Commissioner of the insured  
13 portion of the loss, or tentative amount of loss, pursuant to  
14 subsection (a), the United States shall be subrogated to  
15 the rights of the holder of the obligation upon the insured  
16 loan and be entitled to an assignment of the note or other  
17 evidence of the insured loan and any security therefor by  
18 the insurance beneficiary.

19 (c) Nothing in this section or in this title shall be con-  
20 strued to preclude any forbearance for the benefit of the  
21 student borrower which may be agreed upon by the parties  
22 to the insured loan and approved by the Commissioner, or  
23 to preclude forbearance by the Commissioner in the enforce-  
24 ment of the insured obligation after payment on such insur-

1 ance, or to require collection of the amount of any loan  
2 by the insurance beneficiary or by the Commissioner from  
3 the estate of a deceased borrower or from a borrower found  
4 by the insurance beneficiary to have become permanently  
5 and totally disabled.

6 (d) Nothing in this section or in this title shall be  
7 construed to excuse the approved lender from exercising,  
8 in the making and collection of loans under the provisions  
9 of this Act, the same care and diligence which would reason-  
10 ably be used in making and collecting loans not insured. If  
11 the Commissioner, after reasonable notice and opportunity  
12 for hearing to the approved lender, finds that an approved  
13 lender has substantially failed to exercise such care and  
14 diligence, or to make the reports and statements required  
15 under section 105 (c), or to pay the required insurance  
16 premiums, he shall disqualify such lender for further insur-  
17 ance on loans granted pursuant to this title until he is satis-  
18 fied that such failure has ceased and finds that there is  
19 reasonable assurance that such lender will in the future  
20 exercise necessary care and diligence or comply with such  
21 requirements, as the case may be.

22 (e) As used in this section, the term "insurance bene-  
23 ficiary" means the insured or its authorized assignee, if the  
24 certificate of insurance is held by such assignee.

## 1 REVOLVING INSURANCE FUND

2 SEC. 107. (a) Premiums and all other moneys derived  
3 by the Commissioner in the course of operations under this  
4 title shall be deposited in a revolving fund in the Treasury  
5 of the United States. All moneys in the revolving fund shall,  
6 upon requisition by the Commissioner, be available until  
7 expended, (1) for the payment of losses in connection with  
8 insurance undertaken pursuant to this title, (2) for the  
9 payment of interest on loans insured under this title, and  
10 (3), for any fiscal year, in the amount provided for by an  
11 appropriation Act, for defraying the expenses of administra-  
12 tion incurred under this title.

13 (b) For the purposes of carrying out the provisions of  
14 this title, there are hereby authorized to be appropriated to  
15 the revolving fund provided in this section—

16 (1) the sum of \$13,000,000 for the initial estab-  
17 lishment of the revolving fund; and

18 (2) such further sums, if any, as may become neces-  
19 sary for the adequacy of the revolving fund.

20 (c) The Commissioner may authorize the Secretary  
21 of the Treasury to invest and reinvest such portions of the  
22 revolving fund as he may determine to be in excess of cur-  
23 rent needs in any interest-bearing securities of the United  
24 States or in any securities guaranteed as to principal and

1 interest by the United States, and the income therefrom  
2 shall constitute a part of the revolving fund.

3 LEGAL POWERS AND RESPONSIBILITIES

4 SEC. 108. (a) With respect to matters arising by rea-  
5 son of this title and notwithstanding the provisions of any  
6 other law, the Commissioner may—

7 (1) sue on behalf of the United States and be sued  
8 in his official capacity in any court of competent juris-  
9 diction, State or Federal;

10 (2) subject to the specific limitations in this title,  
11 consent to the modification, with respect to rate of  
12 interest, time of payment of principal and interest or  
13 any portion thereof, or security, of the provisions of  
14 any note, contract, mortgage, or other instrument evi-  
15 dencing or securing a loan which has been insured under  
16 this title;

17 (3) enforce, pay, or compromise, any claim on,  
18 or arising because of, any such insurance; and

19 (4) enforce, pay, compromise, waive, or release  
20 any right, title, claim, lien, or demand, however ac-  
21 quired, including any equity or any right of redemption.

22 (b) The Commissioner shall, with respect to the finan-  
23 cial operations, arising by reason of this title—

24 (1) prepare annually and submit a budget pro-

1 gram as provided for wholly owned Government cor-  
2 porations by the Government Corporation Control Act;  
3 (2) maintain an integral set of accounts, which  
4 shall be audited annually by the General Accounting  
5 Office in accordance with principles and procedures  
6 applicable to commercial corporate transactions, as  
7 provided by section 105 of the Government Corpora-  
8 tion Control Act; except that the financial transactions  
9 of the Commissioner, including the settlement of insur-  
10 ance claims, and transactions related thereto and  
11 vouchers approved by the Commissioner in connection  
12 with such financial transactions, shall be final and  
13 conclusive upon all accounting and other officers of the  
14 Government.

15 PAYMENT OF LOANS BY THE UNITED STATES

16 SEC. 109. Upon application therefor by each borrower  
17 who has been awarded a master's degree in mathematics, a  
18 science, or engineering, the Commissioner shall pay to each  
19 approved lender, on behalf of such borrower, the amount of  
20 loans which are insured under this title and which were made  
21 by such lender to such borrower during the period from the  
22 date on which such borrower was last awarded a bachelor of  
23 science degree to the date on which such borrower was  
24 awarded such master's degree.

## 1 GRANTS FOR CANDIDATES FOR DOCTORAL DEGREES

2 SEC. 110. (a) The Commissioner shall pay each person  
3 who has been awarded a master's degree in mathematics, a  
4 science, or engineering a grant at the rate of \$3,000 per year  
5 for the period during which such person devotes essentially  
6 full time at an institution of higher education to study or re-  
7 search, or both, leading to a degree of doctor of philosophy,  
8 or doctor of science in mathematics, a science, or engineering.

9 (b) Payments under this section shall be made from  
10 time to time in such amounts as the Commissioner may deter-  
11 mine to be necessary to enable the recipient to pursue such  
12 study or research, or both.

13 TITLE II—PROGRAM OF ASSISTANCE FOR SCI-  
14 ENCE AND MATHEMATICS EDUCATION

## 15 AUTHORIZATION OF APPROPRIATIONS

16 SEC. 201. There is hereby authorized to be appropriated  
17 for the fiscal year beginning July 1, 1958, and for each fis-  
18 cal year thereafter, the sum of \$360,000,000.

## 19 ALLOTMENTS TO THE STATES

20 SEC. 202. The funds appropriated for any fiscal year  
21 pursuant to section 201 shall be allotted among the States  
22 so that to each State there is available for the purposes  
23 of this title an amount which bears the same ratio to the

1 funds appropriated for such fiscal year as the population of  
2 the State bears to the total population of all the States. For  
3 the purposes of this Act the population of each State and of  
4 all the States shall be determined on the basis of the most  
5 recent year for which satisfactory data are available from  
6 the Department of Commerce.

7 ESTABLISHMENT OF FEDERAL BOARD FOR MATHEMATICAL  
8 AND SCIENTIFIC EDUCATION

9 SEC. 203. (a) There is hereby established a Federal  
10 Board for Mathematical and Scientific Education, consist-  
11 ing of the Secretary of Defense, as chairman, the Commis-  
12 sioner of Education, and three members appointed by the  
13 President, from among citizens of the United States, by  
14 and with the advice and consent of the Senate. Each  
15 appointed member of the Federal Board shall hold office  
16 for a term of 6 years, except (1) that any member ap-  
17 pointed to fill a vacancy occurring prior to the expiration  
18 of the term for which his predecessor was appointed shall  
19 be appointed only for the remainder of such term, and (2)  
20 that, of the members first appointed, one shall hold office  
21 for a term of four years, and one shall hold office for a term  
22 of two years, as designated by the President at the time of  
23 appointment. No appointed member of the Federal Board  
24 shall be eligible for reappointment until a year has elapsed  
25 since the end of his preceding term.

1 (b) The Federal Board—

2 (1) shall administer the provisions of this title,

3 (2) may make such rules and regulations as may  
4 be necessary to carry out the provisions of this title, and

5 (3) may make, or cause to have made, such studies,  
6 investigations, and reports as may prove helpful to the  
7 States in establishing and maintaining programs of  
8 science and mathematics instruction.

9 (c) Persons appointed to the Federal Board shall,  
10 while serving on the business of the Federal Board, receive  
11 compensation at the rate of \$75 per day, and shall also  
12 be entitled to receive an allowance for actual and necessary  
13 travel and subsistence expenses while so serving away from  
14 their places of residence.

15 STATE ACCEPTANCE PROVISIONS

16 SEC. 204. (a) In order to participate in the program  
17 established by this title a State—

18 (1) through its legislature, must—

19 (A) accept the provisions of this title and pro-  
20 vide for the administration of programs carried on  
21 with funds received under this title,

22 (B) designate the State official who is to re-  
23 ceive the funds paid to the State under this title,

1 (C) provide for an annual audit, and for the  
2 submission of a copy thereof to the Federal Board,  
3 of the expenditure of funds received under this title,  
4 and

5 (D) provide that the State educational agency  
6 will be the sole agency for administering the State  
7 program, and

8 (2) through its State educational agency, must  
9 submit a State plan to the Federal Board which—

10 (A) provides that the State educational agency  
11 will be the sole agency for administering the plan,

12 (B) provides that the funds paid to the State  
13 under this title shall be expended solely (i) to  
14 supplement or pay the salaries of teachers and  
15 supervisors of science or mathematics in schools  
16 under public supervision or control and (ii) to offer  
17 courses of instruction in science and mathematics  
18 in schools in the State under public supervision or  
19 control for teachers and supervisors of science and  
20 mathematics,

21 (C) provides the minimum qualifications that  
22 must be possessed by any teacher or supervisor of  
23 science or mathematics whose salary is paid or sup-  
24 plemented with funds received under this title,

25 (D) provides (i) the courses of study and

1 methods of instruction, which will be used to train  
2 teachers and supervisors of science or mathematics  
3 with funds received under this title, (ii) the quali-  
4 fications that such teachers or supervisors must  
5 possess to receive such training, and (iii) the  
6 schools where such training will be offered and the  
7 equipment that will be used for such training,  
8 (E) provides for the making of such reports,  
9 in such form and containing such information, as  
10 are reasonably necessary to enable the Federal  
11 Board to perform its functions under this title.

12 (b) The Federal Board shall approve any State plan  
13 which complies with the conditions set forth in paragraph  
14 (2) of subsection (a) of this section and is submitted by  
15 a State educational agency for a State which has complied  
16 with the provisions of paragraph (1) of subsection (a) of  
17 this section.

18 PAYMENT TO STATES

19 SEC. 205. The Federal Board shall pay, out of the fund  
20 provided by section 202 hereof, to each State which has a  
21 State plan in operation which was approved under section  
22 203 (b), through the State official designated by the legis-  
23 lature of such State for the purpose of receiving funds under  
24 this title, an amount equal to 50 per centum of the total  
25 cost of carrying out the program under such plan.

## 1 ADMINISTRATION OF STATE PLANS

2 SEC. 206. (a) The Federal Board shall not finally dis-  
3 approve any State plan submitted under this Act, or any  
4 modification thereof without first affording the State educa-  
5 tional agency administering the plan reasonable notice and  
6 opportunity for a hearing.

7 (b) Whenever the Federal Board, after reasonable  
8 notice and opportunity for hearing to the State educational  
9 agency administering a State plan approved under one of  
10 the titles of this Act, finds that—

11 (1) the State plan has been so changed that it no  
12 longer complies with the provisions of this Act govern-  
13 ing its original approval, or

14 (2) in the administration of the plan there is a  
15 failure to comply substantially with any such provision,  
16 the Federal Board shall suspend approval of the State plan,  
17 and shall notify the agency administering the plan of the  
18 suspension. When approval of a State plan has been sus-  
19 pended by the Federal Board such approval shall remain  
20 suspended until he is satisfied that there is no longer any  
21 such failure to comply.

22 (c) While approval of a State plan submitted under this  
23 title is suspended by the Federal Board it shall make no fur-  
24 ther payments under the title for programs in the State.

## 1 JUDICIAL REVIEW 1

2 SEC. 207. (a) If any State is dissatisfied with the Fed-  
3 eral Board's final action with respect to the approval of a  
4 State plan submitted under this title, or with respect to its  
5 final action under section 206 (b), such State may appeal  
6 to the United States court of appeals for the circuit in which  
7 such State is located. Summons and notice of appeal may be  
8 served at any place in the United States.

9 (b) The findings of fact by the Federal Board, unless  
10 substantially contrary to the weight of the evidence, shall  
11 be conclusive; but the court, for good cause shown, may  
12 remand the case to the Federal Board to take further  
13 evidence, and the Federal Board may thereupon make new  
14 or modified findings of fact and may modify its previous  
15 action. Such new or modified findings of fact shall likewise  
16 be conclusive unless substantially contrary to the weight  
17 of the evidence.

18 (c) The court shall have jurisdiction to affirm the ac-  
19 tion of the Federal Board or to set it aside, in whole or  
20 in part. The judgment of the court shall be subject to re-  
21 view by the Supreme Court of the United States upon  
22 certiorari or certification as provided in section 1254 of title  
23 28 of the United States Code.

1 TITLE III—PROVISIONS FOR SCIENCE TEACHING  
2 FACILITIES

3 AUTHORIZATION OF APPROPRIATIONS

4 SEC. 301. There is hereby authorized to be appropriated  
5 for the fiscal year ending June 30, 1959, and each fiscal  
6 year thereafter, the sum of \$100,000,000.

7 ALLOTMENTS TO STATES

8 SEC. 302. (a) From the total funds appropriated for  
9 any fiscal year pursuant to section 301, the Commissioner  
10 shall allot to each State an amount which bears the same  
11 ratio to the total funds so appropriated as the population of  
12 such State bears to the total population of all the States.

13 (b) A State's allotment under this title shall remain  
14 available for reservation of funds pursuant to section 304 (b)  
15 for projects in such State until the end of the fiscal year  
16 following the year for which such allotment is made.

17 (c) Any funds allotted to a State under this title and  
18 not reserved during the period specified in subsection (b)  
19 of this section shall be reallocated (on the basis of need) by  
20 the Commissioner among those States which have reserved  
21 the entirety of their available allotments under this title.  
22 Funds reallocated pursuant to this subsection shall remain  
23 available for reservation pursuant to section 304 (b) for  
24 projects in such State until the end of the fiscal year follow-  
25 ing the fiscal year in which such reallocation is made.

## STATE PLANS

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SEC. 303. (a) Any State which desires to accept payments under this title must 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 standards for minimum mathematics and science teaching facilities which (A) are necessary for secondary schools and tax-supported institutions of higher education, (B) conform with regulations of the Commissioner, and (C) are based on (i) the number of students who will use such facilities, (ii) the types of mathematics and science courses in conjunction with which such facilities are to be used, (iii) the structure or structures in conjunction with which such facilities are to be used, and (iv) the nature of the school or institution which is to be provided with such facilities;

(3) sets forth a program under which funds paid to the State under this title will be expended solely for projects, approved by the State educational agency, for the acquisition of science and mathematics teaching facilities for use in secondary schools and tax-supported institutions of higher education which are necessary in order to meet standards set forth in the State plan for minimum

1 facilities for the teaching of science and mathematics in  
2 such schools and institutions;

3 (4) sets forth principles for determining the priority  
4 of projects in the State for assistance under this title  
5 and provide for undertaking such projects, insofar as  
6 financial resources available therefor and for mainte-  
7 nance and operation make possible, in the order deter-  
8 mined by the application of such principles;

9 (5) provides for such fiscal control and fund ac-  
10 counting procedures as may be necessary to assure  
11 proper disbursement of an accounting for Federal funds  
12 paid to the State under this title;

13 (6) provides an opportunity for a hearing before  
14 the State educational agencies to interested persons with  
15 respect to each application for the approval of a project  
16 under this title; and

17 (7) provides that the State educational agency will  
18 make such reports to the Commissioner, in such form  
19 and containing such information, as may be reasonably  
20 necessary to enable the Commissioner to perform his  
21 duties under this title.

22 (b) The Commissioner shall approve any State plan  
23 and any modification thereof which complies with the pro-  
24 visions of subsection (a), but shall not finally disapprove  
25 any State plan or modification thereof without first affording

1 to the State educational agency reasonable notice and  
2 opportunity for a hearing.

3 (c) Whenever the Commissioner, after reasonable  
4 notice and opportunity for hearing to the State educational  
5 agency, finds that—

6 (1) the State plan approved under this section has  
7 been so changed that it no longer complies with the  
8 provisions of subsection (a), or

9 (2) in the administration of the plan there is a  
10 failure to comply substantially with any such provision,  
11 he shall make no further reservations under section 304  
12 (b) for projects in the State, and no further payments for  
13 any project directly affected by such failure, until he is satis-  
14 fied that there is no longer any such failure to comply, or, if  
15 compliance is impossible, until the State repays or arranges  
16 for the repayment of Federal funds which have been diverted  
17 or improperly expended. After notice as provided in this  
18 subsection to any State, the Commissioner may suspend  
19 further reservations of funds under section 304 (b) for proj-  
20 ects in the State, pending the making of findings under this  
21 subsection.

22 PAYMENTS TO STATES

23 SEC. 304. (a) Payments under this title shall be made  
24 to those State educational agencies which administer plans  
25 approved under section 303 and which furnish statements

1 to the Commissioner in accordance with this section. Each  
2 such statement shall set forth one or more projects approved  
3 by the State educational agency under the plan, the estimated  
4 cost of each such project, and the amount which the State  
5 educational agency desires to be paid for each project out of  
6 the State's allotment.

7 (b) Except as provided in section 305, the Commis-  
8 sioner shall issue, to each State educational agency furnishing  
9 a statement in accordance with subsection (a), a commit-  
10 ment reserving, out of the State's allotment, for each project  
11 included in the statement, the amount requested by the State  
12 educational agency for that project. The Commissioner shall  
13 change any amount so reserved upon request of the State  
14 educational agency and receipt of an amended state-  
15 ment from such agency, but only to the extent the change  
16 is not inconsistent with the other provisions of this title. The  
17 Commissioner shall pay the amount reserved to the construct-  
18 ing agency, through the disbursing facilities of the Depart-  
19 ment of the Treasury. Funds so paid shall be used exclu-  
20 sively to meet the cost of the project for the acquisition of  
21 science and mathematics teaching facilities for which the  
22 amount was reserved.

23 (c) If any project for which one or more payments  
24 have been made under this section is abandoned, or is not  
25 completed within a reasonable period determined under

1 regulations of the Commissioner, the constructing agency  
2 to which such payments were made shall repay to the  
3 United States, for deposit in the Treasury of the United  
4 States as miscellaneous receipts, the amount of such pay-  
5 ments or such lesser amount as may be reasonable under the  
6 circumstances (as determined by agreement of the parties  
7 or by action brought in the Federal district court for the  
8 district in which such project is located).

9

## JUDICIAL REVIEW

10 SEC. 305. (a) If any State is dissatisfied with the Com-  
11 missioner's final action with respect to the approval of a  
12 State plan submitted under this title, or with respect to his  
13 final action under section 303 (c), such State may appeal  
14 to the United States court of appeals for the circuit in which  
15 such State is located. Summons and notice of appeal may  
16 be served at any place in the United States.

17 (b) The findings of fact by the Commissioner, unless  
18 substantially contrary to the weight of the evidence, shall  
19 be conclusive; but the court, for good cause shown, may  
20 remand the case to the Commissioner to take further evi-  
21 dence, and the Commissioner may thereupon make new or  
22 modified findings of fact and may modify its previous action.  
23 Such new or modified findings of fact shall likewise be con-  
24 clusive unless substantially contrary to the weight of the  
25 evidence.

1 (c) The court shall have jurisdiction to affirm the ac-  
2 tion of the Commissioner or to set it aside, in whole or in  
3 part. The judgment of the court shall be subject to review  
4 by the Supreme Court of the United States upon certiorari  
5 or certification as provided in section 1254 of title 28 of the  
6 United States Code.

85TH CONGRESS  
2D SESSION

**H. R. 12023**

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**A BILL**

To establish a program to enable students in the fields of science and mathematics to attend high schools and institutions of higher education, to improve the teaching of science and mathematics in the schools of the Nation, to make grants to permit the construction of minimum facilities for the teaching of science in the schools of the Nation, and for other purposes.

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By Mr. FOGARTY

APRIL 21, 1958

Referred to the Committee on Education and Labor