

87TH CONGRESS
2D SESSION

H. R. 12108

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 "SHORT TITLE

6 "SECTION 1. This Act may be cited as the 'Library
7 Services Act'.

1 "DECLARATION OF POLICY

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

15 "DEFINITIONS

16 "SEC. 3. For the purposes of this Act—

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

23 "(2) The term 'State library administrative agency'
24 means the official State agency charged by State law with
25 the extension and development of public library services

1 throughout the State, or, if there is no such agency in a
2 State, the agency or officer designated by the Governor of
3 such State or by State law for purposes of this paragraph.

4 “(3) The term ‘public library’ means any library that
5 serves free all residents of a community, district, or region,
6 and receives its financial support in whole or in part from
7 public funds.

8 “(4) The term ‘Secretary’ means the Secretary of
9 Health, Education, and Welfare.

10 “(5) The term ‘Commissioner’ means the (United
11 States) Commissioner of Education.

12 “(6) The term ‘institution of higher education’ means
13 an educational institution in any State which (A) admits
14 as regular students only persons having a certificate of gradua-
15 tion from a school providing secondary education, or the
16 recognized equivalent of such a certificate, (B) is legally
17 authorized within such State to provide a program of educa-
18 tion beyond secondary education, (C) provides an educa-
19 tional program for which it awards a bachelor’s degree or
20 provides not less than a two-year program which is accept-
21 able for full credit toward such a degree, (D) is a public
22 or other nonprofit institution, and (E) is accredited by a na-
23 tionally recognized accrediting agency or association or, if not
24 so accredited, is an institution whose credits are accepted,

1 on transfer, by not less than three institutions which are so
2 accredited, for credit on the same basis as if transferred from
3 an institution so accredited.

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

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

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

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

22 “(11) The term ‘public’, as applied to any school,
23 library, or institution, includes a school, library, or institution
24 of any agency of the United States, except that no such
25 school, library, or institution shall be eligible to receive any

1 grant or other payment under the provisions of this Act.

2 “(12) The term ‘nonprofit’, as applied to a school,
3 library, or institution, means a school, library, or institution
4 owned and operated by one or more nonprofit corporations
5 or associations no part of the net earnings of which inures,
6 or may lawfully inure, to the benefit of any private share-
7 holder or individual.

8 “ADMINISTRATION

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

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

20 “(c) There are hereby authorized to be appropriated for
21 expenses of administration such sums as may be necessary
22 to carry out the functions of the Secretary and the Commis-
23 sioner under this Act.

24 “(d) Nothing contained in this Act shall be deemed

1 to authorize any department, agency, officer, or employee
2 of the United States to exercise any direction, supervision,
3 or control over (1) any public library, school library, or
4 the library of any institution of higher education, which
5 is not a library administered by a department or agency
6 of the United States; (2) the personnel of any such library;
7 or (3) the selection of books and other materials for any
8 such library.

9 "TITLE I—PUBLIC LIBRARIES

10 "AUTHORIZATION OF APPROPRIATIONS

11 "SEC. 101. There is hereby authorized to be appropri-
12 ated for the fiscal year ending June 30, 1963, and for each
13 of the four succeeding fiscal years the sum of \$20,000,000,
14 which shall be used for making payments to States which
15 have submitted and have approved by the Commissioner
16 State plans for the further extension of public library services
17 to areas without such services, or with inadequate services.

18 "ALLOTMENTS TO STATES

19 "SEC. 102. From the sums appropriated pursuant to sec-
20 tion 101 for each fiscal year, the Commissioner shall allot
21 \$20,000 to the Virgin Islands, Guam, American Samoa, and
22 the Canal Zone, and \$80,000 to each of the other States,
23 and shall allot to each State such part of the remainder of
24 such sums as the population of the State bears to the popula-

1 tion of the United States, according to the most recent decen-
2 nial census.

3 "STATE PLANS

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

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

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

22 "(3) provide policies and methods of administration
23 to be followed in using any funds made available for
24 expenditure under the State plan, which policies and

1 methods the State library administrative agency cer-
2 tifies will in its judgment assure use of such funds to
3 maximum advantage in the further extension of public
4 library services to areas without such services or with
5 inadequate services;

6 “(4) provide that the State library administrative
7 agency will make such reports as to categories of ex-
8 penditures made under this title, as the Commissioner
9 may from time to time reasonably require; and

10 “(5) provide that any library services furnished
11 under the plan shall be made available free of charge
12 under regulations prescribed by the State library ad-
13 ministrative agency.

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

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

20 “PAYMENTS TO STATES

21 “SEC. 104. (a) From the allotments available therefor
22 under section 102, the Secretary of the Treasury shall from
23 time to time pay to each State which has a plan approved
24 under section 103 an amount computed as provided in sub-

1 section (b) of this section, equal to the Federal share of the
2 total sums expended by the State and its political subdivisions
3 under such plan during the period for which such payment
4 was made, except that no payments shall be made to any
5 State from its allotment for any fiscal year unless and until
6 the Commissioner finds that (1) there will be available for
7 expenditure under the plan from State or local sources during
8 the fiscal year for which the allotment is made (A) sums
9 sufficient to enable the State to receive under this section
10 payments in an amount not less than \$20,000 in the case of
11 the Virgin Islands, Guam, American Samoa, and the Canal
12 Zone, and \$80,000 in the case of any other State, and (B)
13 not less than the total amount actually expended, in the areas
14 covered by the plan for such year, for public library services
15 from such sources in the fiscal year ending June 30, 1962,
16 and (2) there will be available for expenditure for public
17 library services from State sources during the fiscal year for
18 which the allotment is made not less than the total amount
19 actually expended for public library services from such
20 sources in the fiscal year ending June 30, 1962.

21 “(b) The Commissioner shall from time to time, but
22 not less often than semiannually, and prior to the period for
23 which a payment is to be made, estimate the amount, within

1 the balance of the allotments for each State, which may be
2 necessary to pay the Federal share of the total expenditures
3 for carrying out the approved State plan for such period.
4 The Commissioner shall certify to the Secretary of the
5 Treasury the amount so determined, reduced or increased
6 as the case may be by the amount by which he finds that his
7 estimate for any prior period was greater or less than the
8 amount which should have been paid to the State for such
9 period. The Secretary of the Treasury shall thereupon,
10 prior to audit or settlement by the General Accounting Office,
11 pay to the State, at the time or times fixed by the Com-
12 missioner, the amount so certified.

13 “(c) The amount of any State’s allotment for any fiscal
14 year which the Commissioner determines will not be re-
15 quired for such fiscal year for carrying out the State plan
16 approved under this title for which such allotment is avail-
17 able shall be available for reallocation from time to time, on
18 such dates during such year as the Commissioner may fix, to
19 other States in proportion to the original allotments to such
20 States under section 102 for such year, but with such adjust-
21 ments as may be necessary to prevent reallocation to any
22 State of any sum in excess of the amount which the Com-
23 missioner estimates it needs and will be able to use for
24 such year for carrying out the State plan for which the
25 amount reallocated would be available. Any amount real-

1 allotted to a State under this paragraph during a year from
2 funds appropriated pursuant to section 101 shall be deemed
3 part of its allotment for such year.

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

15 “(e) The Federal share for each State shall be promul-
16 gated by the Commissioner between July 1 and August 31
17 of each even-numbered year, on the basis of the average of
18 the per capita incomes of each of the States and all of the
19 States (excluding Puerto Rico, the Virgin Islands, Guam,
20 American Samoa, and the Canal Zone) for the three most
21 recent consecutive years for which satisfactory data are
22 available from the Department of Commerce. Such pro-
23 mulgation shall be conclusive for each of the two fiscal years
24 in the period beginning July 1 next succeeding such promul-
25 gation.

1 “(f) No portion of any money paid to a State under this
2 title shall be applied, directly or indirectly, to the purchase
3 or erection of any building or buildings, or the purchase of
4 any land.

5 “WITHHOLDING

6 “SEC. 105. If the Commissioner finds after reasonable
7 notice and opportunity for hearing to the State agency ad-
8 ministering or supervising the administration of the State
9 plan approved under this title, that the State plan has been
10 so changed that it no longer complies with the requirements
11 of this title or that in the administration of the plan there is
12 a failure to comply substantially with the provisions required
13 to be included in the plan, he shall notify such State agency
14 that further payments will not be made to the State under
15 this title until he is satisfied that there is no longer any such
16 failure to comply. Until he is so satisfied, he shall make no
17 further certification to the Secretary of the Treasury with
18 respect to such State: *Provided*, That any State or State
19 agency shall be entitled to judicial review in the United
20 States district court for the district in which the State or
21 State agency is located of any such withholding determina-
22 tion in accordance with applicable provisions of the Adminis-
23 trative Procedure Act.

1 "TITLE II—LIBRARY PROGRAMS IN PUBLIC
2 ELEMENTARY AND SECONDARY SCHOOLS

3 "APPROPRIATIONS AUTHORIZED

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

11 "ALLOTMENTS TO STATES

12 "SEC. 202. (a) From the sums appropriated pursuant
13 to section 201 for any fiscal year the Commissioner shall
14 reserve such amount, but not in excess of 1.6 per centum
15 thereof, as he may determine for allotment as provided in
16 subsection (b). From the remainder of such sums the Com-
17 missioner shall allot to each State an amount which bears
18 the same ratio to the amount of such remainder as the school-
19 age population of such State bears to the school-age popula-
20 tion of all of the States. The amount allotted to any State
21 under the preceding sentence for any fiscal year which is less
22 than \$50,000 shall be increased to \$50,000, the total of in-
23 creases thereby required being derived by proportionately

1 reducing the amount allotted to each of the remaining States
2 under the preceding sentence, but with such adjustments as
3 may be necessary to prevent the allotment of any such
4 remaining State from being thereby reduced to less than
5 \$50,000.

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

12 “STATE PLANS

13 “SEC. 203. (a) Any State which desires to receive pay-
14 ments under this title shall submit to the Commissioner,
15 through its State educational agency, a State plan which—

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

18 “(2) sets forth a program of library service in
19 public elementary and secondary schools to meet the
20 library needs of all students and to provide the facilities
21 and resources for challenging education for superior
22 students under which funds paid to the State from its
23 allotment under section 202 will be expended solely for
24 projects approved by the State educational agency for

25 (A) acquisition of library materials (printed and audio-

1 visual) and library equipment which are suitable for use
2 in providing resources for teaching and learning and
3 which will carry out the objectives of this Act as stated
4 in section 2, (B) the establishment or improvement of
5 local school library supervisory services, (C) minor
6 remodeling of existing space used for library quarters,
7 (D) the establishment or improvement of library super-
8 visory services within the State educational agency, and
9 (E) administration of the State plan;

10 “(3) provides for the establishment of State stand-
11 ards for public elementary and secondary school libraries;

12 “(4) sets forth principles for determining the
13 priority of such projects in the State for assistance
14 under this title and provides for undertaking such
15 projects, insofar as financial resources available there-
16 for make possible, in the order determined by the
17 application of such principles;

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

21 “(6) provides that the State educational agency
22 will make such reports to the Commissioner, in such
23 form and containing such information, as may be reason-
24 ably necessary to enable the Commissioner to perform
25 his duties under this title; and

1 “(7) provides for such fiscal control and fund
2 accounting procedures as may be necessary to assure
3 proper disbursement of and accounting for Federal
4 funds paid to the State under this title.

5 “(b) The Commissioner shall approve any State plan
6 and any modification thereof which complies with the pro-
7 visions of subsection (a).

8 “PAYMENTS TO STATES

9 “SEC. 204. (a) From the allotments available therefor
10 under section 202, the Secretary of the Treasury shall from
11 time to time pay to each State which has a plan approved
12 under section 203 for the fiscal year ending June 30, 1963,
13 such payments which equal the amount expended in carry-
14 ing out the State plan, and for the fiscal year ending June
15 30, 1964, and for each of the three succeeding fiscal years
16 an amount computed as provided in subsection (b) of this
17 section, equal to the Federal share of the total sums expended
18 by the State and its political subdivisions under such plan
19 during the period for which such payment was made, except
20 that no payments shall be made to any State from its allot-
21 ment for any fiscal year unless and until the Commissioner
22 finds that (1) there will be available for expenditure under
23 the plan from State or local sources during the fiscal year
24 for which the allotment is made (A) sums sufficient to
25 enable the State to receive under this section payments in

1 an amount not less than that allotted to it by the Commis-
2 sioner in the case of Puerto Rico, the Virgin Islands, Guam,
3 American Samoa, and the Canal Zone, and \$50,000 in the
4 case of any other State, and (B) not less than the total
5 amount actually expended, in the areas covered by the plan
6 for such year, for programs of library service in public ele-
7 mentary and secondary schools from such sources in the fiscal
8 year ending June 30, 1962, and (2) there will be available
9 for expenditure for programs of library service in public
10 elementary and secondary schools from State sources during
11 the fiscal year for which the allotment is made not less than
12 the total amount actually expended for such programs from
13 such sources in the fiscal year ending June 30, 1962.

14 “(b) The Commissioner shall from time to time, but
15 not less often than semiannually, and prior to the period
16 for which a payment is to be made, estimate the amount,
17 within the balance of the allotments for each State, which
18 may be necessary to pay the Federal share of the total ex-
19 penditures for carrying out the approved State plan for such
20 period. The Commissioner shall certify to the Secretary of
21 the Treasury the amount so determined, reduced or increased
22 as the case may be by the amount by which he finds that his
23 estimate for any prior period was greater or less than the
24 amount which should have been paid to the State for such
25 period. The Secretary of the Treasury shall thereupon,

1 prior to audit or settlement by the General Accounting Office,
2 pay to the State, at the time or times fixed by the Commis-
3 sioner, the amount so certified.

4 “(c) The amount of any State’s allotment for any fiscal
5 year which the Commissioner determines will not be re-
6 quired for such fiscal year for carrying out the State plan
7 approved under this title for which such allotment is avail-
8 able shall be available for reallocation from time to time, on
9 such dates during such year as the Commissioner may fix,
10 to other States in proportion to the original allotments to
11 such States under section 202 for such year, but with such
12 adjustments as may be necessary to prevent reallocation to
13 any State of any sum in excess of the amount which the
14 Commissioner estimates it needs and will be able to use for
15 such year for carrying out the State plan for which the
16 amount reallocated would be available. Any amount re-
17 allotted to a State under this paragraph during a year from
18 funds appropriated pursuant to section 201 shall be deemed
19 part of its allotment for such year.

20 “(d) For the purposes of this section the ‘Federal share’
21 for any State shall be 100 per centum less the State percent-
22 age and the State percentage shall be that percentage which
23 bears the same ratio to 50 per centum as the per capita in-
24 come of such State bears to the per capita income of all the
25 States (excluding Puerto Rico, the Virgin Islands, Guam,

1 administration of the plan there is a failure to comply sub-
2 stantially with the provisions required to be included in the
3 plan, he shall notify such State educational agency that fur-
4 ther payments will not be made to the State for carrying out
5 such plan (or, in his discretion, further payments to the State
6 will be limited to programs under or portions of the State
7 plan not affected by such failure), until he is satisfied that
8 there will no longer be any failure to comply. Until he is
9 so satisfied, he shall make no further certifications to the
10 Secretary of the Treasury with respect to such State for
11 carrying out such plan (or shall limit payments to programs
12 under or portion of the State plan not affected by such
13 failure) : *Provided*, That any State or State agency shall be
14 entitled to judicial review in the United States district court
15 for the district in which the State or State educational agency
16 is located of any such withholding determination in accord-
17 ance with applicable provisions of the Administrative Proce-
18 dure Act.

19 "TITLE III—LIBRARY GRANTS TO INSTITUTIONS
20 OF HIGHER EDUCATION

21 "APPROPRIATIONS AUTHORIZED

22 "SEC. 301. There are hereby authorized to be appro-
23 priated \$10,000,000 for the fiscal year ending June 30,
24 1963, and for each of the four succeeding fiscal years, to
25 enable the Commissioner to make grants to institutions of

1 higher education to assist and encourage such institutions
2 in the acquisition for library purposes of books (not including
3 textbooks), periodicals, documents, and other related mate-
4 rials (including necessary binding).

5 "GRANT CONDITIONS

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

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

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

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

22 "(C) \$5,000 if it provides an educational pro-
23 gram for which it awards both bachelors' and ad-
24 vanced degrees; and

1 “(2) if such institution furnishes proof satisfactory
2 to the Commissioner—

3 “(i) that it will expend, during the fiscal year
4 for which the grant is requested, for all library pur-
5 poses an amount not less than the amount it ex-
6 pended for such purposes during the fiscal year end-
7 ing June 30, 1962,

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

15 “(iii) that it will expend for library purposes
16 during the fiscal year for which the grant is re-
17 quested, in addition to the amount required under
18 clauses (i) and (ii) above, an amount not less than
19 the amount of such grant, and that at least 50 per
20 centum of such expenditure will be for library pur-
21 poses for books, periodicals, documents, and other
22 related materials (including necessary binding).

23 “LIMITATION

24 “SEC. 303. No grant shall be made under this title for
25 books, periodicals, documents, or other related materials

1 to be used primarily in connection with any part of the pro-
2 gram of a divinity school, theological seminary, or other
3 institution, or a department or branch of an institution, whose
4 program is for the education of students to prepare them to
5 become ministers of religion or to enter upon some other
6 religious vocation.

7 "TITLE IV—LIBRARY TRAINING INSTITUTES

8 "APPROPRIATIONS AUTHORIZED

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

87TH CONGRESS
2d Session

H. R. 12108

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.

By Mr. FOGARTY

JUNE 13, 1962

Referred to the Committee on Education and Labor