

88TH CONGRESS  
1ST SESSION

# H. R. 8275

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 27, 1963

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

### A BILL

To amend the Library Services Act to increase the Federal assistance for the improvement of public libraries.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 EXTENSION OF ACT TO NONRURAL AREAS

4 SECTION 1. (a) (1) Section 2 of the Library Services  
5 Act is amended by striking out "rural".

6 (2) Section 3 of such Act is amended by striking out  
7 "rural".

8 (b) Section 4 of such Act is amended by striking out  
9 "rural" wherever it appears therein.

10 (c) (1) So much of section 5 (a) of such Act as precedes  
11 paragraph (1) is amended by striking out "to rural areas".

1 (2) Paragraph (3) of such section is amended by  
2 striking out "rural".

3 (d) Section 8 (b) of such Act is amended by striking  
4 out "in rural areas".

5 (e) Section 9 of such Act is amended by striking out  
6 paragraph (e) and by striking out "; and" at the end of  
7 paragraph (d) and inserting in lieu thereof a period.

8 (f) The amendment made by subsection (a) (2) shall  
9 apply in the case of appropriations for fiscal years beginning  
10 after June 30, 1963. The amendments made by subsection  
11 (b) shall apply in the case of allotments from appropriations  
12 for fiscal years beginning after June 30, 1963. The amend-  
13 ments made by subsection (c) shall apply in the case of  
14 expenditures under State plans for periods after June 30,  
15 1963. The amendment made by subsection (e) shall be-  
16 come effective July 1, 1963.

17 EXTENSION AND INCREASE OF AUTHORIZATION

18 SEC. 2. Section 3 of the Library Services Act is amended  
19 by striking out "is hereby" and inserting in lieu thereof  
20 "are"; by striking out "nine succeeding fiscal years" and  
21 inserting in lieu thereof "next six fiscal years"; and by  
22 inserting ", for the fiscal year ending June 30, 1964, the  
23 sum of \$25,000,000, and for each of the next two fiscal  
24 years such sums as the Congress may determine," after  
25 "\$7,500,000".

1 INCREASE IN MINIMUM ALLOTMENTS; AVAILABILITY OF  
2 ALLOTMENTS

3 SEC. 3. (a) Effective in the case of allotments from  
4 appropriations for fiscal years beginning after June 30, 1963,  
5 section 4 of the Library Services Act is amended by striking  
6 out "\$10,000" and inserting in lieu thereof "\$25,000", and  
7 by striking out "\$40,000" and inserting in lieu thereof  
8 "\$100,000".

9 (b) Such section is further amended by adding at the  
10 end thereof the following new sentence: "The allotment to  
11 any State under this section for the fiscal year ending June  
12 30, 1964, shall be available for payments to such State with  
13 respect to expenditures under its approved State plan during  
14 such year and the next fiscal year."

15 DEVELOPMENT OF LIBRARY SERVICES FOR ALL STUDENTS

16 SEC. 4. Effective July 1, 1963, section 5 (a) (3) of  
17 the Library Services Act is amended by striking out all that  
18 appears after the comma and inserting in lieu thereof the  
19 following: "which policies and methods give particular con-  
20 sideration, in carrying out the objectives of this Act, to the  
21 development of public library services to satisfy the needs of  
22 students of all ages for useful and readily accessible library  
23 services and materials;".

## 1 INCREASE IN MINIMUM STATE EXPENDITURES REQUIRED

2 SEC. 5. Effective in the case of payments from allot-  
3 ments for fiscal years beginning after June 30, 1963, sub-  
4 section (a) of section 6 of the Library Services Act is  
5 amended by striking out "\$10,000" and inserting in lieu  
6 thereof "\$25,000", by striking out "\$40,000" and inserting  
7 in lieu thereof "\$100,000", and by striking out "June 30,  
8 1956" wherever it appears therein and inserting in lieu  
9 thereof "June 30, 1963".

## 10 PAYMENT PROCEDURE

11 SEC. 6. Effective in the case of payments from allot-  
12 ments for fiscal years beginning after June 30, 1963, sub-  
13 section (b) of section 6 of the Library Services Act is  
14 amended to read as follows:

15 "(b) Prior to each period for which a payment is to be  
16 made under subsection (a), but not less often than semi-  
17 annually, the Commissioner shall estimate the amount to  
18 which each State will be entitled under subsection (a) for  
19 such period; and the amount so estimated shall be paid, in  
20 such installments and at such time or times as the Commis-  
21 sioner may determine, after necessary adjustment on account  
22 of any previously made overpayment or underpayment  
23 under this section."

1                                   **CONSTRUCTION GRANTS**

2       SEC. 7. (a) The Library Services Act is further  
3 amended by inserting "TITLE I—PUBLIC LIBRARY  
4 SERVICES" after section 2, by redesignating section 3,  
5 4, 5, and 6, and references thereto, as sections 101, 102,  
6 103, and 104, respectively, and by inserting after such sec-  
7 tions the following new title:

8       **"TITLE II—PUBLIC LIBRARY CONSTRUCTION**  
9                   **"AUTHORIZATION OF APPROPRIATIONS**

10      "SEC. 201. There are authorized to be appropriated for  
11 the fiscal year ending June 30, 1964, the sum of \$20,000,-  
12 000, and for each of the next two fiscal years such sums as  
13 the Congress may determine, which shall be used for making  
14 payments to States, which have submitted and had approved  
15 by the Commissioner, State plans for the construction of  
16 public libraries.

17                                   **"ALLOTMENTS**

18      "SEC. 202. From the sums appropriated pursuant to  
19 section 201 for each fiscal year, the Commissioner shall  
20 allot \$20,000 each to Guam, American Samoa, and the  
21 Virgin Islands, and \$80,000 to each of the other States,  
22 and shall allot to each State such part of the remainder of

1 such sums as the population of the State bears to the  
2 population of the United States, according to the most  
3 recent decennial census. A State's allotment under this sub-  
4 section for any fiscal year shall be available for payments  
5 with respect to construction projects approved, under its  
6 State plan approved under section 203, during such year  
7 or (but only in the case of a State allotment for the fiscal  
8 year ending June 30, 1964) the next fiscal year.

9 "STATE PLANS FOR CONSTRUCTION

10 "SEC. 203. (a) To be approved for purposes of this  
11 title a State plan for construction of public libraries must—

12 "(1) meet the requirements of paragraphs (1),  
13 (2), (4), and (5) of section 103 (a) ;

14 "(2) set forth criteria and procedures for approval  
15 of projects for construction of public library facilities  
16 which are designed to insure that priority will be given  
17 to projects for facilities to serve areas having, in the  
18 judgment of the State library administrative agency, the  
19 greatest need for additional facilities and which give  
20 particular consideration to projects for facilities to help  
21 achieve the objective of developing library services to  
22 satisfy the needs of students of all ages for useful and  
23 readily accessible library services and materials;

1           “(3) provide assurance that every local or other  
2       public agency whose application for funds under the  
3       plan with respect to a project for construction of public  
4       library facilities is denied will be given an opportunity  
5       for a fair hearing before the State library administrative  
6       agency; and

7           “(4) provide assurance that all laborers and me-  
8       chanics employed by contractors or subcontractors on all  
9       construction projects assisted under this Act shall be  
10      paid wages at rates not less than those prevailing on  
11      similar construction in the locality, as determined by  
12      the Secretary of Labor in accordance with the Davis-  
13      Bacon Act, as amended (40 U.S.C. 276a-276c-5), and  
14      shall receive overtime compensation in accordance with  
15      and subject to the provisions of the Contract Work Hours  
16      Standards Act (Public Law 87-581) ; and the Secretary  
17      of Labor shall have with respect to the labor standards  
18      specified in this paragraph the authority and functions  
19      set forth in Reorganization Plan Numbered 14 of 1950  
20      (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of  
21      the Act of June 13, 1934, as amended (40 U.S.C.  
22      276c).

23      “(b) The Commissioner shall approve any plan which

1 fulfills the conditions specified in subsection (a) of this  
2 section.

3 "PAYMENTS TO STATES

4 "SEC. 204. (a) From its allotment available therefor  
5 under section 202 each State shall be entitled to receive an  
6 amount equal to the Federal share (as determined under  
7 section 104) of projects approved, during the period for  
8 which such allotment is available, under the State plan of  
9 such State approved under section 203.

10 "(b) The Commissioner shall from time to time esti-  
11 mate the amount to which a State is entitled under subsec-  
12 tion (a), and such amount shall be paid to the State, at such  
13 time or times, and in such installments as the Commissioner  
14 shall determine, after necessary adjustment on account of  
15 any previously made underpayment or overpayment."

16 (b) Section 9 of such Act is further amended by  
17 redesignating paragraph (d) as paragraph (e) and insert-  
18 ing after paragraph (c) the following new paragraph:

19 "(d) The term 'construction' includes construction of  
20 new buildings and expansion, remodeling, and alteration of  
21 existing buildings, and initial equipment of any such build-  
22 ings; including architects' fees and the cost of the acquisition  
23 of land;".

24 (c) Subsection (f) of the section of such Act herein  
25 redesignated as section 104 is repealed.



1 (d) Subsection (a) of such section 104 is amended  
2 by inserting at the end thereof the following new sentence:  
3 "from such allotments, there shall also be paid to each State  
4 for each such period the Federal share of the total of the  
5 sums expended by the State and its political subdivisions  
6 during such period for administration of the plan of such  
7 State approved under section 203."

8 (e) Subsection (e) of such section 104 is amended by  
9 striking out "Act" and inserting in lieu thereof "title".

10 (f) Such Act is further amended by inserting "TITLE  
11 III—GENERAL" above the heading for section 7 and by  
12 redesignating sections 7, 8, and 9 as sections 301, 302, and  
13 304, respectively.

14 (g) The first sentence of such section 301 is amended  
15 by inserting "applicable" before "requirements of this Act"  
16 and by inserting "(or, in his discretion, that further pay-  
17 ments will not be made with respect to portions of or projects  
18 under the State plan affected by such failure)" before "until  
19 he is satisfied". The second sentence of such section is  
20 amended to read: "Until he is so satisfied, no further pay-  
21 ments shall be made to such State for carrying out such  
22 State plan (or further payments shall be limited to parts of  
23 or projects under the plan not affected by such failure)."

24 (h) Such Act is further amended by inserting after  
25 such section 302 the following new section:

## "REALLOTMENTS

1  
2 "SEC. 303. The amount of any State's allotment under  
3 section 102 or 202 for any fiscal year which the Commis-  
4 sioner determines will not be required for the period for  
5 which such allotment is available for carrying out the State  
6 plan approved under section 103 and section 203, respective-  
7 ly, shall be available for reallocation from time to time,  
8 on such dates during such year as the Commissioner may  
9 fix, to other States in proportion to the original allotments  
10 for such year to such States under such section 102 or 202,  
11 as the case may be, but with such proportionate amount for  
12 any of such other States being reduced to the extent it ex-  
13 ceeds the amount which the Commissioner estimates the  
14 State needs and will be able to use for such period of time  
15 for which the original allotments were available for carrying  
16 out the State plan approved under section 103 or 203, as  
17 the case may be, and the total of such reductions shall be  
18 similarly reallocated among the States not suffering such a  
19 reduction. Any amount reallocated to a State under this  
20 subsection from funds appropriated pursuant to section 101  
21 or 201 for any fiscal year shall be deemed part of its allot-  
22 ment for such year under sections 102 and 202,  
23 respectively."

24 (i) The amendments made by subsections (c), (e),  
25 and (g) shall be applicable in the case of payments from

1 allotments for fiscal years beginning after June 30, 1963.  
2 The amendment made by subsection (h) shall be applicable  
3 in the case of such allotments.

4 HEARINGS AND JUDICIAL REVIEW

5 SEC. 8. The section of the Library Services Act herein  
6 redesignated as section 302 is amended by adding at the end  
7 thereof the following new subsection:

8 “(d) (1) The Commissioner shall not finally disapprove  
9 any State plan submitted under this Act, or any modification  
10 thereof, without first affording the State submitting the plan  
11 reasonable notice and opportunity for a hearing.

12 “(2) If any State is dissatisfied with the Commis-  
13 sioner’s final action with respect to the approval of its State  
14 plan submitted under title I or title II, or with respect to his  
15 final action under section 301, such State may appeal to the  
16 United States Court of Appeals for the circuit in which the  
17 State is located, by filing a petition with such court within  
18 sixty days after such final action. A copy of the petition  
19 shall be forthwith transmitted by the clerk of the court to  
20 the Commissioner or any officer designated by him for that  
21 purpose. The Commissioner thereupon shall file in the court  
22 the record of the proceedings on which he based his action,  
23 as provided in section 2112 of title 28, United States Code.

24 “(3) Upon the filing of the petition referred to in para-  
25 graph (1) of this subsection, the court shall have jurisdic-

1 tion to affirm the action of the Commissioner or to set it aside,  
2 in whole or in part, temporarily or permanently, but until  
3 the filing of the record the Commissioner may modify or  
4 set aside his order. The findings of the Commissioner as to  
5 the facts, if supported by substantial evidence, shall be conclu-  
6 sive, but the court, for good cause shown, may remand the  
7 case to the Commissioner to take further evidence, and the  
8 Commissioner may thereupon make new or modified findings  
9 of fact and may modify his previous action, and shall file in  
10 the court the record of the further proceedings. Such new  
11 or modified findings of fact shall likewise be conclusive if  
12 supported by substantial evidence.

13 “(4) The judgment of the court affirming or setting  
14 aside, in whole or in part, any action of the Commissioner  
15 shall be final, subject to review by the Supreme Court of  
16 the United States upon certiorari or certification as provided  
17 in section 1254 of title 28, United States Code. The com-  
18 mencement of proceedings under this subsection shall not,  
19 unless so specifically ordered by the court, operate as a stay  
20 of the Commissioner’s action.”

21 *EXTENSION TO DISTRICT OF COLUMBIA*

22 *SEC. 9. Subsection (a) of the section of the Library*  
23 *Services Act herein redesignated as section 304 is amended*  
24 *by inserting after “State,” the following: “the District of*  
25 *Columbia,”.*

1                    **CHANGE IN TITLE AND SHORT TITLE**

2            **SEC. 9 10.** (a) The first section of the Library Services  
3 Act is amended by striking out "Library Services Act" and  
4 inserting in lieu thereof "Library Services and Construction  
5 Act".

6            (b) The title of such Act is amended to read "To pro-  
7 mote the further development of public library services."

1 FL-P-88-1-10 of such section is amended by  
2 striking out "and"

3 (d) Section 4 (b) of such Act is amended by striking  
4 out "in rural areas"

5 (e) Section 5 of such Act is amended by striking out  
6 paragraph (c) and by striking out "and" at the end of  
7 paragraph (d) and inserting in lieu thereof a period.

8 (f) The amendments made by paragraphs (a) and (b) shall  
9 apply in the case of any fiscal year beginning  
10 after June 30, 1963.

11 (b) shall apply in the case of any fiscal year  
12 for fiscal years beginning after June 30,  
13 1963. The amendments made by paragraphs (c) and (d)  
14 expenditures under this Act for fiscal years beginning  
15 1963. The amendments made by paragraph (e) shall  
16 apply effective July 1, 1963.

88TH CONGRESS  
1ST SESSION

# H. R. 8275

## A BILL

To amend the Library Services Act to increase  
the Federal assistance for the improvement  
of public libraries.

By Mr. FOGARTY

AUGUST 27, 1963

Referred to the Committee on Education and Labor

17  
18 Section 3 of the Library Services Act is amended  
19 by striking out "is hereby" and inserting in lieu thereof  
20 "are", by striking out "nine succeeding fiscal years" and  
21 inserting in lieu thereof "next six fiscal years"; and by  
22 inserting "for the fiscal year ending June 30, 1964, the  
23 sum of \$25,000,000; and for each of the next two fiscal  
24 years such sum as the Committee may determine" after  
25 "\$7,500,000".