

national concern in the field of education. Consultants may be appointed without regard to civil-service laws to assist in the conduct of such studies. The Committee shall propose to the Secretary appropriate action indicated by such studies and shall also, from time to time, advise the Secretary on the progress being made in carrying out its recommendations. The Secretary shall transmit to the Congress annually a report concerning the studies initiated under sections 333—337 of this title, the recommendations made by the Committee, and any action taken with respect to such recommendations. (July 26, 1954, ch. 577, § 4, 68 Stat. 534.)

§ 337. Same; compensation; per diem payments.

Members of the Committee shall receive no compensation for their services, but while traveling to or from or attending meetings of the Committee shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by section 73b-2 of Title 5 for persons in the Government service employed intermittently. (July 26, 1954, ch. 577, § 5, 68 Stat. 534.)

Chapter 16.—PUBLIC LIBRARY SERVICES FOR RURAL AREAS [NEW]

Sec.

- 351. Declaration of policy.
- 352. Authorization of appropriations.
- 353. Allotments to States.
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 - (a) Provisions of plan.
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- 355. Payments to States.
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- 356. Withholding of payments; notice and hearing; judicial review.
- 357. Administration; regulations; studies, investigations and reports; appropriations for administrative expenses.
- 358. Definitions.

§ 351. Declaration of policy.

(a) It is the purpose of this chapter to promote the further extension by the several States of public library services to rural areas without such services or with inadequate services.

(b) The provisions of this chapter shall not be so construed as to interfere with State and local initiative and responsibility in the conduct of public library services. The administration of public libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this chapter, the determination of the best uses of the funds provided under this chapter shall be reserved to the States and their local subdivisions. (June 19, 1956, ch. 407, § 2, 70 Stat. 293.)

SHORT TITLE

Congress, in enacting this chapter, provided by section 1 of act June 19, 1956, that this chapter should be popularly known as the "Library Services Act".

§ 352. Authorization of appropriations.

There is authorized to be appropriated for the fiscal year ending June 30, 1957, and for each of the four succeeding fiscal years the sum of \$7,500,000 which shall be used for making payments to States which have submitted and had approved by the Commissioner of Education (hereinafter referred to as the Commissioner) State plans for the further extension of public library services to rural areas without such services, or with inadequate services. (June 19, 1956, ch. 407, § 3, 70 Stat. 293.)

§ 353. Allotments to States.

(a) From the sums appropriated pursuant to section 352 of this title for each fiscal year, the Commissioner shall allot \$10,000 each to Guam and to the Virgin Islands and \$40,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the rural population of the State bears to the rural population of the United States, according to the most recent decennial census.

(b) The amount of any allotment to a State under subsection (a) of this title for any fiscal year remaining unpaid to such State at the end of such fiscal year shall be available for payment to such State under section 355 of this title until the end of the succeeding fiscal year. No payment to a State under section 355 of this title shall be made out of its allotment for any fiscal year until its allotment for the preceding fiscal year has been exhausted or has ceased to be available. (June 19, 1956, ch. 407, § 4, 70 Stat. 293, amended Aug. 1, 1956, ch. 852, § 25 (a), 70 Stat. 911.)

AMENDMENTS

1956—Subsec. (a) amended by act Aug. 1, 1956, by inserting "each to Guam and" after "\$10,000".

§ 354. State plans—(a) Provisions of plan.

(a) To be approved under this section, a State plan for the further extension of public library services to rural areas 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 administer the plan in accordance with its provisions and the provisions of this chapter;

(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 chapter and for the proper safeguarding 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 purposes 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 rural 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 chapter, 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) Approval by Commissioner of Education.

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

(c) Determination of inadequacy of library services.

(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. (June 19, 1956, ch. 407, § 5, 70 Stat. 294.)

§ 355. Payments to States—(a) Conditions.

From the allotments available therefor under section 353 of this title, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 354 of this title 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 \$10,000 in the case of the Virgin Islands and of Guam and \$40,000 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, 1956, 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, 1956.

(b) Estimate of amount necessary to pay Federal share of expenditures; Certification to Secretary of the Treasury.

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 Commissioner, the amount so certified.

(c) Federal share.

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 the continental United States (excluding Alaska), 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 Hawaii shall be 50 per centum and for Alaska, Puerto Rico, Guam, and the Virgin Islands shall be 66 per centum.

(d) Promulgation of Federal share.

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 the States and of the continental United States (excluding Alaska) 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: *Provided*, That the Commissioner shall promulgate such percentages as soon as possible after June 19, 1956 to be effective until July 1, 1957.

(e) Restriction on purchase or erection of buildings, or purchase of land.

No portion of any money paid to a State under this chapter shall be applied, directly or indirectly, to the purchase or erection of any building or buildings, or for the purchase of any land.

(f) Limitation to library services in rural areas; exception.

No portion of any money paid to a State under this chapter shall be used, directly or indirectly, to provide or improve library services in any area other than a rural area; except that nothing contained herein shall be construed to prohibit the utilization of such money by public libraries in nonrural areas for the exclusive purpose of extending public library services to rural areas, if such utilization has been provided for in an approved State plan covering the areas affected. (June 19, 1956, ch. 407, § 6, 70 Stat. 295; amended Aug. 1, 1956, ch. 852, § 25 (b), (c), 70 Stat. 911.)

AMENDMENTS

1956—Subsec. (a) amended by act Aug. 1, 1956, § 25 (b), by inserting "and of Guam" after "Virgin Islands".

Subsec. (c) amended by act Aug. 1, 1956, § 25 (c), by inserting "Guam," after "Puerto Rico,".

§ 356. Withholding of payments; notice and hearing; judicial review.

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 chapter, that the State plan has been so changed that it no longer complies with the requirements of this chapter 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 chapter 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 is entitled to judicial review in the United States District Court wherein the State or State agency is located of any such withholding determination in accordance with applicable provisions of the Administrative Procedures Act. (June 19, 1956, ch. 407, § 7, 70 Stat. 295.)

REFERENCES IN TEXT

The Administrative Procedures Act, referred to in the text, is classified to chapter 19 of Title 5, Executive Departments and Government Officers and Employees.

§ 357. Administration; regulations; studies, investigations and reports; appropriations for administrative expenses.

(a) The Commissioner shall administer this chapter under the supervision and direction of the Secretary of Health, Education, and Welfare, and shall, with the approval of the Secretary, prescribe such regulations as may be necessary for the administration of this chapter.

(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 chapter, including periodic reports for public distribution as to the values, methods, and results of various State demonstrations of public library services in rural areas undertaken under this chapter.

(c) There are 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 chapter. (June 19, 1956, ch. 407, § 8, 70 Stat. 295.)

§ 358. Definitions.

For the purposes of this chapter—

(a) The term "State" means a State, Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands;

(b) 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;

(c) The term "public library" means a 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;

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare; and

(e) The term "rural area" does not include an incorporated or unincorporated town having a population of more than ten thousand persons. (June 19, 1956, ch. 407, § 9, 70 Stat. 296, amended Aug. 1, 1956, ch. 852, § 25 (d), 70 Stat. 911.)

AMENDMENTS

1956—Subsec. (a) amended by act Aug. 1, 1956, by inserting "Guam," after "Puerto Rico,".