

§ 332. Same; appropriations.

There are authorized to be appropriated annually to the Office of Education, Department of Health, Education, and Welfare, such sums as the Congress determines to be necessary to carry out the purposes of section 331 of this title. (July 26, 1954, ch. 576, § 2, 68 Stat. 533.)

§ 333. National Advisory Committee on Education; establishment in Department of Health, Education, and Welfare.

In order to secure for the Secretary of Health, Education, and Welfare (hereinafter referred to in sections 333—337 of this title as the "Secretary") the advice of a group of representative citizens on the initiation and conduct of studies of problems of national concern in the field of education and on appropriate action as a result thereof, there is established in the Department of Health, Education, and Welfare a National Advisory Committee on Education (hereinafter referred to as the "Committee"). (July 26, 1954, ch. 577, § 1, 68 Stat. 533.)

§ 334. Same; composition; terms; ex officio membership.

The Committee shall be composed of nine members appointed without regard to civil-service laws by the Secretary from among individuals who are not otherwise in office under or in the employ of the Federal Government, a majority of whom shall be other than professional educators, one of whom shall be designated by the Secretary as Chairman. Each member shall hold office for a term of three years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and (2) the terms of the members first taking office shall expire as follows: three shall expire with the close of the first calendar year which begins after July 26, 1954, three shall expire with the close of the second such calendar year, and three shall expire with the close of the third such calendar year, as designated by the Secretary at the time of appointment. The Commissioner of Education shall be, ex officio, a nonvoting member of the Committee. (July 26, 1954, ch. 577, § 2, 68 Stat. 533.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are classified generally to Title 5, Executive Departments and Government Officers and Employees.

§ 335. Same; meetings.

The Committee shall meet at the call of the Secretary, but not less often than three times each calendar year. (July 26, 1954, ch. 577, § 3, 68 Stat. 534.)

§ 336. Same; recommendations; consultants; annual report to Congress.

The Committee shall, from time to time, recommend to the Secretary the initiation of studies of 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.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are classified generally to Title 5, Executive Departments and Government Officers and Employees.

§ 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 AND CONSTRUCTION**Sec.****351. Declaration of policy.****SUBCHAPTER I.—PUBLIC LIBRARY SERVICES****352. Authorization of appropriations.****353. Allotments to the States, Guam, Samoa, and Virgin Islands.****354. State plans.**

(a) Provisions of plan.

(b) Approval by Commissioner of Education.

(c) Determination of inadequacy of library services.

355. Payments to States.

(a) Conditions.

(b) Estimate of amount; time for payment; installments; adjustments.

(c) Federal share.

(d) Promulgation of Federal share.

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

(f) Repealed.

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SUBCHAPTER III.—GENERAL PROVISIONS**356. Withholding of payments; notice and hearing.****357. Administration.**

(a) Regulations.

(b) Studies, investigations, and reports.

(c) Appropriations for administrative expenses.

(d) Notice and hearing; appeals; petition; record; jurisdiction of courts of appeals; conclusiveness of findings; review by Supreme Court; stay of administrative action.

357a. Reallotment of unused funds.**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 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; Feb. 11, 1964, Pub. L. 88-269, § 1(a)(1), 78 Stat. 11.)

AMENDMENTS

1964—Subsec. (a). Pub. L. 88-269 deleted "rural" preceding "areas."

SHORT TITLE

Section 1 of Act June 19, 1956, as amended by section 10(a) of Pub. L. 88-269, provided that: "This Act [this chapter] may be cited as the 'Library Services and Construction Act'."

SUBCHAPTER I.—PUBLIC LIBRARY SERVICES

AMENDMENTS

1964—Section 7(a) of Pub. L. 88-269, Feb. 11, 1964, 78 Stat. 13, added the subchapter heading.

§ 352. Authorization of appropriations.

There are authorized to be appropriated for the fiscal year ending June 30, 1957, and for each of the next six fiscal years the sum of \$7,500,000, for the fiscal year ending June 30, 1964, the sum of \$25,000,000, and for each of the next two fiscal years such sums as the Congress may determine, 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 areas without such services, or with inadequate services. (June 19, 1956, ch. 407, title I, § 101, formerly § 3, 70 Stat. 293; Aug. 31, 1960, Pub. L. 86-679, § 1, 74 Stat. 571, renumbered and amended Feb. 11, 1964, Pub. L. 88-269, §§ 1(a)(2), 2, 7(a), 78 Stat. 11, 13.)

AMENDMENTS

1964—Pub. L. 88-269 deleted "rural" preceding "areas"; substituted "are" for "is hereby" preceding "authorized" and "next six fiscal years" for "nine succeeding fiscal years" and inserted ", for the fiscal year ending June 30, 1964, the sum of \$25,000,000, and for each of the next two fiscal years such sums as the Congress may determine," following "\$7,500,000"; and redesignated credit to section from section 3 to section 101 of Act June 19, 1956, respectively.

1960—Pub. L. 86-679 substituted "nine succeeding fiscal years" for "four succeeding fiscal years."

EFFECTIVE DATE OF 1964 AMENDMENT

Section 1(f) of Pub. L. 88-269 provided that: "The amendment made by subsection (a)(2) [deleting "rural" preceding "areas" in this section] shall apply in the case of appropriations for fiscal years beginning after June 30, 1964. The amendments made by subsection (b) [deleting "rural" preceding "population" in section 353 of this title] shall apply in the case of allotments from appropriations for fiscal years beginning after June 30, 1964. The amendments made by subsection (c) [to section 354 of this title] shall apply in the case of expenditures under State plans for periods after June 30, 1964. The amendment made by subsection (e) [to section 358 of this title] shall become effective July 1, 1964."

§ 353. Allotments to the States, Guam, Samoa and Virgin Islands.

From the sums appropriated pursuant to section 352 of this title for each fiscal year, the Commissioner shall allot \$25,000 each to Guam, American Samoa, and the Virgin Islands and \$100,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States, according to the most recent decennial census. The allotment to any State under this section for the fiscal year ending June 30, 1964, shall be available for payments to such State with respect to expenditures under its approved State plan during such year and the next fiscal year. (June 19, 1956, ch. 407, title I, § 102, formerly § 4, 70 Stat. 293; Aug. 1, 1956, c. 852, § 25(a), 70 Stat. 911; Aug. 31, 1960, Pub. L. 86-679, § 2, 74 Stat. 571; Sept. 25, 1962, Pub. L. 87-688, § 5(a)(1), 76 Stat. 587, renumbered and amended Feb. 11, 1964, Pub. L. 88-269, §§ 1(b), 3, 7(a), 78 Stat. 11, 12, 13.)

AMENDMENTS

1964—Pub. L. 88-269 deleted "rural" preceding "population" in two instances, substituted "\$25,000" and "\$100,000" for "\$10,000" and "\$40,000", respectively, and added provision for availability of allotments for fiscal year ending June 30, 1964 and the next fiscal year; and redesignated credit to section from section 4 to section 102 of Act June 19, 1956, respectively.

1962—Pub. L. 87-688 substituted ", American Samoa, and the Virgin Islands" for "and to the Virgin Islands."

1960—Pub. L. 86-679 eliminated subsec. (b) which made the amount of any allotment to a State for any fiscal year remaining unpaid at the end of the fiscal year available for payment until the end of the succeeding fiscal year, and which prohibited payment to a State under section 355 of this title until the State's allotment for the preceding fiscal year has been exhausted or has ceased to be available.

1956—Subsec. (a). Act Aug. 1, 1956, inserted "each to Guam and" after "\$10,000".

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment of this section by section 1(b) of Pub. L. 88-269 deleting "rural" preceding "population" as applicable in the case of allotments from appropriations for fiscal years beginning after June 30, 1964, see section 1(f) of Pub. L. 88-269, set out as a note under section 352 of this title.

Section 3(a) of Pub. L. 88-269 provided in part that the amendment of this section by section 3(a) increasing the minimum allotments shall be effective in the case of allotments from appropriations for fiscal years beginning after June 30, 1963.

EFFECTIVE DATE OF 1962 AMENDMENT

Section 5(b) of Pub. L. 87-688 provided that: "The amendments made by this section [to this section and sections 355 and 358 of this title] shall become effective July 1, 1962."

EFFECTIVE DATE OF 1960 AMENDMENT

Section 6 of Pub. L. 86-679 provided that: "The amendments made by section 2 of this Act [to this section] shall be effective in the case of allotments from sums appropriated under section 3 of the Library Services Act [section 352 of this title] for any fiscal year beginning after June 30, 1961, except that no payment shall be made to any State from its allotment under section 4 of such Act [this section] for the fiscal year ending June 30, 1962, until its allotment for any preceding year has been exhausted or ceased to be available. The amendments made by sections 3 and 4 of this Act [to subsecs. (c) and (d) of section 355 of this title] shall be effective in the case of promulgations of Federal shares under the Library Services Act [this chapter] made after the enactment of this Act [Aug. 31, 1960]."

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

To be approved under this section, a State plan for the further extension of public library services must—

(1) provide for the administration, or supervision of the administration, of the plan by the State library administrative agency, and provide that such agency will have adequate authority under State law to 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 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.

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

(c) Determination of inadequacy of library services.

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, title I, § 103, formerly § 5, 70 Stat. 293, renumbered and amended Feb. 11, 1964, Pub. L. 88-269, §§ 1(c), 4, 7(a), 78 Stat. 11, 12, 13.)

AMENDMENTS

1964—Pub. L. 88-269, § 7(a), redesignated credit to section from section 5 to section 103 of Act June 19, 1956.

Subsec. (a). Pub. L. 88-269, § 1(c) (1), deleted "to rural areas" following "public library services."

Subsec. (a) (3). Pub. L. 88-269, §§ 1(c) (2), 4, deleted "rural" preceding "areas."

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment of subsec. (a) of this section by section 1(c) of Pub. L. 88-269 as applicable in the case of expenditures under State plans for periods after June 30, 1964, see section 1(f) of Pub. L. 88-269, set out as a note under section 352 of this title.

Section 4 of Pub. L. 88-269 provided in part that the amendment of subsec. (a) (3) of this section by section 4 shall be effective July 1, 1963.

§ 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 \$25,000 in the case of the Virgin Islands, American Samoa, or Guam and \$100,000 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, 1963, 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, 1963. From such allotments, there shall also be paid to each State for each such period the Federal share of the total of the sums expended by the State and its political subdivisions during such period for administration of the plan of such State approved under section 355c of this title.

(b) Estimate of amount; time for payment; installments; adjustments.

Prior to each period for which a payment is to be made under subsection (a) of this section, but not less often than semiannually, the Commissioner shall estimate the amount to which each State will be entitled under such subsection (a) for such period; and the amount so estimated shall be paid, in such installments and at such time or times as the Commissioner may determine, after necessary, adjustment on account of any previously made overpayment or underpayment under this section.

(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 all the States (excluding Puerto Rico, Guam, American Samoa, and the Virgin Islands), except that (1) the Federal share shall in no case be more than 66 per centum or less than 33 per centum, and (2) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum.

(d) Promulgation of Federal share.

(1) The "Federal share" for each State shall be promulgated by the Commissioner between July 1

and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of each of the States and of all of the States (excluding Puerto Rico, Guam, American Samoa, and the Virgin Islands), 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.

(2) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 66 per centum and, for purposes of such promulgations, Alaska shall not be included in determining the per capita income of all of the States. Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available from the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year, or, when such data are available for a two-year period, for such two years.

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

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

(f) **Repealed.** Pub. L. 88-269, § 7(c), Feb. 11, 1964, 78 Stat. 14.

(June 19, 1956, ch. 407, title I, § 104, formerly § 6, 70 Stat. 295; Aug. 1, 1956, ch. 852, § 25 (b), (c), 70 Stat. 911; Aug. 31, 1960, Pub. L. 86-679, §§ 3, 4, 74 Stat. 571; Sept. 25, 1962, Pub. L. 87-688, § 5 (a) (2), (3), 76 Stat. 587, renumbered and amended Feb. 11, 1964, Pub. L. 88-269, §§ 5, 6, 7 (a), (c)—(e), 78 Stat. 12, 13, 14.)

AMENDMENTS

1964—Pub. L. 88-269, § 7(a), redesignated credit to section from section 6 to section 104 of Act June 19, 1956.

Subsec. (a). Pub. L. 88-269, §§ 5, 7(d), substituted "\$25,000" and "\$100,000" for "\$10,000" and "\$40,000", respectively, and "June 30, 1963" for "June 30, 1956" in two instances, and added provision for payments to States of the Federal share of the total of the sums expended by the States and their political subdivisions for administration of the State plans, respectively.

Subsec. (b). Pub. L. 88-269, § 6, substituted provision requiring the Commissioner to make advance estimates of State entitlements and to pay such estimated amounts in installments, after necessary adjustment on account of previously made overpayments or underpayments for former provision requiring the Commissioner to make advance estimates of amounts necessary to pay the Federal share of the total expenditures for carrying out approved State plans and to certify such amounts to the Secretary of the Treasury, reduced or increased by such amounts by which the Commissioner found estimates for prior periods were greater or less than the amounts which should have been paid to the States for such periods, and the Secretary of the Treasury to pay such certified amounts prior to audit or settlement by the General Accounting Office.

Subsec. (e). Pub. L. 88-269, § 7(e), substituted "subchapter" for "chapter."

Subsec. (f). Pub. L. 88-269, § 7(c), repealed subsec. (f) which limited the use of monies paid to States for library

services in rural areas and in nonrural areas for exclusive purpose of extending public library services to rural areas if such use was provided for in State plans covering the affected areas.

1962—Subsec. (a). Pub. L. 87-688, § 5(a) (2), substituted ", American Samoa, or Guam" for "and of Guam."

Subsec. (c). Pub. L. 87-688, § 5(a) (3), inserted "American Samoa," after "Guam," in two instances.

Subsec. (d) (1). Pub. L. 87-688, § 5(a) (3), inserted "American Samoa," after "Guam,".

1963—Subsec. (c). Pub. L. 86-679, § 3, substituted "all the States (excluding Puerto Rico, Guam, and the Virgin Islands)" for "the continental United States (excluding Alaska)", and "the Federal share for Puerto Rico" for "the Federal share for Hawaii shall be 50 per centum and for Alaska, Puerto Rico."

Subsec. (d). Pub. L. 86-679, § 4, designated existing provisions as par. (1) and substituted therein "each of the States and of all of the States (excluding Puerto Rico, Guam, and the Virgin Islands)," for "the States and of the continental United States (excluding Alaska)", and added par. (2).

1956—Subsec. (a). Act Aug. 1, 1956, § 25 (b), inserted "and of Guam" after "Virgin Islands".

Subsec. (c). Act Aug. 1, 1956, § 25(c), inserted "Guam," after "Puerto Rico."

EFFECTIVE DATE OF 1964 AMENDMENT

Sections 5 and 6 of Pub. L. 88-269 provided in part that the amendment of subsecs. (a) and (b) of this section by sections 5 and 6 shall be effective in the case of payments from allotments for fiscal years beginning after June 30, 1968.

Amendment of subsec. (e) and repeal of subsec. (f) of this section by section 7 (e), (c) of Pub. L. 88-269 applicable in the case of payments from allotments for fiscal years beginning after June 30, 1963, see section 7(i) of Pub. L. 88-269, set out as a note under section 357a of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of this section by Pub. L. 87-688 effective July 1, 1962, see section 5(b) of Pub. L. 87-688, set out as a note under section 353 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendments of subsecs. (c) and (d) of this section by Pub. L. 86-679 effective in the case of promulgations of Federal shares under this chapter made after Aug. 31, 1960, see section 6 of Pub. L. 86-679, set out as a note under section 353 of this title.

SUBCHAPTER II.—PUBLIC LIBRARY CONSTRUCTION

§ 355a. Authorization of appropriations.

There are authorized to be appropriated for the fiscal year ending June 30, 1964, the sum of \$20,000,000 and for each of the next two fiscal years such sums as the Congress may determine, which shall be used for making payments to States, which have submitted and had approved by the Commissioner, State plans for the construction of public libraries. (June 19, 1956, ch. 407, title II, § 201, as added Feb. 11, 1964, Pub. L. 88-269, § 7(a), 78 Stat. 13.)

§ 355b. Allotments to States; minimum sums; population basis for remainder; availability for projects.

From the sums appropriated pursuant to section 355a of this title for each fiscal year, the Commissioner shall allot \$20,000 each to Guam, American Samoa, and the Virgin Islands, and \$80,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States, according to the most recent decennial census. A State's allotment under this section for any fiscal year shall be available for payments

with respect to construction projects approved, under its State plan approved under section 355c of this title, during such year or (but only in the case of a State allotment for the fiscal year ending June 30, 1964) the next fiscal year. (June 19, 1956, ch. 407, title II, § 202, as added Feb. 11, 1964, Pub. L. 88-269, § 7(a), 78 Stat. 13.)

§ 355c. State plans; terms and conditions; approval by Commissioner.

(a) To be approved for purposes of this subchapter a State plan for construction of public libraries must—

- (1) meet the requirements of paragraphs (1), (2), (4), and (5) of section 354(a) of this title;
- (2) set forth criteria and procedures for approval of projects for construction of public library facilities which are designed to insure that facilities will be constructed only to serve areas, as determined by the State library administrative agency, which are without library facilities necessary to develop library services;
- (3) provide assurance that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a fair hearing before the State library administrative agency; and
- (4) provide assurance that all laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended, and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act; and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 276c of Title 40.

(b) The Commissioner shall approve any plan which fulfills the conditions specified in subsection (a) of this section. (June 19, 1956, ch. 407, title II, § 203, as added Feb. 11, 1964, Pub. L. 88-269, § 7(a), 78 Stat. 13.)

REFERENCES IN TEXT

The Davis-Bacon Act, as amended, referred to in subsec. (a) (4), is classified to sections 276a to 276a-5 of Title 40, Public Buildings, Property and Works.

The Contract Work Hours Standards Act, referred to in subsec. (a) (4), is classified to sections 327-332 of Title 40.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (a) (4), is set out as a note under section 133z-15 of Title 5, Executive Departments and Government Officers and Employees.

§ 355d. Payments to States.

(a) Federal share.

From its allotment available therefor under section 355b of this title each State shall be entitled to receive an amount equal to the Federal share (as determined under section 355 of this title) of projects approved, during the period for which such allotment is available, under the State plan of such State approved under section 355c of this title.

(b) Estimate of amount; time for payment; installments; adjustments.

The Commissioner shall from time to time estimate the amount to which a State is entitled under subsection (a) of this section, and such amount shall be paid to the State, at such time or times, and in such installments as the Commissioner shall determine, after necessary adjustment on account of any previously made underpayment or overpayment. (June 19, 1956, ch. 407, title II, § 204, as added Feb. 11, 1964, Pub. L. 88-269, § 7(a), 78 Stat. 14.)

SUBCHAPTER III.—GENERAL PROVISIONS

§ 356. Withholding of payments; notice and hearing.

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 applicable 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 (or, in his discretion, that further payments will not be made with respect to portions of or projects under the State plan affected by such failure) until he is satisfied that there is no longer any such failure to comply.

Until he is so satisfied, no further payments shall be made to such State for carrying out such State plan (or further payments shall be limited to parts of or projects under the plan not affected by such failure). (June 19, 1956, ch. 407, title III, § 301, formerly § 7, 70 Stat. 295, renumbered and amended Feb. 11, 1964, Pub. L. 88-269, § 7(f), (g), 78 Stat. 14.)

AMENDMENTS

1964—Pub. L. 88-269 redesignated credit to section from section 7 to section 301 of Act June 19, 1956 and inserted "applicable" preceding "requirements of this chapter" and "(or, in his discretion, that further payments will not be made with respect to portions of or projects under the State plan affected by such failure)" preceding "until he is satisfied" and substituted provision against making further payments for carrying out the State plan and limited such payments to parts of or projects under the plan not affected by failure to comply with mandatory provisions of the State plan for former provision prohibiting certification to the Secretary of the Treasury and entitling the State or State agency to judicial review of any withholding determination under the Administrative Procedure Act, now covered in section 357(d) of this title, respectively.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment of this section by section 7(g) of Pub. L. 88-269 applicable in the case of payments from allotments for fiscal years beginning after June 30, 1963, see section 7(i) of Pub. L. 88-269, set out as a note under section 357a of this title.

§ 357. Administration.

(a) Regulations.

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) Studies, investigations, and reports.

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 undertaken under this chapter.

(c) Appropriations for administrative expenses.

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.

(d) Notice and hearing; appeals; petition; record; jurisdiction of courts of appeals; conclusiveness of findings; review by Supreme Court; stay of administrative action.

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

(2) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under subchapter I or subchapter II of this chapter, or with respect to his final action under section 356 of this title, such State may appeal to the United States Court of Appeals for the circuit which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of Title 28.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action. (June 19, 1956, ch. 407, title III, § 302, formerly § 8, 70 Stat. 295, renumbered and amended Feb. 11, 1964, Pub. L. 88-269, §§ 1(d), 7(f), 8, 78 Stat. 11, 14, 15.)

AMENDMENTS

1964—Pub. L. 88-269, § 7(f), redesignated credit to section from section 8 to section 302 of Act of June 19, 1956.

Subsec. (b). Pub. L. 88-269, § 1(d), deleted "in rural areas" following "public library services."

Subsec. (d). Pub. L. 88-269, § 8, added subsec. (d).

§ 357a. Reallotment of unused funds.

The amount of any State's allotment under section 353 or 355b of this title for any fiscal year which the Commissioner determines will not be required for the period for which such allotment is available for carrying out the State plan approved under section 354 and section 355c of this title respectively, shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments for such year to such States under such section 353 or 355b of this title, as the case may be, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were available for carrying out the State plan approved under section 354 or 355c of this title, as the case may be, and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this section from funds appropriated pursuant to section 352 or 355a of this title for any fiscal year shall be deemed part of its allotment for such year under sections 353 and 355b of this title, respectively. (June 19, 1956, ch. 407, title III, § 303, as added Feb. 11, 1964, Pub. L. 88-269, § 7(h), 78 Stat. 14.)

EFFECTIVE DATE

Section 7(i) of Pub. L. 88-269 provided that: "The amendments made by subsections (c), (e), and (g) [to sections 3551(f), 355(e), and 356 of this title] shall be applicable in the case of payments from allotments for fiscal years beginning after June 30, 1963. The amendment made by subsection (h) [enacting this section] shall be applicable in the case of such allotments."

§ 358. Definitions.

For the purposes of this chapter—

(a) The term "State" means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, 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 "construction" includes construction of new buildings and expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects' fees and the cost of the acquisition of land;

(e) The term "Secretary" means the Secretary of Health, Education, and Welfare. (June 19, 1956, ch. 407, title III, § 304, formerly § 9, 70 Stat. 296; Aug. 1, 1956, ch. 852, § 25(d), 70 Stat. 911; Aug. 31, 1960, Pub. L. 86-679, § 5, 74 Stat. 572; Sept. 25, 1962,

Pub. L. 87-688, § 5(a) (3), 76 Stat. 587, renumbered and amended Feb. 11, 1964, Pub. L. 88-269, §§ 1(e), 7(b), (f), 9, 78 Stat. 11, 14, 16.)

AMENDMENTS

1964—Pub. L. 88-269, § 7(f), redesignated credit to section from section 9 to section 304 of Act June 19, 1956.

Subsec. (a). Pub. L. 88-269, § 9, inserted "the District of Columbia," after "State,".

Subsec. (d). Pub. L. 88-269, § 7(b), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 88-269, §§ 1(e), 7(b), deleted former subsec. (e), which defined "rural area", and redesignated former subsec. (d) as (e), respectively.

1962—Subsec. (a). Pub. L. 87-688 inserted "American Samoa," after "Guam,".

1960—Subsec. (a). Pub. L. 86-679 eliminated "Alaska, Hawaii," which preceded "Puerto Rico."

1956—Subsec. (a). Act Aug. 1, 1956, inserted "Guam," after "Puerto Rico,".

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment of subsec. (e) of this section by section 1(e) of Pub. L. 88-269, deleting the definition of "rural area", effective July 1, 1964, see section 1(f) of Pub. L. 88-269, set out as a note under section 352 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of this section by Pub. L. 87-688 effective July 1, 1962, see section 5(b) of Pub. L. 87-688, set out as a note under section 353 of this title.

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SUBCHAPTER I.—GENERAL PROVISIONS

§ 401. Findings and declaration of policy.

The Congress finds and declares that the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women. The present emergency demands that additional and more adequate educational opportunities be made available. The defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge.

We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will give assurance that no student of ability will be denied an opportunity for higher education because of financial need; will correct as rapidly as possible the existing imbalances in our educational programs.

The Congress reaffirms the principle and declares that the States and local communities have and must retain control over and primary responsibility for public education. The national interest requires, however, that the Federal Government give assistance to education for programs which are important to our defense.

To meet the present educational emergency requires additional effort at all levels of government. It is therefore the purpose of this Act to provide substantial assistance in various forms to individuals, and to States and their subdivisions, in order