

Public Law 597

CHAPTER 407

AN ACT

To promote the further development of public library service in rural areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services Act".

June 19, 1956
[H. R. 2840]

Library Services
Act.

DECLARATION OF POLICY

SEC. 2. (a) It is the purpose of this Act 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 Act 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 Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There is hereby 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.

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ALLOTMENTS TO STATES

SEC. 4. (a) From the sums appropriated pursuant to section 3 for each fiscal year, the Commissioner shall allot \$10,000 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) 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 6 until the end of the succeeding fiscal year. No payment to a State under section 6 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.

STATE PLANS

SEC. 5. (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 Act;

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

(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.

PAYMENTS TO STATES

Conditions.
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SEC. 6. (a) From the allotments available therefor under section 4, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 5 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 \$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.

Estimation.

(b) 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) 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, and the Virgin Islands shall be 66 per centum.

*"Federal share".
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(d) 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 the enactment of this Act to be effective until July 1, 1957.

Promulgation.

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

Restriction.

(f) No portion of any money paid to a State under this Act 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.

WITHHOLDING

SEC. 7. 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 Act, that the State plan has been so changed that it no longer complies with the requirements of this Act 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 Act 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.

*60 Stat. 237.
5 USC 1001 note.*

ADMINISTRATION

SEC. 8. (a) The Commissioner shall administer this Act 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 Act.

(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 Act, including periodic reports for public distribution as to the values, methods, and results of various

*Administration
appropriations.*

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State demonstrations of public library services in rural areas undertaken under this Act.

(c) There are hereby 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 Act.

DEFINITIONS

SEC. 9. For the purposes of this Act—

(a) The term "State" means a State, Alaska, Hawaii, Puerto Rico, 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.

Approved June 19, 1956.

Public Law 598

CHAPTER 408

*June 19, 1956
[H. R. 4363]*

AN ACT
Authorizing the conveyance of certain property of the United States to the State of New Mexico.

*Santa Fe, N. Mex.
Conveyance.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey to the State of New Mexico, all the right, title, and interest of the United States in and to the fifty-one acres of land, more or less, of the former Bruns General Hospital area in Santa Fe, New Mexico, now under license to the State of New Mexico, the property to be used for the training and support of the National Guard of New Mexico and for other military purposes, and the conveyance to be made without monetary consideration therefor, but upon condition that it shall be used for the aforesaid purposes and that if such real property shall ever cease to be used for such purposes, all the right, title, and interest in and to such real property shall revert to and become the property of the United States which shall have the immediate right of entry thereon, and to be further subject to the reservation by the United States of all mineral rights, including oil and gas; the right of re-entry and use by the United States in the event of need therefor during a national emergency declared by the President or the Congress, and such other reservations, restrictions, terms, and conditions as the Secretary determines to be necessary to properly protect the interests of the United States.

SEC. 2. The cost of any surveys necessary as an incident of the conveyance authorized herein shall be borne by the State of New Mexico.

Approved June 19, 1956.