Public Law 85-864

September 2, 1958
[H. R. 13247]

AN ACT

To strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes.

National Defense Education Act of 1958.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following table of contents, may be cited as the "National Defense Education Act of 1958".

TABLE OF CONTENTS

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings and declaration of policy.
Sec. 102. Federal control of education prohibited.
Sec. 103. Definitions.

TITLE II—LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Sec. 201. Appropriations authorized.
Sec. 202. Allotments to States.
Sec. 203. Payment of Federal capital contributions.
Sec. 204. Conditions of agreements.
Sec. 205. Terms of loans.
Sec. 206. Distributions of assets from student loan funds.
Sec. 207. Loans to institutions.
Sec. 208. Payments to cover reductions in amounts of loans.
Sec. 209. Administrative provisions.

TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION

Sec. 301. Appropriations authorized.
Sec. 302. Allotments to States.
Sec. 303. State plans.
Sec. 304. Payments to States.
Sec. 305. Loans to nonprofit private schools.

TITLE IV—NATIONAL DEFENSE FELLOWSHIPS

Sec. 401. Appropriations authorized.
Sec. 402. Number of fellowships.
Sec. 403. Award of fellowships and approval of institutions.
Sec. 404. Fellowship stipends.
Sec. 405. Fellowship conditions.

TITLE V—GUIDANCE, COUNSELING, AND TESTING; IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS

PART A—STATE PROGRAMS

Sec. 501. Appropriations authorized.
Sec. 502. Allotments to States.
Sec. 503. State plans.
Sec. 504. Payments to States.

PART B—COUNSELING AND GUIDANCE TRAINING INSTITUTES

Sec. 511. Authorization.

TITLE VI—LANGUAGE DEVELOPMENT

PART A—CENTERS AND RESEARCH AND STUDIES

Sec. 601. Language and area centers.
Sec. 602. Research and studies.
Sec. 603. Appropriations authorized.

PART B—LANGUAGE INSTITUTES

Sec. 611. Authorization.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

TITLE VII—RESEARCH AND EXPERIMENTATION IN MORE EFFECTIVE UTILIZATION OF TELEVISION, RADIO, MOTION PICTURES, AND RELATED MEDIA FOR EDUCATIONAL PURPOSES

PART A—RESEARCH AND EXPERIMENTATION

Sec. 701. Functions of the Commissioner.
Sec. 702. Grants-in-aid; contracts.

PART B—DISSEMINATION OF INFORMATION ON NEW EDUCATIONAL MEDIA

Sec. 731. Functions of the Commissioner.

PART C—GENERAL PROVISIONS

Sec. 761. Establishment of the advisory committee.
Sec. 762. Special personnel.
Sec. 763. Appropriations authorized.

TITLE VIII—AREA VOCATIONAL EDUCATION PROGRAMS

Sec. 801. Statement of findings and purpose.
Sec. 802. Amendment to Vocational Education Act of 1946.

TITLE IX—SCIENCE INFORMATION SERVICE

Sec. 901. Functions of the service.
Sec. 902. Science information council.
Sec. 903. Authority for certain grants and contracts.
Sec. 904. Appropriations authorized.

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Administration.
Sec. 1002. Advisory committees.
Sec. 1003. Exemption from conflict-of-interest laws of members of advisory committees or information council.
Sec. 1004. Administration of State plans.
Sec. 1005. Judicial review.
Sec. 1006. Method of payment.
Sec. 1007. Administrative appropriations authorized.
Sec. 1008. Allotments to Territories and possessions.
Sec. 1009. Improvement of statistical services of State educational agencies.

TITLE I—GENERAL PROVISIONS

FINDINGS AND DECLARATION OF POLICY

SEC. 101. The Congress hereby 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 which have led to an insufficient proportion of our population educated in science, mathematics, and modern foreign languages and trained in technology.

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 to insure trained manpower of sufficient quality and quantity to meet the national defense needs of the United States.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 102. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

DEFINITIONS

SEC. 103. As used in this Act—

(a) The term "State" means a State, Alaska, Hawaii, Puerto Rico, the District of Columbia, the Canal Zone, Guam, or the Virgin Islands, except that as used in sections 302 and 502, such term does not include Alaska, Hawaii, Puerto Rico, the Canal Zone, Guam, or the Virgin Islands.

(b) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. For purposes of title II, such term includes any private business school or technical institution which meets the provisions of clauses (1), (2), (3), (4), and (5). For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(c) The term "Commissioner" means the Commissioner of Education.

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

(e) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the governor or by State law.

(f) The term "school-age population" means that part of the population which is between the ages of five and seventeen, both inclusive, and such school-age population for the several States shall be determined by the Commissioner on the basis of the population between such ages for the most recent year for which satisfactory data are available from the Department of Commerce.

(g) The term "elementary school" means a school which provides elementary education, as determined under State law.

(h) The term "secondary school" means a school which provides secondary education, as determined under State law, except that it

does not include any education provided beyond grade 12. For the purposes of sections 301 through 304, the term "secondary school" may include a public junior college, as determined under State law.

(i) The term "public" as applied to any school or institution does not include a school or institution of any agency of the United States.

(j) The term "nonprofit", as applied to a school or institution, means a school or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and, for purposes of part A of title V, includes a school of any agency of the United States.

(k) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State.

TITLE II—LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

APPROPRIATIONS AUTHORIZED

SEC. 201. For the purpose of enabling the Commissioner to stimulate and assist in the establishment at institutions of higher education of funds for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions, there are hereby authorized to be appropriated $47,500,000 for the fiscal year ending June 30, 1959, $75,000,000 for the fiscal year ending June 30, 1960, $82,500,000 for the fiscal year ending June 30, 1961, $90,000,000 for the fiscal year ending June 30, 1962, and such sums for the fiscal year ending June 30, 1963, and each of the three succeeding fiscal years as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1962, to continue or complete their education. Sums appropriated under this section for any fiscal year shall be available, in accordance with agreements between the Commissioner and institutions of higher education, for payment of Federal capital contributions which, together with contributions from the institutions, shall be used for establishment and maintenance of student loan funds.

ALLOTMENTS TO STATES

SEC. 202. (a) From the sums appropriated pursuant to section 201 for any fiscal year ending prior to July 1, 1962, the Commissioner shall allot to each State an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all of the States. The number of persons enrolled on a full-time basis in institutions of higher education for purposes of this section shall be determined by the Commissioner for the most recent year for which satisfactory data are available to him.

(b) Sums appropriated pursuant to section 201 for any fiscal year ending after June 30, 1962, shall be allotted among the States in such manner as the Commissioner determines to be necessary to carry out the purpose for which such amounts are appropriated.

PAYMENT OF FEDERAL CAPITAL CONTRIBUTIONS

SEC. 203. (a) The Commissioner shall from time to time set dates by which institutions of higher education in a State must file applications for Federal capital contributions from the allotment of such State. In the event the total requested in such applications, which are made by institutions with which he has agreements under this title and which meet the requirements established in regulations of the Commissioner, exceeds the amount of the allotment of such State available for such purpose, the Federal capital contribution from such allotment to each such institution shall bear the same ratio to the amount requested in its application as the amount of such allotment available for such purpose bears to the total requested in all such applications. In the event the total requested in such applications which are made by institutions in a State is less than the amount of the allotment of such State available for such purpose, the Commissioner may reallot the remaining amount from time to time, on such date or dates as the Commissioner may fix, to other States in proportion to the original allotments to such States under section 202 for such year. The Federal capital contribution to an institution shall be paid to it from time to time in such installments as the Commissioner determines will not result in unnecessary accumulations in the student loan fund established under its agreement under this title.

(b) In no case may the total of such Federal capital contributions to any institution of higher education for any fiscal year exceed $250,000.

CONDITIONS OF AGREEMENTS

SEC. 204. An agreement with any institution of higher education for Federal capital contributions by the Commissioner under this title shall—

(1) provide for establishment of a student loan fund by such institution;

(2) provide for deposit in such fund of (A) the Federal capital contributions, (B) an amount, equal to not less than one-ninth of such Federal contributions, contributed by such institution, (C) collections of principal and interest on student loans made from such fund, and (D) any other earnings of the fund;

(3) provide that such student loan fund shall be used only for loans to students in accordance with such agreement, for capital distributions as provided in this title, and for costs of litigation arising in connection with the collection of any loan from the fund or interest on such loan;

(4) provide that in the selection of students to receive loans from such student loan fund special consideration shall be given to (A) students with a superior academic background who express a desire to teach in elementary or secondary schools, and (B) students whose academic background indicates a superior capacity or preparation in science, mathematics, engineering, or a modern foreign language; and

(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this title and as are agreed to by the Commissioner and the institution.

TERMS OF LOANS

SEC. 205. (a) The total of the loans for any fiscal year to any student made by institutions of higher education from loan funds established pursuant to agreements under this title may not exceed $1,000, and

the total for all years to any student from such funds may not exceed $5,000.

(b) Loans from any such loan fund to any student by any institution of higher education shall be made on such terms and conditions as the institution may determine; subject, however, to such conditions, limitations, and requirements as the Commissioner may prescribe (by regulation or in the agreement with the institution) with a view to preventing impairment of the capital of the student loan fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

(1) such a loan shall be made only to a student who (A) is in need of the amount of the loan to pursue a course of study at such institution, and (B) is capable, in the opinion of the institution, of maintaining good standing in such course of study, and (C) has been accepted for enrollment as a full-time student at such institution or, in the case of a student already attending such institution, is in good standing and in full-time attendance there either as an undergraduate or graduate student;

(2) such a loan shall be evidenced by a note or other written agreement which provides for repayment of the principal amount, together with interest thereon, in equal annual installments, or, if the borrower so requests, in graduated periodic installments (determined in accordance with such schedules as may be approved by the Commissioner), over a period beginning one year after the date on which the borrower ceases to pursue a full-time course of study at an institution of higher education and ending eleven years after such date, except that (A) interest shall not accrue on any such loan, and periodic installments need not be paid, during any period (i) during which the borrower is pursuing a full-time course of study at an institution of higher education, or (ii) not in excess of three years, during which the borrower is a member of the Armed Forces of the United States, (B) any such period shall not be included in determining the ten-year period during which the repayment must be completed, (C) such ten-year period may also be extended for good cause determined in accordance with regulations of the Commissioner, and (D) the borrower may at his option accelerate repayment of the whole or any part of such loan;

(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for service as a full-time teacher in a public elementary or secondary school in a State, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete academic year of such service;

(4) such a loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum except that no interest shall accrue before the date on which repayment of the loan is to begin;

(5) such a loan shall be made without security and without endorsement, except that, if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required;

(6) the liability to repay any such loan shall be canceled upon the death of the borrower, or if he becomes permanently and totally disabled as determined in accordance with regulations of the Commissioner;

(7) such a loan by an institution for any year shall be made in such installments as may be provided in regulations of the

Commissioner or the agreement with the institution under this title and, upon notice to the Commissioner by the institution that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate; and

(8) no note or other evidence of such a loan may be transferred or assigned by the institution of higher education making the loan except, upon the transfer of the borrower to another institution of higher education participating in the program under this title (or, if not participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution.

(c) An agreement under this title for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institution in need thereof.

DISTRIBUTIONS OF ASSETS FROM STUDENT LOAN FUNDS

SEC. 206. (a) After June 30, 1966, and not later than September 30, 1966, there shall be a capital distribution of the balance of the student loan fund established under this title by each institution of higher education as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1966, as the total amount of the Federal capital contributions to such fund by the Commissioner under this title bears to the sum of such Federal capital contributions and the institution's capital contributions to such fund.

(2) The remainder of such balance shall be paid to the institution.

(b) After September 30, 1966, each institution with which the Commissioner has made an agreement under this title shall pay to the Commissioner, not less often than quarterly, the same proportionate share of amounts received by the institution after June 30, 1966, in payment of principal or interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the student loan fund or such payments of principal or interest) as was determined for the Commissioner under subsection (a).

(c) Upon a finding by the institution or the Commissioner prior to July 1, 1966, that the liquid assets of a student loan fund established pursuant to an agreement under this title exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

(2) The remainder of the capital distribution shall be paid to the institution.

LOANS TO INSTITUTIONS

SEC. 207. (a) Upon application by any institution of higher education with which he has made an agreement under this title, the Commissioner may make a loan to such institution for the purpose of helping to finance the institution's capital contributions to a student loan fund established pursuant to such agreement. Any such loan may be made only if such institution shows it is unable to secure such funds from non-Federal sources upon terms and conditions which the Commissioner determines to be reasonable and consistent with the purposes of this title. Loans made to institutions under this section shall bear interest at a rate which the Commissioner determines to be adequate to cover (1) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Commissioner under this section, (2) the cost of administering this section, and (3) probable losses.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not to exceed a total of $25,000,000.

(c) Loans made by the Commissioner under this section shall mature within such period as may be determined by the Commissioner to be appropriate in each case, but not exceeding fifteen years.

PAYMENTS TO COVER REDUCTIONS IN AMOUNTS OF LOANS

SEC. 208. In addition to the payments otherwise authorized to be made pursuant to this title, the Commissioner shall pay to the appropriate institution, at such time or times as he determines, an amount which bears the same ratio to the interest which has been prevented from accruing and the portion of the principal which has been canceled on student loans pursuant to paragraph (3) of section 205 (b) (and not previously paid pursuant to this subsection) as the total amount of the institution's capital contributions to such fund under this title bears to the sum of such institution's capital contributions and the Federal capital contributions to such fund.

ADMINISTRATIVE PROVISIONS

SEC. 209. (a) The Commissioner, in addition to the other powers conferred upon him by this title, shall have power to agree to modifications of agreements or loans made under this title and to compromise, waive, or release any right, title, claim, or demand, however arising or acquired under this title.

(b) Financial transactions of the Commissioner pursuant to this title, and vouchers approved by him in connection with such financial transactions, shall be final and conclusive upon all officers of the Government; except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION

APPROPRIATIONS AUTHORIZED

SEC. 301. There are hereby authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1959, and for each of the three succeeding fiscal years, for (1) making payments to State educational agencies under this title for the acquisition of equipment (suitable for use in providing education in science, mathematics, or modern foreign language) and for minor remodeling described in paragraph (1) of section 303 (a), and (2) making loans authorized in section 305. There are also authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1959, and for each of the three succeeding fiscal years, for making payments to State educational agencies under this title to carry out the programs described in paragraph (5) of section 303 (a).

ALLOTMENTS TO STATES

SEC. 302. (a) (1) From the sums appropriated pursuant to the first sentence of section 301 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine for allotment as provided in section 1008, and shall reserve 12 per centum for loans authorized in section 305. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the product of—

(A) the school-age population of the State, and

(B) the State's allotment ratio (as determined under paragraph (2)),

bears to the sum of the corresponding products for all the States.

(2) The "allotment ratio" for any State shall be 100 per centum less the product of (A) 50 per centum and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the continental United States, except that the allotment ratio shall in no case be less than 33⅓ per centum or more than 66⅔ per centum. The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and again between July 1 and August 31 of the year 1959, on the basis of the average of the incomes per child of school age for the States and for the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1, 1958, and ending June 30, 1960, and the second shall be conclusive for each of the two fiscal years in the period beginning July 1, 1960, and ending June 30, 1962.

(3) For the purposes of this title—

(A) The term "child of school age" means a member of the population between the ages of five and seventeen, both inclusive.

(B) The term "continental United States" does not include Alaska.

(C) The term "income per child of school age" for any State or for the continental United States means the total personal income for the State and the continental United States, respectively, divided by the number of children of school age in such State and in the continental United States, respectively.

(4) A State's allotment under this subsection shall remain available for payment pursuant to section 304 (a) for projects in such State until the end of the fiscal year following the year for which the allotment is made.

(b) From the sums appropriated pursuant to the second sentence of section 301 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine for allotment as provided in section 1008. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of such State bears to the total of the school-age populations of all of the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than $20,000 shall be increased to $20,000, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than $20,000.

STATE PLANS

SEC. 303. (a) Any State which desires to receive payments under this title shall submit to the Commissioner, through its State educational agency, a State plan which meets the requirements of section 1004 (a) and—

(1) sets forth a program under which funds paid to the State from its allotment under section 302 (a) will be expended solely for projects approved by the State educational agency for (A) acquisition of laboratory and other special equipment, including audio-visual materials and equipment and printed materials (other than textbooks), suitable for use in providing education in science, mathematics, or modern foreign language, in public elementary or secondary schools, or both, and (B) minor remodeling of laboratory or other space used for such materials or equipment;

(2) sets forth principles for determining the priority of such projects in the State for assistance under this title and provides for undertaking such projects, insofar as financial resources available therefor make possible, in the order determined by the application of such principles;

(3) provides an opportunity for a hearing before the State educational agency to any applicant for a project under this title;

(4) provides for the establishment of standards on a State level for laboratory and other special equipment acquired with assistance furnished under this title;

(5) sets forth a program under which funds paid to the State from its allotment under section 302 (b) will be expended solely for (A) expansion or improvement of supervisory or related services in public elementary and secondary schools in the fields of science, mathematics, and modern foreign languages, and (B) administration of the State plan.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PAYMENTS TO STATES

SEC. 304. (a) From a State's allotment for a fiscal year under section 302 (a), the Commissioner shall, from time to time during the period such allotment is available for payment as provided in paragraph (4) of section 302 (a), pay to such State an amount equal

to one-half of the expenditures for projects for acquisition of equipment and minor remodeling referred to in paragraph (1) of section 303 (a) which are carried out under its State plan approved under section 303 (b); except that no State shall receive payments under this subsection for any period in excess of its allotments for such period under section 302 (a).

(b) From a State's allotment under section 302 (b) for the fiscal year ending June 30, 1959, the Commissioner shall from time to time pay to such State an amount equal to the amount expended by such State for such year to carry out the program referred to in paragraph (5) of section 303 (a) under its State plan approved under section 303 (b). From a State's allotment under section 302 (b) for the fiscal year ending June 30, 1960, and for each of the two succeeding fiscal years, such payments shall equal one-half of the amount so expended under its State plan approved under section 303 (b); except that no State shall receive payments under this subsection for any fiscal year in excess of its allotment under section 302 (b) for that fiscal year.

LOANS TO NONPROFIT PRIVATE SCHOOLS

SEC. 305. (a) The Commissioner shall allot, out of funds reserved for each fiscal year for the purposes of this section under the provisions of section 302 (a), to each State for loans under the provisions of this section an amount which bears the same ratio to such funds as the number of persons in such State enrolled in private nonprofit elementary and secondary schools bears to the total of such numbers for all States.

(b) From the sums allotted to each State under the provisions of this section the Commissioner is authorized to make loans to private nonprofit elementary and secondary schools in such State for the purposes for which payments to State educational agencies are authorized under the first sentence of section 301. Any such loan—

(1) shall be made upon application containing such information as may be deemed necessary by the Commissioner;

(2) shall be subject to such conditions as may be necessary to protect the financial interest of the United States;

(3) shall bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average yield on all outstanding marketable obligations of the United States as of the last day of the month preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum; and

(4) shall mature and be repayable on such date as may be agreed to by the Commissioner and the borrower, but such date shall not be more than ten years after the date on which such loan was made.

TITLE IV—NATIONAL DEFENSE FELLOWSHIPS

APPROPRIATIONS AUTHORIZED

SEC. 401. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

NUMBER OF FELLOWSHIPS

SEC. 402. During the fiscal year ending June 30, 1959, the Commissioner is authorized to award one thousand fellowships under the provisions of this title, and during each of the three succeeding fiscal years he is authorized to award one thousand five hundred such fellowships. Such fellowships shall be for periods of study not in excess of three academic years.

AWARD OF FELLOWSHIPS AND APPROVAL OF INSTITUTIONS

SEC. 403. (a) The Commissioner shall award fellowships under this title to individuals accepted for study in graduate programs approved by him under this section. The Commissioner shall approve a graduate program of an institution of higher education only upon application by the institution and only upon his finding:

(1) that such program is a new program or an existing program which has been expanded,

(2) that such new program or expansion of an existing program will substantially further the objective of increasing the facilities available in the Nation for the graduate training of college or university level teachers and of promoting a wider geographical distribution of such facilities throughout the Nation, and

(3) that in the acceptance of persons for study in such programs preference will be given to persons interested in teaching in institutions of higher education.

(b) The total of the fellowships awarded under this title for pursuing a course of study in a graduate program at any institution of higher education may not exceed a limit established by the Commissioner in the light of the objective referred to in subsection (a) (2).

FELLOWSHIP STIPENDS

SEC. 404. (a) Each person awarded a fellowship under the provisions of this title shall receive a stipend of $2,000 for the first academic year of study after the baccalaureate degree, $2,200 for the second such year, and $2,400 for the third such year, plus an additional amount of $400 for each such year on account of each of his dependents.

(b) In addition to the amounts paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study such amount, not more than $2,500 per academic year, as is determined by the Commissioner to constitute that portion of the cost of the new graduate program or of the expansion in an existing graduate program in which such person is pursuing his course of study, which is reasonably attributable to him.

FELLOWSHIP CONDITIONS

SEC. 405. A person awarded a fellowship under the provisions of this title shall continue to receive the payments provided in section 404 only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

TITLE V—GUIDANCE, COUNSELING, AND TESTING; IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS

PART A—STATE PROGRAMS

APPROPRIATIONS AUTHORIZED

SEC. 501. There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1959, and for each of the three succeeding fiscal years, for making grants to State educational agencies under this part to assist them to establish and maintain programs of testing and guidance and counseling.

ALLOTMENTS TO STATES

SEC. 502. From the sums appropriated pursuant to section 501 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine for allotment as provided in section 1008. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of such State bears to the total of the school-age populations of all of the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than $20,000 shall be increased to $20,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $20,000.

STATE PLANS

SEC. 503. (a) Any State which desires to receive payments under this part shall submit to the Commissioner, through its State educational agency, a State plan which meets the requirements of section 1004 (a) and sets forth—

(1) a program for testing students in the public secondary schools, and if authorized by law in other secondary schools, of such State to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

(2) a program of guidance and counseling in the public secondary schools of such State (A) to advise students of courses of study best suited to their ability, aptitudes, and skills, and (B) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PAYMENTS TO STATES

SEC. 504. (a) Payment under this part shall be made to those State educational agencies which administer plans approved under section 503. For the fiscal year ending June 30, 1959, such payments shall equal the amount expended by the State in carrying out its State plan, and for the fiscal year ending June 30, 1960, and for each of the two succeeding fiscal years, such payments shall equal one-

half of the amount so expended; except that no State educational agency shall receive payment under this part for any fiscal year in excess of that State's allotment for that fiscal year as determined under section 502.

(b) In any State which has a State plan approved under section 503 and in which the State educational agency is not authorized by law to make payments to cover the cost of testing students in any one or more secondary schools in such State to determine student abilities and aptitudes, the Commissioner shall arrange for the testing of such students and shall pay the cost thereof for the fiscal year ending June 30, 1959, and one-half of the cost thereof for any of the three succeeding fiscal years out of such State's allotment. Testing of students pursuant to this subsection shall, so far as practicable, be comparable to, and be done at the same grade levels and under the same conditions as in the case of, testing of students in public schools under the State plan.

PART B—COUNSELING AND GUIDANCE TRAINING INSTITUTES

AUTHORIZATION

SEC. 511. There are hereby authorized to be appropriated $6,250,000 for the fiscal year ending June 30, 1959, and $7,250,000 for each of the three succeeding fiscal years, to enable the Commissioner to arrange, by contracts with institutions of higher education, for the operation by them of short-term or regular session institutes for the provision of training to improve the qualifications of personnel engaged in counseling and guidance of students in secondary schools, or teachers in such schools preparing to engage in such counseling and guidance. Each individual, engaged, or preparing to engage, in counseling and guidance in a public secondary school, who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each such dependent for the period of such attendance.

TITLE VI—LANGUAGE DEVELOPMENT

PART A—CENTERS AND RESEARCH AND STUDIES

LANGUAGE AND AREA CENTERS

SEC. 601. (a) The Commissioner is authorized to arrange through contracts with institutions of higher education for the establishment and operation by them, during the period beginning July 1, 1958, and ending with the close of June 30, 1962, of centers for the teaching of any modern foreign language with respect to which the Commissioner determines (1) that individuals trained in such language are needed by the Federal Government or by business, industry, or education in the United States, and (2) that adequate instruction in such language is not readily available in the United States. Any such contract may provide for instruction not only in such modern foreign language but also in other fields needed to provide a full understanding of the areas, regions, or countries in which such language is commonly used, to the extent adequate instruction in such fields is not readily available, including fields such as history, political science, linguistics, economics, sociology, geography, and anthropology. Any such contract may cover not more than 50 per centum of

the cost of the establishment and operation of the center with respect to which it is made, including the cost of grants to the staff for travel in the foreign areas, regions, or countries with which the subject matter of the field or fields in which they are or will be working is concerned and the cost of travel of foreign scholars to such centers to teach or assist in teaching therein and the cost of their return, and shall be made on such conditions as the Commissioner finds necessary to carry out the purposes of this section.

(b) The Commissioner is also authorized, during the period beginning July 1, 1958, and ending with the close of June 30, 1962, to pay stipends to individuals undergoing advanced training in any modern foreign language (with respect to which he makes the determination under clause (1) of subsection (a)), and other fields needed for a full understanding of the area, region, or country in which such language is commonly used, at any short-term or regular session of any institution of higher education, including allowances for dependents and for travel to and from their places of residence, but only upon reasonable assurance that the recipients of such stipends will, on completion of their training, be available for teaching a modern foreign language in an institution of higher education or for such other service of a public nature as may be permitted in regulations of the Commissioner.

RESEARCH AND STUDIES

SEC. 602. The Commissioner is authorized, directly or by contract, to make studies and surveys to determine the need for increased or improved instruction in modern foreign languages and other fields needed to provide a full understanding of the areas, regions, or countries in which such languages are commonly used, to conduct research on more effective methods of teaching such languages and in such other fields, and to develop specialized materials for use in such training, or in training teachers of such languages or in such fields.

APPROPRIATIONS AUTHORIZED

SEC. 603. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this part, not to exceed $8,000,000 in any one fiscal year.

PART B—LANGUAGE INSTITUTES

AUTHORIZATION

SEC. 611. There are hereby authorized to be appropriated $7,250,000 for the fiscal year ending June 30, 1959, and each of the three succeeding fiscal years, to enable the Commissioner to arrange, through contracts with institutions of higher education, for the operation by them of short-term or regular session institutes for advance training, particularly in the use of new teaching methods and instructional materials, for individuals who are engaged in or preparing to engage in the teaching, or supervising or training teachers, of any modern foreign language in elementary or secondary schools. Each individual (engaged, or preparing to engage, in the teaching, or supervising or training teachers, of any modern foreign language in a public elementary or secondary school) who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his

attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each such dependent for the period of such attendance.

TITLE VII—RESEARCH AND EXPERIMENTATION IN MORE EFFECTIVE UTILIZATION OF TELEVISION, RADIO, MOTION PICTURES, AND RELATED MEDIA FOR EDUCATIONAL PURPOSES

PART A—RESEARCH AND EXPERIMENTATION

FUNCTIONS OF THE COMMISSIONER

SEC. 701. In carrying out the provisions of this part the Commissioner, in cooperation with the Advisory Committee on New Educational Media (established by section 761), shall (through grants or contracts) conduct, assist, and foster research and experimentation in the development and evaluation of projects involving television, radio, motion pictures, and related media of communication which may prove of value to State or local educational agencies in the operation of their public elementary or secondary schools, and to institutions of higher education, including the development of new and more effective techniques and methods—

(1) for utilizing and adapting motion pictures, video tapes and other audio-visual aids, film strips, slides and other visual aids, recordings (including magnetic tapes) and other auditory aids, and radio or television program scripts for such purposes;

(2) for training teachers to utilize such media with maximum effectiveness; and

(3) for presenting academic subject matter through such media.

GRANTS-IN-AID; CONTRACTS

SEC. 702. In carrying out the provisions of section 701, the Commissioner—

(1) may make grants-in-aid, approved by the Advisory Committee on New Educational Media, to public or nonprofit private agencies, organizations, and individuals for projects of research or experimentation referred to in section 701;

(2) may enter into contracts, approved by the Advisory Committee on New Educational Media, with public or private agencies, organizations, groups, and individuals for projects of research or experimentation referred to in section 701; and

(3) shall promote the coordination of programs conducted or financed by him under this title with similar programs conducted by other agencies, institutions, foundations, organizations, or individuals.

PART B—DISSEMINATION OF INFORMATION ON NEW EDUCATIONAL MEDIA

FUNCTIONS OF THE COMMISSIONER

SEC. 731. In order to disseminate information concerning new educational media (including the results of research and experimentation conducted under part A of this title) to State or local educational agencies, for use in their public elementary or secondary schools, and to institutions of higher education, the Commissioner—

(1) shall make studies and surveys to determine the need for increased or improved utilization of television, radio, motion pic-

tures, and related media of communication by State or local educational agencies and institutions of higher education for educational purposes;

(2) shall prepare and publish catalogs, reviews, bibliographies, abstracts, analyses of research and experimentation, and such other materials as are generally useful in the encouragement and more effective use of television, radio, motion pictures, and related media of communication for educational purposes;

(3) may, upon request, provide advice, counsel, technical assistance, and demonstrations to State or local educational agencies and institutions of higher education undertaking to utilize such media of communication to increase the quality or depth or broaden the scope of their educational programs;

(4) shall prepare and publish an annual report setting forth (A) projects carried out under this title and the cost of each such project, and (B) developments in the utilization and adaptation of media of communication for educational purposes; and

(5) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this part.

PART C—GENERAL PROVISIONS

ESTABLISHMENT OF THE ADVISORY COMMITTEE

SEC. 761. (a) There is hereby established in the Office of Education an Advisory Committee on New Educational Media (hereafter in this title referred to as the "Advisory Committee"). The Advisory Committee shall consist of the Commissioner, who shall be chairman, a representative of the National Science Foundation and twelve persons appointed, without regard to the civil-service laws, by the Commissioner with the approval of the Secretary. Three of such appointed members shall be individuals identified with the sciences, liberal arts, or modern foreign languages in institutions of higher education; three shall be individuals actually engaged in teaching or in the supervision of teaching in elementary or secondary schools; three shall be individuals of demonstrated ability in the utilization or adaptation of television, radio, motion pictures, and related media of communication for educational purposes; and three shall be individuals representative of the lay public who have demonstrated an interest in the problems of communication media.

(b) The Advisory Committee shall—

(1) advise, consult with, and make recommendations to the Commissioner on matters relating to the utilization or adaptation of television, radio, motion pictures, or related media of communication for educational purposes, and on matters of basic policy arising in the administration of this title;

(2) review all applications for grants-in-aid under part A of this title for projects of research or experimentation and certify approval to the Commissioner of any such projects which it believes are appropriate for carrying out the provisions of this title; and

(3) review all proposals by the Commissioner to enter into contracts under this title and certify approval to the Commissioner of any such contracts which it believes are appropriate to carry out the provisions of this title.

(c) The Commissioner may utilize the services of any member or members of the Advisory Committee in connection with matters relating to the provisions of this title, for such periods, in addition to conference periods, as he may determine.

(d) Members of the Advisory Committee shall, while serving on business of the Advisory Committee or at the request of the Commissioner under subsection (c) of this section, receive compensation at rates fixed by the Secretary, not to exceed $50 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

SPECIAL PERSONNEL

SEC. 762. The Commissioner may secure from time to time and for such periods as he deems advisable, without regard to the civil-service laws, the assistance and advice of persons in the United States and from abroad who are experts in the utilization and adaptation of television, radio, motion pictures, and other related media of communication for educational purposes.

APPROPRIATIONS AUTHORIZED

SEC. 763. There are hereby authorized to be appropriated the sum of $3,000,000 for the fiscal year ending June 30, 1959, and the sum of $5,000,000 for each of the three succeeding fiscal years for carrying out the provisions of this title.

TITLE VIII—AREA VOCATIONAL EDUCATION PROGRAMS

STATEMENT OF FINDINGS AND PURPOSE

SEC. 801. The Congress hereby finds that the excellent programs of vocational education, which States have established and are carrying on with the assistance provided by the Federal Government under the Smith-Hughes Vocational Education Act and the Vocational Education Act of 1946 (the George-Barden Act), need extension to provide vocational education to residents of areas inadequately served and also to meet national defense requirements for personnel equipped to render skilled assistance in fields particularly affected by scientific and technological developments. It is therefore the purpose of this title to provide assistance to the States so that they may improve their vocational education programs through area vocational education programs approved by State boards of vocational education as providing vocational and related technical training and retraining for youths, adults, and older persons, including related instruction for apprentices, designed to fit them for useful employment as technicians or skilled workers in scientific or technical fields.

39 Stat. 929.
20 USC 11-15, 16-28.
60 Stat. 775.
20 USC 15i note.

AMENDMENT TO VOCATIONAL EDUCATION ACT OF 1946

SEC. 802. The Vocational Education Act of 1946 (20 U. S. C. 15i-15m, 15o-15q, 15aa-15jj) is amended by adding after title II the following new title:

"TITLE III—AREA VOCATIONAL EDUCATION PROGRAMS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 301. There is authorized to be appropriated for the fiscal year ending June 30, 1959, and for each of the three succeeding fiscal years the sum of $15,000,000 for area vocational education programs, to be apportioned for expenditure in the States as provided in section 302.

"ALLOTMENTS TO STATES

"SEC. 302. (a) From the sums appropriated for any fiscal year pursuant to section 301, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the total of the amounts apportioned under title I of this Act, the Act of March 18, 1950 (20 U. S. C. 31–33), and section 9 of the Act of August 1, 1956 (20 U. S. C. 34), to such State for such year bears to the total of the amounts so apportioned to all the States for such year.

"(b) The amount of any allotment to a State under subsection (a) for any fiscal year which the State certifies to the Commissioner will not be required for carrying out area vocational education programs (under the part of the State plan meeting the requirements of section 305) shall be available for reallotment from time to time, on such dates as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year. Any amount so reallotted to a State shall be deemed part of its allotment under subsection (a).

"PAYMENTS TO STATES

"SEC. 303. (a) Any amount paid to a State from its allotment under section 302 for any fiscal year shall be paid on condition:

"(1) that there shall be spent for such year an equal amount in State or local funds, or both, for area vocational education programs operated under the provisions of this title;

"(2) that funds appropriated under this title will not be used to reduce the amount of State or local funds, or both, being spent for vocational education programs operated under provisions of the Smith-Hughes Vocational Education Act and titles I and II of this Act and reported to the Commissioner, but such State or local funds, or both, in excess of the amount necessary for dollar for dollar matching of funds allotted to a State under provisions of the Smith-Hughes Vocational Education Act and titles I and II of this Act may be used to match funds appropriated under this title;

39 Stat. 929.
20 USC 11-15, 16-28.

"(3) that funds appropriated under section 301 of this title shall be used exclusively for the training of individuals designed to fit them for useful employment as highly skilled technicians in recognized occupations requiring scientific knowledge, as determined by the State board for such State, in fields necessary for the national defense.

"(b) The Commissioner shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State for area vocational education programs under this title for such period; and shall pay to the State, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this subsection) by which he finds that his estimate of the amount to be paid to the State for any prior period

for such purpose under this title was greater or less than the amount which should have been paid to the State for such prior period under this title for such purpose. Such payments shall be made in such installments as the Commissioner may determine.

"USE OF FUNDS

"SEC. 304. (a) Funds paid to a State under this title for area vocational education programs may be used, in carrying out such programs (under the part of the State plan meeting the requirements of section 305), for—

"(1) maintenance of adequate programs of administration, supervision, and teacher-training;

"(2) salaries and necessary travel expenses of State or local school personnel, including teachers, coordinators, supervisors, vocational guidance counselors, teacher-trainers, directors, administrators, and others;

"(3) travel expenses of members of advisory committees or State boards;

"(4) purchase, rental, or other acquisition, and maintenance and repair, of instructional equipment;

"(5) purchase of instructional supplies and teaching aids;

"(6) necessary costs of transportation of students;

"(7) securing necessary educational information and data as a basis for the proper development of area vocational education programs and programs of vocational guidance;

"(8) training and work-experience training programs for out-of-school youths;

"(9) related instruction for apprentices; and

"(10) determining the need for, and planning and developing, area vocational education programs.

"(b) Any equipment and teaching aids purchased wits funds appropriated to carry out the provisions of this title shall become the property of the State.

"ADDITIONAL STATE PLAN REQUIREMENTS

"SEC. 305. (a) To be eligible to participate in this title the State plan must be amended to include a new part which—

"(1) designates the State board as the sole agency for administration of such part of the plan (or for the supervision of the administration thereof by State or local educational agencies);

"(2) provides minimum qualifications for teachers, teacher-trainers, supervisors, directors and others having responsibilities under the plan;

"(3) shows the plans, policies, and methods to be followed in carrying out such part of the State plan;

"(4) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of such part of the State plan; and

"(5) provides that the State board will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to perform his functions under this title.

"(b) The Commissioner shall approve a part of any plan for purposes of this title if he finds that it fulfills the conditions specified in subsection (a) of this section.

"(c) Whenever the Commissioner after reasonable notice and opportunity for hearing to the State board finds that—

"(1) the part of the State plan approved under subsection (b) has been so changed that it no longer complies with any provision required by subsection (a) of this section to be included in such part; or

"(2) in the administration of such part of the plan there is a failure to comply substantially with any such provision;

the Commissioner shall notify such State board that no further payments will be made to the State from its allotments under section 302 (or, in his discretion, that further payments will not be made to the State for projects under or portions of such part of the State plan affected by such failure) until he is satisfied that there is no longer any such failure. Until he is so satisfied the Commissioner shall make no further payments to such State from its allotments under section 302 (or shall limit payments to projects under or portions of such part of the State plan in which there is no such failure).

"(d) (1) If any State is dissatisfied with the Commissioner's action under subsection (c) of this section, such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(2) The findings of fact by the Commissioner, unless substantially contrary to the weight of the 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 certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

"(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"APPROPRIATIONS FOR ADMINISTRATION

"Sec. 306. There are hereby authorized to be included for each fiscal year in the appropriations for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this title.

"DEFINITIONS

"Sec. 307. For purposes of this title—

"(a) The term 'State' includes Alaska, Hawaii, the Virgin Islands, Puerto Rico, the District of Columbia, and Guam.

"(b) The term 'Commissioner' means the Commissioner of Education.

"(c) The terms 'State plan' and 'State board' shall have the meaning which said terms have in the Act approved February 23, 1917 (39 Stat. 929, ch. 114).

20 USC 11-15, 16-28.

"(d) The term 'area vocational education program' means a program consisting of one or more less-than-college-grade courses conducted under public supervision and control and on an organized, systematic class basis, which is designed to fit individuals for useful employment as technicians or skilled workers in recognized occupations requiring scientific or technical knowledge, and which is made

available to residents of the State or an area thereof designated and approved by the State board, who either have completed junior high school or, regardless of their school credits, are at least sixteen years of age and can reasonably be expected to profit by the instruction offered."

TITLE IX—SCIENCE INFORMATION SERVICE

FUNCTIONS OF THE SERVICE

SEC. 901. The National Science Foundation shall establish a Science Information Service. The Foundation, through such Service, shall (1) provide, or arrange for the provision of, indexing, abstracting, translating, and other services leading to a more effective dissemination of scientific information, and (2) undertake programs to develop new or improved methods, including mechanized systems, for making scientific information available.

SCIENCE INFORMATION COUNCIL

SEC. 902. (a) The National Science Foundation shall establish, in the Foundation, a Science Information Council (hereafter in this title referred to as the "Council") consisting of the Librarian of Congress, the director of the National Library of Medicine, the director of the Department of Agriculture library, and the head of the Science Information Service, each of whom shall be ex officio members, and fifteen members appointed by the Director of the National Science Foundation. The Council shall annually elect one of the appointed members to serve as chairman until the next election. Six of the appointed members shall be leaders in the fields of fundamental science, six shall be leaders in the fields of librarianship and scientific documentation, and three shall be outstanding representatives of the lay public who have demonstrated interest in the problems of communication. Each appointed member of such Council shall hold office for a term of four 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 only for the remainder of such term, and (2) that of the members first appointed, four shall hold office for a term of three years, four shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Director of the National Science Foundation at the time of appointment. No appointed member of the Council shall be eligible for reappointment until a year has elapsed since the end of his preceding term.

(b) It shall be the duty of the Council to advise, to consult with, and to make recommendations to, the head of the Science Information Service. The Council shall meet at least twice each year, and at such other times as the majority thereof deems appropriate.

(c) Persons appointed to the Council shall, while serving on business of the Council, receive compensation at rates fixed by the National Science Foundation, but not to exceed $50 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

AUTHORITY FOR CERTAIN GRANTS AND CONTRACTS

SEC. 903. In carrying out its functions under this title, the National Science Foundation shall have the same power and authority it has under the National Science Foundation Act of 1950 to carry out its functions under that Act.

64 Stat. 149.
42 U S C 1861-1875.

APPROPRIATIONS AUTHORIZED

SEC. 904. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and for each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

TITLE X—MISCELLANEOUS PROVISIONS

ADMINISTRATION

SEC. 1001. (a) The Commissioner is authorized to delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the titles of this Act for which he is responsible, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and, without regard to section 3709 of the Revised Statutes of the United States (41 U. S. C., sec. 5), of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary and the head thereof.

Report to Congress.

(c) The Commissioner shall include in his annual report to the Congress a full report of the activities of the Office of Education under this Act, including recommendations for needed revisions in the provisions thereof.

(d) The Secretary shall advise and consult with the heads of departments and agencies of the Federal Government responsible for the administration of scholarship, fellowship, or other educational programs with a view to securing full information concerning all specialized scholarship, fellowship, or other educational programs administered by or under any such department or agency and to developing policies and procedures which will strengthen the educational programs and objectives of the institutions of higher education utilized for such purposes by any such department or agency.

(e) Any agency of the Federal Government shall exercise its functions under any other law in such manner as will assist in carrying out the objectives of this Act. Nothing in this Act shall be construed as superseding or limiting the authority of any such agency under any other law.

(f) No part of any funds appropriated or otherwise made available for expenditure under authority of this Act shall be used to make payments or loans to any individual unless such individual (1) has executed and filed with the Commissioner an affidavit that he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and (2) has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to such affidavits.

ADVISORY COMMITTEES

SEC. 1002. (a) The Commissioner, with the approval of the Secretary, may appoint an advisory committee, or advisory committees, to advise and consult with him with respect to the administration of the provisions of this Act for which he is responsible. Any such committee shall have twelve members as follows:

(1) Four members who are recognized scholars in any of the following fields: engineering, mathematics, or science;

(2) Four members who are recognized scholars in any of the fields of the humanities; and

(3) Four members from such fields of endeavor as the Commissioner deems appropriate.

Members of an advisory committee appointed under this section, while attending conferences or meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

EXEMPTION FROM CONFLICT-OF-INTEREST LAWS OF MEMBERS OF ADVISORY COMMITTEES OR INFORMATION COUNCIL

SEC. 1003. (a) Any member of an advisory committee or information council appointed under this Act is hereby exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except as otherwise specified in subsection (b) of this section.

(b) The exemption granted by subsection (a) shall not extend—

(1) to the receipt or payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(2) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

ADMINISTRATION OF STATE PLANS

SEC. 1004. (a) No State plan submitted under one of the titles of this Act shall be approved by the Commissioner which does not—

(1) provide, in the case of a plan submitted under title III or under title V, or section 1009 of this title, that the State educational agency will be the sole agency for administering the plan;

(2) provide that such commission or agency will make such reports to the Commissioner, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his duties under such title or section; and

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under such title or section.

(b) The Commissioner shall not finally disapprove any State plan submitted under this Act, or any modification thereof without first affording the agency administering the plan reasonable notice and opportunity for a hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the agency administering a State plan approved under one of the titles of this Act, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of this Act governing its original approval, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency, in the case of a plan submitted under title III or V or section 1009 of this title, that no further payments will be made to the State under such title or section (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under such title or section, as the case may be (or shall limit payments to programs under or portions of the State plan not affected by such failure).

JUDICIAL REVIEW

SEC. 1005. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under this Act, or with respect to his final action under section 1004 (c), such State may, within sixty days after notice of such action, file in the United States district court for the district in which the capital of the State is located, a petition to review such action. The petition for review shall (1) contain a concise statement of the facts upon which the appeal is based and (2) designate that part of the Commissioner's decision sought to be reviewed.

(b) Notification of the filing of the petition for review shall be given by the clerk of the court by mailing a copy of the petition to the Commissioner.

(c) No costs or docket fees shall be charged or imposed with respect to any judicial review proceedings, or appeal therefrom, taken under this Act.

(d) Upon receipt of the petition for review the Commissioner shall, within twenty days thereafter, certify and file in the court the record on review, consisting of the complete transcript of the proceedings before the Commissioner. No party to such review shall be required, by rule of court or otherwise, to print the contents of such record filed in the court.

(e) The court after review may dismiss the petition or deny the relief prayed for, or may suspend, modify, or set aside, in whole or in part, the action of the Commissioner, or may compel action unlawfully withheld. The judgment of the court shall be subject to review as provided in section 1291 and 1254 of title 28 of the United States Code.

METHOD OF PAYMENT

SEC. 1006. Payments under this Act to any individual or to any State or Federal agency, institution of higher education, or any other organization, pursuant to a grant, loan, or contract, may be made in installments, and in advance or by way of reimbursement, and, in the case of grants or loans, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATIVE APPROPRIATIONS AUTHORIZED

Appropriations.

SEC. 1007. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act, including the administrative expenses of State commissions.

ALLOTMENTS TO TERRITORIES AND POSSESSIONS

SEC. 1008. The amounts reserved by the Commissioner under sections 302 and 502 shall be allotted by the Commissioner among Alaska, Hawaii, Puerto Rico, the Canal Zone, Guam, and the Virgin Islands, according to their respective needs for the type of assistance furnished under the part or title in which the section appears.

IMPROVEMENT OF STATISTICAL SERVICES OF STATE EDUCATIONAL AGENCIES

SEC. 1009. (a) For the purpose of assisting the States to improve and strengthen the adequacy and reliability of educational statistics provided by State and local reports and records and the methods and techniques for collecting and processing educational data and disseminating information about the condition and progress of education in the States, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1959, and each of the three succeeding fiscal years, for grants to States under this section, such sums as the Congress may determine.

Grants.

(b) Grants under this section by the Commissioner shall be equal to one-half of the cost of State educational agency programs to carry out the purposes of this section, including (1) improving the collection, analysis, and reporting of statistical data supplied by local educational units, (2) the development of accounting and reporting manuals to serve as guides for local educational units, (3) the conduct of conferences and training for personnel of local educational units and of periodic reviews and evaluation of the program for records and reports, (4) improving methods for obtaining, from other State agencies within the State, educational data not collected by the State educational agency, or (5) expediting the processing and reporting of statistical data through installation and operation of mechanical equipment. The total of the payments to any State under this section for any fiscal year may not exceed $50,000.

Restriction.

(c) Payments with respect to any program of a State educational agency under this section may be made (1) only to the extent it is a new program or an addition to or expansion of an existing program, and (2) only if the State plan approved under subsection (d) includes such program.

(d) The Commissioner shall approve any State plan for purposes of this section if such plan meets the requirements of section 1004 (a) and sets forth the programs proposed to be carried out under the plan and the general policies to be followed in doing so.

Approved September 2, 1958.

Public Law 85-865

AN ACT

To amend the Watershed Protection and Flood Prevention Act.

September 2, 1958
[H. R. 5497]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (2) (A) of the Watershed Protection and Flood Prevention Act (Public Law 1018, Eighty-fourth Congress) be amended by inserting immediately after "and disposal of water", the following: "or for fish and wildlife development."

70 Stat. 1088.
16 USC 1004.

SEC. 2. The Secretary of Agriculture shall not furnish or agree to furnish financial assistance to local organizations for the institution of works of improvement for fish and wildlife development pursuant to the authority of this Act prior to July 1, 1958.

Approved September 2, 1958.