

## OFFICE OF EDUCATION

## PAYMENTS TO SCHOOL DISTRICTS

For an additional amount for "Payments to school districts", \$216,204,000.

## DEFENSE EDUCATIONAL ACTIVITIES

For an additional amount for "Defense educational activities," \$31,168,000 for capital contributions to student loan funds which shall be available, without allotment under section 202(a), or apportionment under section 203(a), of the National Defense Education Act of 1958 (72 Stat. 1583), for payment to institutions, which have filed applications for contributions between December 14, 1962, and February 28, 1963, inclusive.

20 USC 422,  
423.

## DEPARTMENT OF LABOR

## BUREAU OF EMPLOYMENT SECURITY

## COMPLIANCE ACTIVITIES, MEXICAN FARM LABOR PROGRAM

For an additional amount for "Compliance activities, Mexican farm labor program", \$430,000.

## SALARIES AND EXPENSES, MEXICAN FARM LABOR PROGRAM

For an additional amount for "Salaries and expenses, Mexican farm labor program", \$165,000, which shall be derived by transfer from the farm labor supply revolving fund.

Approved February 10, 1964.

Public Law 88-269

## AN ACT

February 11, 1964  
[S. 2265]

To amend the Library Services Act in order to increase the amount of assistance under such Act and to extend such assistance to nonrural areas.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## EXTENSION OF ACT TO NONRURAL AREAS

Library Services  
Act, amendment.  
Federal assist-  
ance, increase.

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

70 Stat. 293.  
20 USC 351.

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

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

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

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

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

20 USC 357.

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

(f) The amendment made by subsection (a)(2) shall apply in the case of appropriations for fiscal years beginning after June 30, 1964. The amendments made by subsection (b) shall apply in the case of allotments from appropriations for fiscal years beginning after June 30, 1964. The amendments made by subsection (c) shall apply in the case of expenditures under State plans for periods after June 30, 1964. The amendment made by subsection (e) shall become effective July 1, 1964.

#### EXTENSION AND INCREASE OF AUTHORIZATION

20 USC 352.

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

#### INCREASE IN MINIMUM ALLOTMENTS; AVAILABILITY OF ALLOTMENTS

74 Stat. 571;  
76 Stat. 587.  
20 USC 353.

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

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

#### DEVELOPMENT OF LIBRARY SERVICES FOR ALL STUDENTS

20 USC 354.

SEC. 4. Effective July 1, 1963, section 5(a)(3) of the Library Services Act is amended by striking the word "rural".

#### INCREASE IN MINIMUM STATE EXPENDITURES REQUIRED

20 USC 355.

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

#### PAYMENT PROCEDURE

SEC. 6. Effective in the case of payments from allotments for fiscal years beginning after June 30, 1963, subsection (b) of section 6 of the Library Services Act is amended to read as follows:

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

## CONSTRUCTION GRANTS

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

## "TITLE II—PUBLIC LIBRARY CONSTRUCTION

## "AUTHORIZATION OF APPROPRIATIONS

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

## "ALLOTMENTS

"SEC. 202. From the sums appropriated pursuant to section 201 for each fiscal year, the Commissioner shall allot \$20,000 each to Guam, American Samoa, and the Virgin Islands, and \$80,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States, according to the most recent decennial census. A State's allotment under this subsection for any fiscal year shall be available for payments with respect to construction projects approved, under its State plan approved under section 203, during such year or (but only in the case of a State allotment for the fiscal year ending June 30, 1964) the next fiscal year.

## "STATE PLANS FOR CONSTRUCTION

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

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

"(2) set forth criteria and procedures for approval of projects for construction of public library facilities which are designed to insure that facilities will be constructed only to serve areas, as determined by the State library administrative agency, which are without library facilities necessary to develop library services;

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

"(4) provide assurance that all laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276c-5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87-581); and the Secretary of Labor shall have with

49 Stat. 1011.

76 Stat. 357.  
40 USC 327 note.

respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

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

#### “PAYMENTS TO STATES

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

“(b) The Commissioner shall from time to time estimate the amount to which a State is entitled under subsection (a), and such amount shall be paid to the State, at such time or times, and in such installments as the Commissioner shall determine, after necessary adjustment on account of any previously made underpayment or overpayment.”

(b) Section 9 of such Act is further amended by redesignating paragraph (d) as paragraph (e) and inserting after paragraph (c) the following new paragraph:

“(d) The term ‘construction’ includes construction of new buildings and expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects’ fees and the cost of the acquisition of land;”.

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

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

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

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

(g) The first sentence of such section 301 is amended by inserting “applicable” before “requirements of this Act” and by inserting “(or, in his discretion, that further payments will not be made with respect to portions of or projects under the State plan affected by such failure)” before “until he is satisfied”. The second sentence of such section is amended to read: “Until he is so satisfied, no further payments shall be made to such State for carrying out such State plan (or further payments shall be limited to parts of or projects under the plan not affected by such failure).”

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

#### “REALLOTMENTS

“SEC. 303. The amount of any State’s allotment under section 102 or 202 for any fiscal year which the Commissioner determines will not be required for the period for which such allotment is available for carry-

64 Stat. 1267.  
63 Stat. 108.

Ante, p. 11.  
20 USC 358.

Repeal.

20 USC 355.

20 USC 356.

ing out the State plan approved under section 103 and section 203, respectively, shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments for such year to such States under such section 102 or 202, as the case may be, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were available for carrying out the State plan approved under section 103 or 203, as the case may be, and the total of such reductions shall be similarly reallocated among the States not suffering such a reduction. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 101 or 201 for any fiscal year shall be deemed part of its allotment for such year under sections 102 and 202, respectively."

(i) The amendments made by subsections (c), (e), and (g) shall be applicable in the case of payments from allotments for fiscal years beginning after June 30, 1963. The amendment made by subsection (h) shall be applicable in the case of such allotments.

#### HEARINGS AND JUDICIAL REVIEW

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

20 USC 357.

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

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

72 Stat. 941.

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

"(4) The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or

62 Stat. 928.

certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action."

## EXTENSION TO DISTRICT OF COLUMBIA

20 USC 358.

SEC. 9. Subsection (a) of the section of the Library Services Act herein redesignated as section 304 is amended by inserting after "State," the following: "the District of Columbia,".

## CHANGE IN TITLE AND SHORT TITLE

70 Stat. 293.  
20 USC 351 note.

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

(b) The title of such Act is amended to read "To promote the further development of public library services."

Approved February 11, 1964.

## Public Law 88-270

## AN ACT

February 11, 1964  
[H. R. 9076]

To provide for the striking of medals in commemoration of the two hundredth anniversary of the founding of Saint Louis.

St. Louis, Mo.  
Bicentennial  
medals.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall strike and furnish for the Saint Louis Bicentennial Corporation (hereinafter referred to as the "corporation"), a not-for-profit organization for the celebration of the two hundredth anniversary of the founding of the Saint Louis community, national medals in commemoration of such anniversary.

SEC. 2. Such medals shall be of such sizes, materials, and designs, and shall be so inscribed, as the corporation may determine with the approval of the Secretary.

SEC. 3. Not more than one hundred thousand of such medals may be produced. Production shall be in such quantities, not less than two thousand, as may be ordered by the corporation, but no work may be commenced on any order unless the Secretary has received security satisfactory to him for the payment of the cost of the production of such order. Such cost shall include labor, material, dies, use of machinery, and overhead expenses, as determined by the Secretary. No medals may be produced pursuant to this Act after December 31, 1965.

SEC. 4. Upon receipt of payment for such medals in the amount of the cost thereof as determined pursuant to section 3, the Secretary shall deliver the medals as the corporation may request.

Approved February 11, 1964.