

sions of section 402(c)(1) of Pub. L. 93380. See provisions of Special Projects Act, section 1851 et seq. of this title.

Section 331, acts July 26, 1954, ch. 576, §1, 68 Stat. 533; Apr. 11, 1965, Pub. L. 8910, title IV, §401, 79 Stat. 44, related to Congressional declaration of purpose.

Section 331a, act July 26, 1954, ch. 576, §2, as added Apr. 11, 1965, Pub. L. 8910, title IV, §401, 79 Stat. 44; amended Nov. 3, 1966, Pub. L. 89750, title I, §141, 80 Stat. 1202; Jan. 2, 1968, Pub. L. 90247, title VII, §706, 81 Stat. 820; Apr. 13, 1970, Pub. L. 91230, title I, §143(c), title VIII, §§808, 809(c), 84 Stat. 151, 193, 194; June 23, 1972, Pub. L. 92318, title III, §303(a)(1), 86 Stat. 333, authorized grants, contracts, and jointly financed arrangements for exemplary projects and management studies, provided for an annual report to Congress, and provided for establishment of an Advisory Council on Research and development, its membership, and appointment of a Chairman.

Section 332, act July 26, 1954, ch. 576, §3, formerly §2, 68 Stat. 533, renumbered and amended Apr. 11, 1965, Pub. L. 8910, title IV, §§401, 402, 79 Stat. 44, 46; June 23, 1972, Pub. L. 92318, title III, §303(a)(2), 86 Stat. 333, authorized appropriations for fiscal years ending June 30, 1973, 1974, and 1975 of \$58,000,000; \$68,000,000; and \$78,000,000 respectively.

Section 332a, act July 26, 1954, ch. 576, §4, as added Apr. 11, 1965, Pub. L. 8910, title IV, §403, 79 Stat. 46; amended Nov. 3, 1966, Pub. L. 89750, title I, §142, 80 Stat. 1203; Apr. 13, 1970, Pub. L. 91230, title IV, §401(g)(2), title VIII, §810, 84 Stat. 174, 194, related to construction of regional facilities, authorizing appropriation of \$100,000,000 in the aggregate for fiscal years ending June 30, 1966, through 1970, in subsec. (a); subsec. (b) relating to findings of Commissioner, grants for construction, transfer of title, and operation of facility; subsec. (c), as originally enacted, relating to labor standards; subsec. (d) relating to methods of payment, and subsec. (e) defining "research and related purposes".

Section 332b, act July 26, 1954, ch. 576, §5, as added Apr. 11, 1965, Pub. L. 8910, title IV, §403, 79 Stat. 47; amended Nov. 3, 1966, Pub. L. 89750, title I, §143, 80 Stat. 1203, provided for definitions of "State", "State educational agency", "nonprofit", and "construction" and "cost of construction".

§§333 to 337. Repealed. Pub. L. 91230, title I, §143(b), Apr. 13, 1970, 84 Stat. 151

Section 333, act July 26, 1954, ch. 577, §1, 68 Stat. 533, provided for establishment of a National Advisory Committee on Education in the Department of Health, Education, and Welfare.

Section 334, act July 26, 1954, ch. 577, §2, 68 Stat. 533, provided for composition of the National Advisory Committee on Education, term of office, and ex officio membership of the Commissioner of Education.

Section 335, act July 26, 1954, ch. 577, §3, 68 Stat. 534, required minimum of three meetings each calendar year.

Section 336, act July 26, 1954, ch. 577, §4, 68 Stat. 534, authorized National Advisory Committee to make recommendations, appoint consultants, and submit an annual report to Congress.

Section 337, act July 26, 1954, ch. 577, §5, 68 Stat. 534, authorized travel expenses and per diem payments but denied compensation to members of the National Advisory Committee.

Sections 333 to 337 were generally superseded by provisions of section 868 of this title providing for a National Council on Quality in Education.

CHAPTER 16—PUBLIC LIBRARY SERVICES AND CONSTRUCTION

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351.	Declaration of policy.
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352.	Grants to States for public library services.
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	(a) Development of programs and projects to extend library services to physically handicapped, disadvantaged areas, etc.; expanding services of major urban resource libraries; limitation on grants.
	(b) Payment of costs of administering State plans, planning for and evaluation of library services, dissemination of information concerning library services, etc.; increase capacity of State library administrative agencies.
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354.	Annual State program for library services; submission; contents; limitation on reduction of funds; ratable reduction.
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SUBCHAPTER II—PUBLIC LIBRARY CONSTRUCTION AND TECHNOLOGY ENHANCEMENT

355a.	Grants to States for public library construction and library and information technology enhancement.
355b.	Federal share.
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355e.	Grants to States for interlibrary cooperation and resource sharing.
355e1.	Federal share.
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- (d) Participating libraries; reimbursement of expenses.
- (e) Periods when schools are not in session.
- 355e4. Preservation programs.
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- (b) Plan compliance requirements.
- (c) Use of funds.
- (d) Contract authority of State library administrative agencies.

355f to 358. Omitted.

SUBCHAPTER IV—LIBRARY SERVICES FOR INDIAN TRIBES

361. Findings and purpose; authorization of grants.
- (a) Findings.
- (b) Purpose.
- (c) Grants for services to Indians living on or near reservations.
- (d) Special project grants.
362. Use of funds.
- (a) Permitted uses of funds.
- (b) Maintenance of funding level.
- (c) Restricted collections of tribal cultural materials.
363. Applications for library services to Indians.
364. Plans for library services to Indians.
365. Coordination with other programs for Indians.
366. Services in States with Indian tribes not residing on or near reservations.

SUBCHAPTER V—FOREIGN LANGUAGE MATERIALS ACQUISITION

371. Grants for foreign language material acquisition.
- (a) Duty of Secretary.
- (b) Selection of recipients.
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SUBCHAPTER VI—LIBRARY LITERACY PROGRAMS

375. State and local library grants.
- (a) Duty of Secretary; grants for support of literacy programs.
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381. Program authority.

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PART A—FAMILY LEARNING CENTERS

385. Statement of purpose.
- 385a. Grants for family learning centers.
- 385b. Use of funds.
- (a) Initiation, expansion, and improvement of services.
- (b) Acquisition of resources and materials in print and electronic formats.
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- Sec. Application.
- 385c. (a) Submission by local public libraries.
- (b) Requisite content.
- 385d. Selection of family learning centers.
- (a) Competitive process.
- (b) Equitable distribution.
- (c) Maximum grant.
- 385e. Authorization of appropriations.

PART B—LIBRARY LITERACY CENTERS

386. Statement of purpose.
- 386a. Grants to States for library literacy centers.
- (a) Competitive selection process.
- (b) Maximum total grant amounts; availability; matching funds.
- 386b. State application.
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- (c) Priority programs and services.
- 386c. Use of funds.
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- (b) Computers and computer software.
- 386d. Local application.
- (a) Submission by local public libraries.
- (b) Requisite content.
- 386e. Advisory committee.
- 386f. Selection of literacy learning centers.
- 386g. Authorization of appropriations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3489 of this title; title 40 App. section 214; title 48 section 1666.

§351. Declaration of policy

(a) It is the purpose of this chapter to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate and to assist Indian tribes in planning and developing library services to meet their needs. It is the further purpose of this chapter to assist with (1) public library construction and renovation; (2) improving State and local public library services for older Americans, and for handicapped, institutionalized, and other disadvantaged individuals; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation and resource sharing among all types of libraries; (5) strengthening major urban resource libraries; and (6) increasing the capacity of libraries to keep up with rapidly changing information technology.

(b) Nothing in this chapter shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this chapter, the determination of the best uses of the funds provided under this chapter shall be reserved to the States and their local subdivisions and Indian tribes.

(June 19, 1956, ch. 407, §2, 70 Stat. 293; Feb. 11, 1964, Pub. L. 88269, §1(a)(1), 78 Stat. 11; July 19, 1966, Pub. L. 89511, §2, 80 Stat. 313; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1660; Oct. 7, 1977, Pub. L. 95123, §4(a), 91 Stat. 1095; Oct. 17, 1984, Pub. L. 98480, title I, §102, 98 Stat. 2236.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98480, §102(a), inserted reference to assisting Indian tribes in planning and developing library services to meet their needs, designated existing provisions as cls. (1) to (5), in cl. (1) as so designated inserted reference to library renovation, in cl. (2) as so designated substituted provisions relating to the improvement of State and local public library services for older Americans, and for handicapped, institutionalized, and other disadvantaged individuals for provisions relating to the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in cl. (4) as so designated inserted reference to resource sharing, and added cl. (6).

Subsec. (b). Pub. L. 98480, §102(b), inserted reference to Indian tribes.

1977—Subsec. (a). Pub. L. 95123 inserted “and in strengthening major urban resource libraries” after “all types of libraries”.

1970—Subsec. (a). Pub. L. 91600 added assistance to the States in the improvement of public library services, in public library construction, and in the improvement of State library services for the physically handicapped, institutionalized, and disadvantaged, and assistance to the States in strengthening State library administrative agencies, to the list of purposes of this chapter.

Subsec. (b). Pub. L. 91600 substituted “Nothing in this chapter shall be construed” for “The provisions of this chapter shall not be so construed as”.

1966—Subsec. (a). Pub. L. 89511 added promotion of interlibrary cooperation and assistance to States in providing certain specialized State library services, to the list of purposes of the chapter.

1964—Subsec. (a). Pub. L. 88269 struck out “rural” before “areas”.

EFFECTIVE DATE OF 1970 AMENDMENT

Section 2(c)(1) of Pub. L. 91600 provided that: “The amendment made by subsection (b) [enacting sections 351a to 351e of this title, amending this section and sections 352, 353, 354, 355a, 355b, 355c, 355e, 355e1, and 355e2 of this title, repealing sections 355, 355d, 355e3, 355f to 355f7, 356, 357, 357a, and 358 of this title and enacting provisions set out as notes under this section] shall be effective after June 30, 1971.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101254, §1(a), Mar. 15, 1990, 104 Stat. 101, provided that: “This Act [enacting sections 351g, 355e4, 381, 385 to 385e, and 386 to 386g of this title, amending sections 351a to 351e, 352 to 354, 355a to 355c, 355e, 355e1, 355e3, 371, and 375 of this title, and enacting provisions set out as a note under section 351a of this title] may be cited as the ‘Library Services and Construction Act Amendments of 1990.’”

SHORT TITLE OF 1984 AMENDMENT

Section 101(a) of title I of Pub. L. 98480 provided that: “This title [enacting sections 355e3, 361 to 365, 371 and 375 of this title, amending this section and sections 351a to 351f, 352, 353, 354, 355a, 355b, 355c, 355e, and 355e2 of this title, and enacting provisions set out as notes under this section and section 355b of this title] may be cited as the ‘Library Services and Construction Act Amendments of 1984.’”

SHORT TITLE OF 1977 AMENDMENT

Section 1 of Pub. L. 95123 provided: “That this Act [enacting section 351f of this title and amending this section and sections 351a, 351b, 352 to 354, and 355b of this title] may be cited as the ‘Library Services and Construction Act Amendments of 1977.’”

SHORT TITLE OF 1970 AMENDMENT

Section 1 of Pub. L. 91600 provided: “That this Act [enacting sections 351a to 351e of this title, amending

this section and sections 352, 353, 354, 355a, 355b, 355c 355e, 355e1, 355e2, 1204 and 1211 of this title, repealing sections 355, 355d, 355e3, 355f to 355f7, 356, 357, 357a, and 358 of this title, and enacting provisions set out as notes under this section and section 1204 of this title] may be cited as the ‘Library Services and Construction Amendments of 1970.’”

SHORT TITLE OF 1966 AMENDMENT

Section 1 of Pub. L. 89511 provided: “That this Act [enacting sections 355e, 355e2, 355e3, 355f, 355f2, 355f3, 355f4, 355f6, and 355f7 of this title, enacting and amending sections 355e1, 355f1, and 355f5 of this title, amending this section and sections 352, 353, 355, 355a, 355b, 355d, 357, 357a, and 358 of this title, enacting provisions set out as notes under this section and sections 353 and 355 of this title, and redesignating sections 301 to 304 of act June 19, 1956, as sections 501 to 504, respectively] may be cited as the ‘Library Services and Construction Act Amendments of 1966.’”

SHORT TITLE

Section 1 of act June 19, 1956, as amended by section 10(a) of Pub. L. 88269, provided that: “This Act [enacting this chapter] may be cited as the ‘Library Services and Construction Act.’”

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE OF 1984 AMENDMENT

Section 101(b) of Pub. L. 98480 provided that: “The Congress finds that—

“(1) the role of libraries has expanded to include (A) providing programs to meet the needs of special segments of the population, including librarian training and outreach programs, (B) providing literacy training for illiterate and functionally illiterate adults, and (C) sharing resources and materials among a wide variety of libraries;

“(2) it has become necessary to expand the role of libraries as information centers for their communities, utilizing improved and new technologies and resources to meet the increasing need for information services and educational resources of Americans in a rapidly changing economy;

“(3) funding for construction of new libraries and renovation of existing libraries is essential to ensure continuation of library services for the public;

“(4) attention should be paid to the needs of small and rural community libraries and information centers because these facilities are often underfunded and understaffed and as a consequence cannot adequately serve the needs of the community; and

“(5) the scope and purpose of the Library Services and Construction Act [this chapter] should therefore be revised to include a more comprehensive range of programs which may receive funds thereunder and to ensure the extension of services to minorities and other populations that would otherwise be unable to use regular library facilities.”

STATEMENT OF PURPOSES OF 1970 AMENDMENT

Section 2(a) of Pub. L. 91600 provided that: “It is the purpose of this Act [see Short Title of 1970 Amendment note above] to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act [this chapter] by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.”

USE OF FUNDS APPROPRIATED FOR THE FISCAL YEAR
ENDING JUNE 30, 1971

Section 2(c)(2) of Pub. L. 91600 provided that: "In the case of funds appropriated to carry out programs under the Library Services and Construction Act [this chapter] for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b) [see Effective Date of 1970 Amendment note set out above]."

§351a. Definitions

The following definitions shall apply to this chapter:

(1) "Secretary" means the Secretary of Education.

(2) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and for the purchase, lease, and installation of equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). Such term includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the "Architectural Barriers Act of 1968" [42 U.S.C. 4151 et seq.], remodeling designed to ensure safe working environments and to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries. For the purposes of this paragraph, the term "equipment" includes information and building technologies, video and telecommunications equipment, machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(3) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

(4) "Library services for the physically handicapped" means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(5) "Public library" means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds. Such term also includes a research library, which, for the purposes of this sentence, means a library which—

(A) makes its services available to the public free of charge;

(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

(C) engages in the dissemination of humanistic knowledge through services to readers,

fellowships, educational and cultural programs, publication of significant research, and other activities; and

(D) is not an integral part of an institution of higher education.

(6) "Public library services" means library services furnished by a public library free of charge.

(7) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, Palau¹ (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48).

(8) "State Advisory Council on Libraries" means an advisory council for the purposes of clause (3) of section 351d(a) of this title which shall—

(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

(C) assist the State library administrative agency in the evaluation of activities assisted under this chapter;

(9) "State institutional library services" means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hearing impaired, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

(10) "State library administrative agency" means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this chapter.

(11) "Basic State plan" means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this chapter; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this chapter; and submits copies for approval as required by regulations promulgated by the Secretary.

(12) "Long-range program" means the comprehensive program of not less than three nor more than five years which identifies a State's library needs and sets forth the activities to be taken

¹So in original. Probably should be preceded by "or".

toward meeting the identified needs supported with the assistance of Federal funds made available under this chapter. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities, and procedures consistent with this chapter as required by the regulations promulgated by the Secretary and shall be updated as library progress requires.

(13) "Annual program" means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Secretary.

(14) "Major urban resource library" means any public library located in a city having a population of 100,000 or more individuals, as determined by the Secretary.

(15) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act [43 U.S.C. 1601 et seq.], which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(16) "Hawaiian native" means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.

(17) The term "handicapped individual" means an individual who is physically or mentally impaired, visually impaired, or hearing impaired.

(18) The term "network" means any local, statewide, regional, interstate, or international cooperative association of library entities which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the clientele served by each type of library entity.

(19) The term "technology enhancement" means the acquisition, installation, maintenance, or replacement, of substantial technological equipment (including library bibliographic automation equipment) necessary to provide access to information in electronic and other formats made possible by new information and communications technologies.

(20) The term "educationally disadvantaged adult" has the meaning given that term in section 1201a(3)(A) of this title.

(21) The term "adult with limited literacy skills" means an adult whose minimal skills in reading, writing, or computation or in performing basic arithmetical computations preclude the individual from functioning in society without assistance from others.

(June 19, 1956, ch. 407, §3, as added Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1660; amended Oct. 19, 1973, Pub. L. 93133, §4(a), 87 Stat. 466; Oct. 7, 1977, Pub. L. 95123, §4(b), 91 Stat. 1095; Oct. 17, 1984, Pub. L. 98480, title I, §103(a), (b)(1), 98 Stat. 2237; Nov. 22, 1985, Pub. L. 99159, title III, §301, 99 Stat. 902; Mar. 15, 1990, Pub. L. 101254, §2, 16(a),

23(b), 104 Stat. 101, 105, 113; July 25, 1991, Pub. L. 10273, title VIII, §802(e)(1), 105 Stat. 361.)

REFERENCES IN TEXT

Act of August 12, 1968, commonly known as the "Architectural Barriers Act of 1968", referred to in par. (2), is Pub. L. 90480, Aug. 12, 1968, 82 Stat. 718, as amended, which is classified generally to chapter 51 (§4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in par. (7), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

The Alaskan Native Claims Settlement Act, referred to in par. (15), probably means the Alaska Native Claims Settlement Act, Pub. L. 92203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

AMENDMENTS

1991—Par. (7). Pub. L. 10273, which directed the substitution of "Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48)" for "or the Trust Territory of the Pacific Islands" in subsection (g) of this section, was executed to par. (7) to reflect the probable intent of Congress.

1990—Par. (2). Pub. L. 101254, §2(1), substituted "and for the purchase, lease, and installation of equipment" for "and initial equipment", "to ensure safe working environments and to conserve energy" for "to conserve energy", and "includes information and building technologies, video and telecommunications equipment, machinery" for "includes machinery".

Pars. (17), (18). Pub. L. 101254, §2(2), added pars. (17) and (18).

Par. (19). Pub. L. 101254, §16(a), added par. (19).

Pars. (20), (21). Pub. L. 101254, §23(b), added pars. (20) and (21).

1985—Par. (12). Pub. L. 99159, §301(a), substituted "program of not less than three nor more than five years" for "five-year program".

Par. (15). Pub. L. 99159, §301(b), inserted "by the Secretary of the Interior" after "recognized", and struck out ", as determined by the Secretary after consultation with the Secretary of the Interior" after "as Indians".

1984—Par. (1). Pub. L. 98480, §103(a)(1), substituted "'Secretary' means the Secretary of Education" for "'Commissioner' means the Commissioner of Education".

Par. (2). Pub. L. 98480, §103(a)(2), inserted provision that "construction" includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries.

Par. (7). Pub. L. 98480, §103(a)(3), inserted reference to the Northern Mariana Islands.

Par. (9)(B). Pub. L. 98480, §103(a)(4), substituted "hearing impaired" for "hard of hearing, deaf" and "orthopedically impaired" for "crippled".

Pars. (11) to (14). Pub. L. 98480, §103(b)(1), substituted "Secretary" for "Commissioner".

Pars. (15), (16). Pub. L. 98480, §103(a)(5), added pars. (15) and (16).

1977—Par. (14). Pub. L. 95123 added par. (14).

1973—Par. (5). Pub. L. 93133 expanded definition of "Public library" to include research libraries.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 25 of Pub. L. 101254 provided that: "The amendments made by this Act [enacting sections 351g,

355e4, 381, 385 to 385e, and 386 to 386g of this title and amending this section and sections 351b to 351e, 352 to 354, 355a to 355c, 355e, 355e1, 355e3, 371, and 375 of this title] shall take effect on October 1, 1990.”

EFFECTIVE DATE OF 1973 AMENDMENT

Section 4(b) of Pub. L. 93133 provided that: “The amendment made by subsection (a) [amending this section] shall be effective on June 30, 1973, and only with respect to appropriations for fiscal years beginning after such date.”

EFFECTIVE DATE

Section effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as an Effective Date of 1970 Amendment note under section 351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351d, 351e, 355b, 6813 of this title.

§351b. Authorization and availability of appropriations; advance funding method

(a) Authorization and availability

There are authorized to be appropriated—

(1) for the purpose of making grants as provided in subchapter I of this chapter, \$100,000,000 for fiscal year 1995;

(2) for the purpose of making grants as provided in subchapter II of this chapter, \$55,000,000 for fiscal year 1995;

(3) for the purpose of making grants as provided in subchapter III of this chapter, \$35,000,000 for fiscal year 1995;

(4) for the purpose of making grants as provided in subchapter V of this chapter, \$1,000,000 for fiscal year 1995;

(5) for the purpose of making grants as provided in subchapter VI of this chapter, \$10,000,000 for fiscal year 1995;

(6) for the purpose of activities as provided in subchapter VII of this chapter, \$500,000 for fiscal year 1995; and

(7) for the purpose of making grants as provided in subchapter VIII of this chapter, \$6,000,000 for fiscal year 1995, except that no amounts are authorized to be appropriated under this paragraph for any fiscal year unless the total amount appropriated pursuant to paragraphs (1), (2), and (3) for such fiscal year equals or exceeds sum¹ of the total amount appropriated pursuant to such paragraphs for the preceding fiscal year, plus 4 percent of such total amount.

There shall be available for the purpose of making grants under subchapter IV of this chapter for fiscal year 1995, 1.5 percent of the amount appropriated pursuant to each of paragraphs (1), (2), and (3) for each such fiscal year. There shall be available for the purpose of making grants under section 351c(d) of this title for such fiscal years 0.5 percent of the amount appropriated pursuant to each of such paragraphs for each such fiscal year.

(b) Availability

Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) of this section

shall (1), in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Secretary promulgated in carrying out the provisions of section 351c(b) of this title, be available for obligation and expenditure for the year specified in the Appropriation Act and is authorized to remain available until expended.

(c) Notice of available funding; transition to advance funding method

(1) For the purpose of affording adequate notice of funding available under this chapter, appropriations under this chapter are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.

(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

(June 19, 1956, ch. 407, §4, as added Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1662; amended May 3, 1973, Pub. L. 9329, title VIII, §801(b), 87 Stat. 58; Oct. 7, 1977, Pub. L. 95123, §2, 91 Stat. 1095; Oct. 17, 1984, Pub. L. 98480, title I, §§103(b)(1), 4, 98 Stat. 2237; Oct. 31, 1988, Pub. L. 100569, title I, §101, 102 Stat. 2862; Mar. 15, 1990, Pub. L. 101254, §3, 104 Stat. 101; Oct. 20, 1994, Pub. L. 103382, title III, §375(a), 108 Stat. 3978.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103382 substituted “for fiscal year 1995” for “for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years” in pars. (1) to (7) and “fiscal year 1995” for “each of the fiscal years 1990, 1991, 1992, 1993, and 1994” in concluding provisions.

1990—Subsec. (a). Pub. L. 101254, §3(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There are authorized to be appropriated—

“(1) for the purpose of making grants as provided in subchapter I, \$75,000,000 for fiscal year 1985, \$80,000,000 for fiscal year 1986, \$85,000,000 for fiscal year 1987, \$90,000,000 for fiscal year 1988, and \$95,000,000 for fiscal year 1989;

“(2) for the purpose of making grants as provided in subchapter II, \$50,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989;

“(3) for the purpose of making grants as provided in subchapter III, \$20,000,000 for fiscal year 1985, \$25,000,000 for fiscal year 1986, \$30,000,000 for fiscal year 1987, \$35,000,000 for fiscal year 1988, and \$30,000,000 for fiscal year 1989;

“(4) for the purpose of making grants as provided in subchapter V, \$1,000,000 for each of the fiscal years 1985, 1986, 1987, and 1989; and

“(5) for the purpose of making grants as provided in subchapter VI, \$5,000,000 for each of the fiscal years 1985, 1986, 1987, and 1989.

There shall be available for the purpose of making grants under subchapter IV for each of the fiscal years 1985, 1986, 1987, 1988, and 1989, 1.5 per centum of the amount appropriated pursuant to each of clauses (1), (2), and (3) for each such fiscal year. There shall be available for the purpose of making grants under sec-

¹So in original. Probably should be “the sum”.

tion 351c(d) of this title for such fiscal years 0.5 per centum of the amount appropriated pursuant to each of such clauses for each such fiscal year.”

Subsec. (b). Pub. L. 101254, §3(b), which directed substitution of “and is authorized to remain available until expended” for “and for the next succeeding fiscal year”, was executed by making the substitution for “and for the next succeeding year” to reflect the probable intent of Congress.

1988—Subsec. (a)(4), (5). Pub. L. 100569 substituted “1989” for “1988”.

1984—Subsec. (a). Pub. L. 98480, §4(a), inserted provision following numbered paragraphs making available for the purpose of making grants under subchapter IV of this chapter for each of the fiscal years 1985, 1986, 1987, 1988, and 1989, 1.5 per centum of the amount appropriated pursuant to each of pars. (1), (2), and (3) for each such fiscal year, and making available for the purpose of making grants under section 351c(d) of this title for such fiscal years 0.5 per centum of the amount appropriated pursuant to each of such pars. for each such fiscal year.

Subsec. (a)(1). Pub. L. 98480, §4(a), substituted provisions authorizing appropriations of \$75,000,000 for fiscal year 1985, \$80,000,000 for fiscal year 1986, \$85,000,000 for fiscal year 1987, \$90,000,000 for fiscal year 1988, and \$95,000,000 for fiscal year 1989 for provisions authorizing appropriations of \$112,000,000 for fiscal year ending June 30, 1972, \$117,600,000 for fiscal year ending June 30, 1973, \$123,500,000 for fiscal year ending June 30, 1974, \$129,675,000 for fiscal year ending June 30, 1975, \$137,150,000 for fiscal year ending June 30, 1976, \$110,000,000 for fiscal year 1978, \$140,000,000 for fiscal year 1979, and \$150,000,000 for fiscal year 1980 and each of the two succeeding fiscal years.

Subsec. (a)(2). Pub. L. 98480, §4(a), substituted provisions authorizing appropriations of \$50,000,000 for each of fiscal years 1985, 1986, 1987, 1988, and 1989 for provisions authorizing appropriations of \$80,000,000 for fiscal year ending June 30, 1972, \$84,000,000 for fiscal year ending June 30, 1973, \$88,000,000 for fiscal year ending June 30, 1974, \$92,500,000 for fiscal year ending June 30, 1975, \$97,000,000 for fiscal year ending June 30, 1976, and such sums as necessary for fiscal year 1978 through fiscal year 1981, and \$97,000,000 for fiscal year 1982.

Subsec. (a)(3). Pub. L. 98480, §4(a), substituted provisions authorizing appropriations of \$20,000,000 for fiscal year 1985, \$25,000,000 for fiscal year 1986, \$30,000,000 for fiscal year 1987, \$35,000,000 for fiscal year 1988, and \$30,000,000 for fiscal year 1989 for provisions which had authorized appropriations of \$15,000,000 for fiscal year ending June 30, 1972, \$15,750,000 for fiscal year ending June 30, 1973, \$16,500,000 for fiscal year ending June 30, 1974, \$17,300,000 for fiscal year ending June 30, 1975, \$18,200,000 for fiscal year ending June 30, 1976, \$15,000,000 for fiscal year 1978, and \$20,000,000 for fiscal year 1979 and each of the three succeeding fiscal years.

Subsec. (a)(4). Pub. L. 98480, §4(a), substituted provisions authorizing appropriations of \$1,000,000 for each of fiscal years 1985, 1986, 1987, and 1988 for purpose of making grants as provided in subchapter V of this chapter for provisions which had authorized appropriation of such sums as necessary for each fiscal year ending prior to Oct. 1, 1982, for purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by former provisions of subchapter IV of this chapter.

Subsec. (a)(5). Pub. L. 98480, §4(a), added par. (5).

Subsec. (b). Pub. L. 98480, §103(b)(1), substituted “Secretary” for “Commissioner”.

Subsec. (c). Pub. L. 98480, §4(b), added subsec. (c).

1977—Subsec. (a)(1). Pub. L. 95123, §2(a), inserted provisions authorizing appropriations of \$110,000,000 for fiscal year 1978, \$140,000,000 for fiscal year 1979, and \$150,000,000 for fiscal year 1980 and each of two succeeding fiscal years.

Subsec. (a)(2). Pub. L. 95123, §2(b), inserted provisions authorizing appropriations of such sums as may be necessary for fiscal year 1978 through fiscal year 1981, and \$97,000,000 for fiscal year 1982.

Subsec. (a)(3). Pub. L. 95123, §2(c), inserted provisions authorizing appropriations of \$15,000,000 for fiscal year 1978, and \$20,000,000 for fiscal year 1979 and each of three succeeding fiscal years.

Subsec. (a)(4). Pub. L. 95123, §2(d), substituted “for each fiscal year ending prior to October 1, 1982” for “for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, the fiscal year ending June 30, 1975, and the fiscal year ending June 30, 1976”.

1973—Subsec. (a)(4). Pub. L. 9329 added par. (4).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 801(e) of Pub. L. 9329 provided that: “The amendments made by subsections (a), (b), and (c) [enacting subchapter IV of this chapter and amending this section and sections 351c and 351d of this title] of this section shall be effective after June 30, 1973.”

EFFECTIVE DATE

Section effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as an Effective Date of 1970 Amendment note under section 351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351c, 351e, 352, 353, 354, 355b, 355c, 355e1, 355e2, 371, 375, 385a of this title.

§351c. Allotments to States and Indian tribes

(a) Minimum allotments; population basis for distribution of remaining funds

(1) From the sums appropriated pursuant to clause (1), (2), or (3) of section 351b(a) of this title for any fiscal year, the Secretary shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

(2) From the remainder of any sums appropriated pursuant to clause (1), (2), or (3) of section 351b(a) of this title for any fiscal year, the Secretary shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

(3) For the purposes of this subsection, the “minimum allotment” shall be—

(A) with respect to appropriations for the purposes of subchapter I of this chapter, \$200,000 for each State, except that it shall be \$40,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, Palau¹ (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48);

(B) with respect to appropriations for the purposes of subchapter II of this chapter, \$100,000 for each State, except that it shall be \$20,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, Palau¹ (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48); and

(C) with respect to appropriations for the purposes of subchapter III of this chapter, \$40,000 for each State, except that it shall be

¹So in original. Probably should be preceded by “and”.

\$10,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, Palau¹ (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48).

If the sums appropriated pursuant to clause (1), (2), or (3) of section 351b(a) of this title for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

(4) The population of each State and of all the States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(b) Reallotment of funds

The amount of any State's allotment under subsection (a) of this section for any fiscal year from any appropriation made pursuant to clause (1), (2), or (3)² of section 351b(a) of this title which the Secretary deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallotment from time to time on such dates during such year as the Secretary shall fix. Such amount shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) of this section but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Secretary estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a) of this section.

(c) Indian tribes

(1) From one-half of the sums available pursuant to the second sentence of section 351b(a) of this title for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe that submits an approved application under section 363 of this title.

(2) From the remaining one-half of the sums available pursuant to such second sentence, the Secretary shall make allocations to Indian tribes that (A) are receiving an allocation under paragraph (1) of this subsection for such fiscal year; and (B) have submitted approved applications under section 364 of this title.

(3) In making allocations under paragraph (2)—

(A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian; and

(B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 362(b) of this title.

(4) In making allocations under this subsection, the Secretary shall take such actions as

may be necessary to prevent an allocation from being received to serve the same population by any 2 or more of the following entities (as defined in or established pursuant to the Alaskan Native Claims Settlement Act [43 U.S.C. 1601 et seq.]): an Alaskan native village, a regional corporation, or a village corporation.

(d) Organizations serving and representing Hawaiian natives

(1) From the sums available pursuant to the last sentence of section 351b(a) of this title for any fiscal year, the Secretary shall make grants to organizations primarily serving and representing Hawaiian natives that are recognized by the Governor of the State of Hawaii.

(2) Grants under this subsection shall be made on the basis of applications and plans submitted by such organizations that are consistent with the requirements imposed pursuant to sections 362(b), 363, and 364 of this title. Funds made available by grants under this subsection may be used for the purposes specified in clauses (1) through (8) of section 362(a) of this title, to contract to provide public library services to Native Hawaiians, and to carry out any other activities authorized under this sentence by contract. Section 362(c) of this title shall apply with respect to the cultural materials of Hawaiian natives. The Secretary shall issue criteria for the approval of applications and plans but the criteria may not include an allotment formula and may not contain a matching of funds requirement.

(June 19, 1956, ch. 407, §5, as added Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1662; amended May 3, 1973, Pub. L. 9329, title VIII, §801(c), 87 Stat. 58; Oct. 17, 1984, Pub. L. 98480, title I, §§103(b)(1), 105, 98 Stat. 2237, 2238; Nov. 22, 1985, Pub. L. 99159, title III, §302(a), 99 Stat. 902; Mar. 15, 1990, Pub. L. 101254, §§4(a), 22(b), 104 Stat. 102, 107; July 25, 1991, Pub. L. 10273, title VIII, §802(e)(2), 105 Stat. 361.)

REFERENCES IN TEXT

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in subsec. (a)(3), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

The Alaskan Native Claims Settlement Act, referred to in subsec. (c)(4), probably means the Alaska Native Claims Settlement Act, Pub. L. 92203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

CODIFICATION

Another section 801(c) of Pub. L. 9329 amended section 351d(a) of this title. See 1973 Amendment note set out under section 351d of this title.

AMENDMENTS

1991—Subsec. (a)(3)(A) to (C). Pub. L. 10273 substituted "Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48)" for "and the Trust Territory of the Pacific Islands".

1990—Subsec. (a)(5). Pub. L. 101254, §22(b), struck out par. (5) which authorized appropriation of funds directly or by grants or contracts for evaluation of programs authorized by this chapter.

Subsec. (c). Pub. L. 101254, §4(a), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

²See 1984 Amendment note below.

“(1) From the sums available pursuant to the second sentence of section 351b(a) of this title for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe. Grants from such allotted amounts shall be made to Indian tribes which have submitted approved applications under section 363 of this title.

“(2) Any allotted funds for which an Indian tribe does not apply, or applies but does not qualify, shall be re-allocated by the Secretary among Indian tribes which have submitted approved plans under section 364 of this title. In making such allocations (A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian, and (B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 362(b) of this title.”

1985—Subsec. (d)(2). Pub. L. 99159 inserted reference to section 362(b) of this title, inserted provisions respecting the use of funds for public library services and for other contracted activities, and inserted provisions requiring issuance of criteria for approval of applications and plans.

1984—Subsec. (a)(1). Pub. L. 98480, §§103(b)(1), 105(2), substituted “clause (1), (2), or (3)” for “paragraph (1), (2), (3), or (4)” and “Secretary” for “Commissioner”.

Subsec. (a)(2). Pub. L. 98480, §§103(b)(1), 105(2), substituted “clause (1), (2), or (3)” for “paragraph (1), (2), (3), or (4)” and “Secretary” for “Commissioner”.

Subsec. (a)(3). Pub. L. 98480, §105(2), substituted “clause (1), (2), or (3)” for “paragraph (1), (2), (3), or (4)” in last sentence.

Subsec. (a)(3)(A) to (C). Pub. L. 98480, §105(3), inserted “the Northern Mariana Islands,” after “the Virgin Islands.”

Subsec. (a)(3)(D). Pub. L. 98480, §105(4), struck out subpar. (D) which provided for a minimum allotment of \$40,000 for each State, except that such allotment would be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, with respect to appropriations for the purposes of subchapter IV of this chapter.

Subsec. (a)(4). Pub. L. 98480, §103(b)(1), substituted “Secretary” for “Commissioner”.

Subsec. (b). Pub. L. 98480, §105(5), which directed that subsec. (b) be amended by substituting “clause (1), (2), or (3)” for “paragraph (1), (2), or (3)” was executed by substituting “clause (1), (2), or (3)” for “paragraph (1), (2), (3), or (4)” as the probable intent of Congress.

Pub. L. 98480, §103(b)(1), substituted “Secretary” for “Commissioner” in three places.

Subsecs. (c), (d). Pub. L. 98480, §105(6), added subsecs. (c) and (d).

1973—Subsec. (a). Pub. L. 9329, §801(c)(1)(4), inserted reference to par. (4) of section 351b(a) of this title in pars. (1), (2), and (3)(last sentence), and added subpar. (D) to par. (3).

Subsec. (b). Pub. L. 9329, §801(c)(5), inserted reference to par. (4) of section 351b(a) of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 9329 effective after June 30, 1973, see section 801(e) of Pub. L. 9329, set out as an Effective Date note under section 351b of this title.

EFFECTIVE DATE

Section effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as an Effective Date of 1970 Amendment note under section 351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351b, 351d, 351e, 353, 355b, 355e1, 361, 363, 364 of this title.

§351d. Plans and programs

(a) Prerequisites for allotment of basic State plan in effect, submission of annual program, and establishment of State Advisory Council on Libraries

Any State desiring to receive its allotment for any purpose under this chapter for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 351a(11) of this title and meeting the requirements set forth in subsection (b) of this section, (2) submit an annual program as defined in section 351a(13) of this title for the purposes for which allotments are desired, meeting the appropriate requirements set forth in subchapters I, II, and III of this chapter, and shall submit (no later than July 1, 1972) a long-range program as defined in section 351a(12) of this title for carrying out the purposes of this chapter as specified in subsection (d) of this section, and (3) establish a State Advisory Council on Libraries which meets the requirements of section 351a(8) of this title.

(b) Provisions of plan

A basic State plan under this chapter shall—

(1) provide for the administration, or supervision of the administration, of the programs authorized by this chapter by the State library administrative agency;

(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this chapter;

(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this chapter and to determine the extent to which funds provided under this chapter have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(4) provide assurances that libraries within the State that receive funds under this chapter shall not discriminate on the basis of race, religion, age, gender, national origin, or handicapping condition in providing space for public meetings; and

(5) provide that priority will be given to programs and projects—

(A) that improve access to public library resources and services for the least served populations in the State, including programs for individuals with limited English-speaking proficiency (as defined in section 703(a) of the Bilingual Education Act)¹ or handi-

¹See References in Text note below.

capping conditions, and programs and projects in urban and rural areas;

(B) that serve the elderly;

(C) that are designed to combat illiteracy; and

(D) that increase services and access to services through effective use of technology.

(c) Approval of basic State plan by Secretary

(1) The Secretary shall not approve any basic State plan pursuant to this chapter for any fiscal year unless—

(A) the plan fulfills the conditions specified in section 351a(11) of this title and subsection (b) of this section and the appropriate subchapters of this chapter;

(B) he has made specific findings as to the compliance of such plan with requirements of this chapter and he is satisfied that adequate procedures are subscribed to therein insure that any assurances and provisions of such plan will be carried out.

(2) The State plan shall be made public as finally approved.

(3) The Secretary shall not finally disapprove any basic State plan submitted pursuant to subsection (a)(1) of this section, or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

(d) Long-range State programs; development; provisions

The long-range program of any State for carrying out the purposes of this chapter shall be developed in consultation with the Secretary and shall—

(1) set forth a program under which the funds received by the State under the programs authorized by this chapter will be used to carry out a long-range program of library services, construction, and interlibrary cooperation and resource sharing covering a period of not less than three nor more than five years;

(2) be annually reviewed and revised in accordance with changing needs for assistance under this chapter and the results of the evaluation and surveys of the State library administrative agency;

(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this chapter, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

(4) set forth effective policies and procedures for the coordination of programs and projects supported under this chapter with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs.

Such program shall be developed with advice of the State advisory council and in consultation with the Secretary and shall be made public as it is finally adopted.

(e) Termination or limitation of payments to States by Secretary; procedure; grounds

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State

agency administering a program submitted under this chapter, finds—

(1) that the program has been so changed that it no longer complies with the provisions of this chapter, or

(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this chapter or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this chapter shall be limited to local or other public library agencies not affected by the failure.

(f) Judicial review of Secretary's final actions; procedure

(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of a plan submitted under this chapter or with his final action under subsection (e) of this section such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary 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.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

(3) The court shall have jurisdiction to affirm the action of the Secretary 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 section 1254 of title 28.

(g) Indian tribes; allotments and allocations

(1) Any Indian tribe desiring to receive its allotment under section 351c(c)(1) of this title shall submit an application to the Secretary in accordance with section 363 of this title.

(2) Any Indian tribe desiring to receive an additional allocation under section 351c(c)(2) of this title in the same fiscal year in which it has received an allocation under section 351c(c)(1) of this title shall submit a plan in accordance with section 364 of this title.

(h) Resource sharing coordination

The Secretary shall coordinate programs under subchapters V and VI of this chapter with the programs assisted by subchapters I, II, and III of this chapter, and shall provide to the head of the State library administrative agency the opportunity to comment on any application for

a grant under subchapter V or VI of this chapter prior to the awarding of the grant, in order to assure that such grants from the Secretary are for purposes consistent with the long-range program required under subsection (d) of this section.

(June 19, 1956, ch. 407, §6, as added Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1663; amended May 3, 1973, Pub. L. 9329, title VIII, §801(c), 87 Stat. 59; Aug. 21, 1974, Pub. L. 93380, title VIII, §841(b), 88 Stat. 609; Oct. 17, 1984, Pub. L. 98480, title I, §§103(b), 106, 98 Stat. 2237, 2239; Nov. 22, 1985, Pub. L. 99159, title III, §302(b), 99 Stat. 903; Mar. 15, 1990, Pub. L. 101254, §§4(b)6, 104 Stat. 102, 103.)

REFERENCES IN TEXT

Section 703(a) of the Bilingual Education Act, referred to in subsec. (b)(5)(A), is section 703(a) of Pub. L. 8910, title VII, as added by Pub. L. 95561, title VII, §701, Nov. 1, 1978, 92 Stat. 2269, as amended, which was classified to section 3223(a) of this title prior to the complete revision of Pub. L. 8910 by Pub. L. 100297, Apr. 28, 1988, 102 Stat. 140. For provisions defining "limited English proficiency", see section 7601 of this title.

CODIFICATION

Another section 801(c) of Pub. L. 9329 amended section 351c of this title. See 1973 Amendment note set out under section 351c of this title.

AMENDMENTS

1990—Subsec. (b)(4), (5). Pub. L. 101254, §5, added par. (4) and redesignated former par. (4) as (5).

Subsec. (d)(1). Pub. L. 101254, §6(1), substituted " , construction, and interlibrary cooperation and resource sharing" for "and construction".

Subsec. (g)(2). Pub. L. 101254, §4(b), inserted "in the same fiscal year in which it has received an allocation under section 351c(1) of this title" after "section 351c(2) of this title".

Subsec. (h). Pub. L. 101254, §6(2), added subsec. (h).

1985—Subsec. (b)(4)(A). Pub. L. 99159 inserted reference to section 3223(a) of this title.

1984—Subsec. (a). Pub. L. 98480, §106(2), substituted "subchapters I, II, and III" for "subchapters I, II, III, and IV".

Subsec. (b)(3). Pub. L. 98480, §103(b)(1), substituted "Secretary" for "Commissioner" in two places.

Subsec. (b)(4). Pub. L. 98480, §106(3), substituted provisions enumerating the types of programs and projects to be given priority by a State plan under this chapter for provisions which required that the State plan under this chapter set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority would be given to programs or projects which served urban and rural areas with high concentrations of low-income families, and to programs and projects which served areas with high concentrations of persons of limited English-speaking ability (as defined in section 3223(a) of this title).

Subsecs. (c)(1), (3), (d), (e). Pub. L. 98480, §103(b)(1), substituted "Secretary" for "Commissioner" wherever appearing.

Subsec. (f). Pub. L. 98480, §103(b), substituted "Secretary's" for "Commissioner's" in par. (1) and substituted "Secretary" for "Commissioner" two places in par. (1), three places in par. (2), and in par. (3).

Subsec. (g). Pub. L. 98480, §106(4), added subsec. (g).

1974—Subsec. (b)(4). Pub. L. 93380 required basic State plan to include criteria to assure that priority will be given to programs and projects which serve areas with high concentrations of persons of limited English-speaking ability (as defined in section 880b1(a) of this title).

1973—Subsec. (a). Pub. L. 9329 inserted reference to subchapter IV of this chapter.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93380 effective on and after July 1, 1974, see section 841(c) of Pub. L. 93380.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 9329 effective after June 30, 1973, see section 801(e) of Pub. L. 9329, set out as an Effective Date note under section 351b of this title.

EFFECTIVE DATE

Section effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as an Effective Date of 1970 Amendment note under section 351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351a, 351e, 352, 353, 354, 355a, 355c, 355e, 355e2, 355e3, 355e4, 386a of this title.

§351e. Payments

(a) Prerequisites for payment

From the allotments available therefor under section 351c of this title from appropriations pursuant to clause (1), (2), or (3) of section 351b(a) of this title, the Secretary shall pay to each State which has a basic State plan approved under section 351d(a)(1) of this title, an annual program and a long-range program as defined in section 351a(12) and (13) of this title an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of subchapter I of this chapter to any State (other than Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48)) for any fiscal year unless the Secretary determines that—

(1) there will be available from State and local sources for expenditure under the programs, during the fiscal year for which the allotment is made, an amount that equals or exceeds the amount required to provide the State percentage as required by subsection (b) of this section; and

(2)(A) there will be available for expenditure for State aid to public libraries and library systems, during the fiscal year for which the allotment is made, an aggregate amount equal to 90 percent of the amount actually expended for such purposes in the second preceding fiscal year; and

(B) there will be available for expenditure, during the fiscal year for which the allotment is made, for the State library administrative agency, or for the part thereof charged by State law with the extension and development of public library services throughout the State, an aggregate amount equal to 90 percent of the amount actually expended for such purpose in the second preceding fiscal year.

The Secretary may, in accordance with regulations, waive the requirements of paragraph (2) of this subsection, if the Secretary determines that the application of such paragraph would be un-

just or unreasonable in the light of exceptional extenuating circumstances.

(b) Federal share; promulgation by Secretary

(1) For the purpose of this section, the “Federal share” for any State shall be, except as is provided otherwise in subchapter III of this chapter, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, and¹ the Northern Mariana Islands² the Virgin Islands, the Commonwealth of the Northern Mariana Islands² and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48)), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and¹ the Northern Mariana Islands² and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Commonwealth of the Northern Mariana Islands and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48) shall be 100 per centum.

(2) The “Federal share” for each State shall be promulgated by the Secretary within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Commonwealth of the Northern Mariana Islands² and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48)), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

(c) Indian tribes

From the sums available pursuant to the second sentence of section 351b(a) of this title, the Secretary shall pay to each Indian tribe which has an approved application under section 363 of this title an amount equal to such tribe’s allotment under section 351c(c)(1) of this title and shall pay to each Indian tribe which has an approved plan under section 364 of this title an amount equal to such tribe’s additional allocation under section 351d(g)(2) of this title, except that such additional allocation shall not exceed 80 percent of the cost of carrying out such plan. (June 19, 1956, ch. 407, §7, as added Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1665; amended May 3, 1973, Pub. L. 9329, title VIII, §801(d), 87 Stat. 59; Oct. 17, 1984, Pub. L. 98480, title I, §§103(b)(1), 107, 98 Stat. 2237, 2239; Mar. 15, 1990, Pub. L. 101254, §7(a), 104 Stat. 103; July 25, 1991, Pub. L. 10273, title VIII, §802(e)(3), (4), 105 Stat. 361, 362.)

REFERENCES IN TEXT

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in sub-

¹So in original. The word “and” probably should not appear.

²So in original. Probably should be followed by a comma.

secs. (a) and (b), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1991—Subsec. (a). Pub. L. 10273, §802(e)(3), substituted “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48)” for “the Trust Territory of the Pacific Islands”.

Subsec. (b). Pub. L. 10273, §802(e)(4), substituted “the Commonwealth of the Northern Mariana Islands and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 1931(a) of title 48)” for “and the Trust Territory of the Pacific Islands” wherever appearing and, in subsec. (b)(1)(C), was executed as a substitution for “the Trust Territory of the Pacific Islands” to reflect the probable intent of Congress.

1990—Subsec. (a). Pub. L. 101254 inserted pars. (1) and (2) and concluding sentence and struck out former pars. (1) and (2) which read as follows:

“(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

“(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

“(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

“(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.”

1984—Subsec. (a). Pub. L. 98480, §§103(b)(1), 107(2), substituted “clause (1), (2), or (3)” for “paragraph (1), (2), (3), or (4)” and “Secretary” for “Commissioner” in two places.

Subsec. (b)(1). Pub. L. 98480, §107(3), (4), substituted “subchapter III” for “subchapter III and subchapter IV” and inserted “and the Northern Mariana Islands” after “American Samoa,” in two places.

Subsec. (b)(2). Pub. L. 98480, §§103(b)(1), 107(5), substituted “Secretary” for “Commissioner” and inserted “the Northern Mariana Islands,” after “the Virgin Islands.”

Subsec. (c). Pub. L. 98480, §107(6), added subsec. (c).

1973—Subsec. (a). Pub. L. 9329, §801(d)(1), inserted reference to par. (4) of section 351(a) of this title.

Subsec. (b)(1). Pub. L. 9329, §801(d)(2), inserted reference to subchapter IV of this chapter.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE

Section effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as an Effective Date of 1970 Amendment note under section 351 of this title.

§351f. Administrative costs

A State may expend funds received under subchapters I and II of this chapter for administrative costs in connection with programs and activities carried out under subchapters I, II, and III of this chapter, but such administrative expenditures under such subchapters for any fiscal year may not exceed the greater of (1) 6 per centum of the sum of the amounts allotted to such State under such subchapters for such fiscal year, or (2) \$60,000.

(June 19, 1956, ch. 407, §8, as added Oct. 7, 1977, Pub. L. 95123, §3(a), 91 Stat. 1095; amended Oct. 17, 1984, Pub. L. 98480, title I, §108, 98 Stat. 2240.)

AMENDMENTS

1984—Pub. L. 98480 substituted provisions authorizing States to expend funds received under subchapters I and II for administrative costs in connection with programs and activities under subchapters I, II, and III, in amounts not to exceed the greater of 6 percent of the amounts allotted to such State thereunder for such fiscal year or \$60,000 for provisions which required States to provide matching amounts for such expenditures from non-Federal sources.

CONSTRUCTION OF PROVISIONS RESPECTING ADMINISTRATIVE COSTS

Pub. L. 99159, title III, §303(a), Nov. 22, 1985, 99 Stat. 903, provided that: "The references in section 8 of the Act (20 U.S.C. 351f) to 'such titles' ['such subchapters'] mean, and shall be construed as meaning, the immediately preceding reference to 'titles I, II, and III' ['subchapters I, II, and III of this chapter']."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 353 of this title.

§351g. Education Research Library

None of the activities or functions of the Department of Education Research Library which are utilized, directly or indirectly, by the Secretary in carrying out this chapter and which were not performed by contractors as of July 26, 1989, shall be contracted out or otherwise transferred from the Federal Government before September 30, 1991, unless such transfer is expressly authorized by statute, or unless the value of all work performed under the contract and related contracts in each fiscal year does not exceed \$50,000.

(June 19, 1956, ch. 407, §9, as added Mar. 15, 1990, Pub. L. 101254, §8(a), 104 Stat. 104.)

EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as an Effective Date of 1990 Amendment note under section 351a of this title.

SUBCHAPTER I—PUBLIC LIBRARY SERVICES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 351b, 351c, 351d, 351e, 351f, 361 of this title.

§352. Grants to States for public library services

The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 351b(a)(1) of this title to States which have approved basic State plans under section 351d of this title and have submitted annual programs under section 354 of this title—

(1) for the extension of public library services to areas and populations without such services and the improvement of such services to areas and populations to ensure that such services are adequate to meet user needs and to make library services accessible to individuals who, by reason of distance, residence, handicap, age, literacy level, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public;

(2) for adapting public library services to meet particular needs of individuals within the States;

(3) for assisting libraries to serve as community information referral centers;

(4) for assisting libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations, if appropriate;

(5) for assisting libraries in developing intergenerational library programs that will match older adult volunteers with libraries interested in developing after school¹ literacy and reading skills programs for unsupervised school children during afterschool hours;

(6) for assisting libraries in providing mobile library services and programs to child-care providers or child-care centers which are licensed or certified by the State, or otherwise meet the requirements of State law;

(7) to establish and support model library literacy centers, coordinated by the State library administrative agency with other interested State agencies and nonprofit organizations to reduce the number of functionally illiterate individuals and to help them reach full employment;

(8) for assisting libraries in providing and displaying educational materials, and conducting community-wide programs, aimed at preventing and eliminating drug abuse, in cooperation with local education agencies or other agencies or organizations, if appropriate;

(9) for strengthening State library administrative agencies;

(10) for strengthening major urban resource libraries; and

(11) for assisting public libraries in making effective use of technology to improve library and information services.

(June 19, 1956, ch. 407, title I, §101, formerly §3, 70 Stat. 293; Aug. 31, 1960, Pub. L. 86679, §1, 74 Stat. 571; renumbered title I, §101, and amended Feb. 11, 1964, Pub. L. 88269, §1(a)(2), 2, 7(a), 78 Stat. 1113; July 19, 1966, Pub. L. 89511, §3, 80 Stat. 313; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1666; Oct. 7, 1977, Pub. L. 95123, §4(c), 91 Stat. 1096; Oct. 17, 1984, Pub. L. 98480, title I, §§103(b)(1), 109, 98 Stat. 2237, 2240; Mar. 15, 1990, Pub. L. 101254, §§912, 16(b), 24(2), 104 Stat. 104, 105, 113.)

AMENDMENTS

1990—Pub. L. 101254, §24(2), inserted "public" before "library" in section catchline.

Par. (5). Pub. L. 101254, §9(2), added par. (5). Former par. (5) redesignated (9).

Par. (6). Pub. L. 101254, §10, added par. (6). Former par. (6) redesignated (10).

Par. (7). Pub. L. 101254, §11, added par. (7).

Par. (8). Pub. L. 101254, §12, added par. (8).

Pars. (9), (10). Pub. L. 101254, §9(1), redesignated pars. (5) and (6) as (9) and (10), respectively.

Par. (11). Pub. L. 101254, §16(b), added par. (11).

1984—Pub. L. 98480, §109, designated part of existing provisions as pars. (1), (2), (5), and (6), in par. (1) substituted reference to improvement of services to ensure that such services are adequate to meet user needs for reference to improvement of services in areas in which such services are inadequate and reference to handicap,

¹So in original. Probably should be "afterschool".

age, and literacy level for reference to physical handicap, respectively, in par. (5) substituted reference to strengthening State library administrative agencies for reference to improving and strengthening library administrative agencies, and added pars. (3) and (4).

Pub. L. 98480, §103(b)(1), substituted "Secretary" for "Commissioner".

1977—Pub. L. 95123 inserted "and in strengthening major urban resource libraries" after "library administrative agencies".

1970—Pub. L. 91600 substituted provisions authorizing Commissioner to make grants to States for public library services for provisions authorizing appropriations for fiscal year ending June 30, 1967, fiscal year ending June 30, 1968, fiscal year ending June 30, 1969, fiscal year ending June 30, 1970, and fiscal year ending June 30, 1971. See section 351b of this title.

1966—Pub. L. 89511 authorized appropriation of \$35,000,000 for fiscal year ending June 30, 1967, \$45,000,000 for fiscal year ending June 30, 1968, \$55,000,000 for fiscal year ending June 30, 1969, \$65,000,000 for fiscal year ending June 30, 1970, \$75,000,000 for fiscal year ending June 30, 1971, and struck out provisions authorizing appropriations for fiscal years ending between June 30, 1957, and June 30, 1966.

1964—Pub. L. 88269, §§1(a)(2), 2, struck out "rural" before "areas"; substituted "are" for "is hereby" before "authorized" and "next six fiscal years" for "nine succeeding fiscal years" and inserted " , for the fiscal year ending June 30, 1964, the sum of \$25,000,000, and for each of the next two fiscal years such sums as the Congress may determine." after "\$7,500,000".

1960—Pub. L. 86679 substituted "nine succeeding fiscal years" for "four succeeding fiscal years".

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as a note under section 351 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 1(f) of Pub. L. 88269 provided that: "The amendment made by subsection (a)(2) [amending this section] shall apply in the case of appropriations for fiscal years beginning after June 30, 1964. The amendments made by subsection (b) [amending section 353 of this title] shall apply in the case of allotments from appropriations for fiscal years beginning after June 30, 1964. The amendments made by subsection (c) [amending section 354 of this title] shall apply in the case of expenditures under State plans for periods after June 30, 1964. The amendment made by subsection (e) [amending section 358 of this title] shall become effective July 1, 1964."

§353. Uses of Federal funds

(a) Development of programs and projects to extend library services to physically handicapped, disadvantaged areas, etc.; expanding services of major urban resource libraries; limitation on grants

Funds appropriated pursuant to paragraph (1) of section 351b(a) of this title shall be available for grants to States from allotments under section 351c(a) of this title for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under sections 351d and 354 of this title. Except as is provided in subsection (b) of this section, grants to States under this subchapter may be used solely—

(1) for planning for, and taking other steps leading to the development of, programs and projects designed to assist libraries to serve as community centers for information and referral and to extend and improve library services, as provided in clause (2);

(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers; and

(3) for supporting and expanding library services of major urban resource libraries which, because of the value of the collections of such libraries to individual users and to other libraries, need special assistance to furnish services at a level required to meet the demands made for such services.

No grant may be made under clause (3) of this subsection unless the major urban resource library provides services to users throughout the regional area in which such library is located. In carrying out its program to accomplish the purposes of this subchapter, a State may make subgrants to library systems or networks which include libraries other than public libraries, if the purpose of the subgrant is to improve services for public library patrons.

(b) Payment of costs of administering State plans, planning for and evaluation of library services, dissemination of information concerning library services, etc.; increase capacity of State library administrative agencies

Subject to the provisions of section 351f of this title and such limitations and criteria as the Secretary shall establish by regulation, grants to States under this chapter may be used (1) to pay the cost of administering the State plans submitted and approved under this chapter (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this subchapter, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

(c) Reservation of allotments

(1) Subject to such criteria as the Secretary shall establish by regulation, in any fiscal year in which sums appropriated pursuant to paragraph (1) of section 351b(a) of this title (excluding the amount made available for Indian tribes and Hawaiian natives) exceed \$60,000,000, each State which is subject to the provisions of this subsection shall reserve that portion of the allotment of each State attributable to the amount in excess of \$60,000,000 in that fiscal year in the manner required in paragraph (2).

(2)(A) In each State having one or more cities with a population of 100,000 or more individuals, as determined by the Secretary, and in which the aggregate population of such cities does not exceed 50 percent of the total population of the State, the portion of the excess amount specified in paragraph (1) shall be reserved for the purposes described in subsection (a)(3) of this section in accordance with clause (2) of section 354 of this title in an amount which bears the same ratio to the total of such excess amount as the aggregate population of such cities bears to the total population of such State.

(B) In each State having one or more cities with a population of 100,000 or more individuals, as determined by the Secretary, and in which the aggregate population of such cities exceeds 50 percent of the total population of the State, 50 percent of the excess amount specified in paragraph (1) shall be reserved for the purposes described in subsection (a)(3) of this section in accordance with clause (2) of section 354 of this title.

(C) Any State which does not include any city with a population of 100,000 or more individuals, as determined by the Secretary, shall not be subject to the provisions of this subsection.

(3) No State shall, in carrying out the provisions of paragraph (2) of this subsection, reduce the amount paid to any major urban resource library below the amount that such library received in the fiscal year preceding the fiscal year for which the determination is made under such paragraph (2), except that such amount may be ratably reduced to the extent that (A) the total Federal allocations to the State under section 351c of this title for purposes of this subchapter for the applicable fiscal year are reduced, or (B) the 1990 Census shows the population of the city served by such library has decreased.

(June 19, 1956, ch. 407, title I, §102, formerly §4, 70 Stat. 293; Aug. 1, 1956, ch. 852, §25(a), 70 Stat. 911; Aug. 31, 1960, Pub. L. 86679, §2, 74 Stat. 571; Sept. 25, 1962, Pub. L. 87688, §5(a)(1), 76 Stat. 587; renumbered title I, §102, and amended Feb. 11, 1964, Pub. L. 88269, §§1(b), 3, 7(a), 78 Stat. 1113; July 19, 1966, Pub. L. 89511, §§4, 12(a), 80 Stat. 313, 318; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1667; Oct. 7, 1977, Pub. L. 95123, §§3(b), 4(d), (e), 91 Stat. 1095, 1096; Oct. 17, 1984, Pub. L. 98480, title I, §§103(b)(1), 110, 98 Stat. 2237, 2240; Nov. 22, 1985, Pub. L. 99159, title III, §§303(b), 304, 99 Stat. 903; Mar. 15, 1990, Pub. L. 101254, §§13, 14, 104 Stat. 105.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101254, §13, inserted at end “In carrying out its program to accomplish the purposes of this subchapter, a State may make subgrants to library systems or networks which include libraries other than public libraries, if the purpose of the subgrant is to improve services for public library patrons.”

Subsec. (c)(3). Pub. L. 101254, §14, added par. (3).

1985—Subsec. (b). Pub. L. 99159, §303(b), substituted “this chapter” for “this subchapter” in provision preceding cl. (1).

Subsec. (c)(1). Pub. L. 99159, §304, inserted “(excluding the amount made available for Indian tribes and Hawaiian natives)”.

1984—Subsec. (a)(1). Pub. L. 98480, §110, inserted “assist libraries to serve as community centers for information and referral and to” after “designed to”.

Subsecs. (b), (c). Pub. L. 98480, §103(b)(1), substituted “Secretary” for “Commissioner” wherever appearing.

1977—Subsec. (a). Pub. L. 95123, §4(d), added cl. (3) and last sentence.

Subsec. (b). Pub. L. 95123, §3(b), inserted “the provisions of section 351f of this title and” after “Subject to”.

Subsec. (c). Pub. L. 95123, §4(e), added subsec. (c).

1970—Pub. L. 91600 substituted provision relating to purposes which funds granted to States could be used for, for provisions setting forth amount of allotments authorized to be made by Commissioner to States, Guam, etc. See section 351c of this title.

1966—Pub. L. 89511 struck out provision that allotment to any State under this section for fiscal year ending June 30, 1964, shall be available for payments to such State with respect to expenditures under its approved State plan during fiscal years ending June 30, 1964, and June 30, 1965, and provided for an allotment of \$25,000 to the Trust Territory of the Pacific Islands.

1964—Pub. L. 88269, §§1(b), 3, struck out “rural” before “population” in two places, substituted “\$25,000” and “\$100,000” for “\$10,000” and “\$40,000”, respectively, and inserted provision for availability of allotments for fiscal year ending June 30, 1964 and the next fiscal year.

1962—Pub. L. 87688 substituted “, American Samoa, and the Virgin Islands” for “and to the Virgin Islands”.

1960—Pub. L. 86679 struck out subsec. (b) which made the amount of any allotment to a State for any fiscal year remaining unpaid at the end of the fiscal year available for payment until the end of the succeeding fiscal year, and which prohibited payment to a State under section 355 of this title until the State’s allotment for the preceding fiscal year has been exhausted or has ceased to be available.

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

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as a note under section 351 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 12(c) of Pub. L. 89511 provided that: “The amendments made by this section [amending this section and sections 355, 355b, 355e1, 355f1, 355f5, and 358 of this title] shall be effective with respect to fiscal years beginning after June 30, 1966.”

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by section 1(b) of Pub. L. 88269 applicable in the case of allotments from appropriations for fiscal years beginning after June 30, 1964, see section 1(f) of Pub. L. 88269, set out as a note under section 352 of this title.

Section 3(a) of Pub. L. 88269 provided that the amendment made by that section is effective in the case of allotments from appropriations for fiscal years beginning after June 30, 1963.

EFFECTIVE DATE OF 1962 AMENDMENT

Section 5(b) of Pub. L. 87688 provided that: “The amendments made by this section [amending this section and sections 355 and 358 of this title] shall become effective July 1, 1962.”

EFFECTIVE DATE OF 1960 AMENDMENT

Section 6 of Pub. L. 86679 provided that: “The amendments made by section 2 of this Act [amending this section] shall be effective in the case of allotments from sums appropriated under section 3 of the Library Services Act [section 352 of this title] for any fiscal year be-

ginning after June 30, 1961, except that no payment shall be made to any State from its allotment under section 4 of such Act [this section] for the fiscal year ending June 30, 1962, until its allotment for any preceding year has been exhausted or ceased to be available. The amendments made by sections 3 and 4 of this Act [amending section 355 of this title] shall be effective in the case of promulgations of Federal shares under the Library Services Act [this chapter] made after the enactment of this Act [Aug. 31, 1960]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 354 of this title.

§354. Annual State program for library services; submission; contents; limitation on reduction of funds; ratable reduction

Any State desiring to receive a grant from its allotment for the purposes of this subchapter for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 351d of this title, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation, and shall—

(1) set forth a program, subject to clause (2) of this section, for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 351b(a) of this title for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 353 of this title;

(2) set forth a program for the year submitted under which the amount reserved by the State under section 353(c) of this title, if applicable, will be used for the purposes set forth in clause (3) of section 353(a) of this title;

(3) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the second fiscal year preceding the fiscal year for which the determination is made;

(4) describe the uses of funds for programs for the elderly;

(5) describe the uses of funds to make library services and programs more accessible to handicapped individuals.¹

(6) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

(7) include an extension of the long-range program, taking into consideration the results of evaluations.

No State shall, in carrying out the provisions of clause (2) of this section, reduce the amount paid to an urban resource library below the amount that such library received in the year preceding the year for which the determination is made under such clause (2). The amount which a State is required to expend pursuant to

clause (3) of this section shall be ratably reduced to the extent that Federal allocations to the State are reduced and to the extent that the Secretary determines that the populations served by such expenditures has declined.

(June 19, 1956, ch. 407, title I, §103, formerly §5, 70 Stat. 293; renumbered title I, §103, and amended Feb. 11, 1964, Pub. L. 88269, §1(c), 4, 7(a), 78 Stat. 1113; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1667; Oct. 7, 1977, Pub. L. 95123, §4(f), 5, 91 Stat. 1096, 1097; Oct. 17, 1984, Pub. L. 98480, title I, §103(b)(1), 111, 98 Stat. 2237, 2241; Mar. 15, 1990, Pub. L. 101254, §7(b), 15, 104 Stat. 103, 105.)

AMENDMENTS

1990—Pub. L. 101254, §7(b), inserted before period at end of last sentence "and to the extent that the Secretary determines that the populations served by such expenditures has declined".

Par. (3). Pub. L. 101254, §15(1), struck out "and institutionalized individuals" after "physically handicapped".

Par. (4). Pub. L. 101254, §15(2), struck out "which may include (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly particularly for the elderly who are handicapped; (C) the purchase of special library materials for use by the elderly; (D) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (E) the provision of in-home visits by librarians and other library personnel to the elderly; (F) the establishment of outreach programs to notify the elderly of library services available to them; and (G) the furnishing of transportation to enable the elderly to have access to library services" after first reference to "elderly".

Par. (5). Pub. L. 101254, §15(3), added par. (5) and struck out former par. (5) which read as follows: "describe the manner in which funds for programs for handicapped individuals will be used to make library services more accessible to such individuals;"

1984—Pub. L. 98480, §103(b)(1), 111, substituted "Secretary" for "Commissioner" in provisions preceding par. (1), inserted "and institutionalized individuals" after "handicapped" in par. (3), added pars. (4) and (5) and redesignated former pars. (4) and (5) as (6) and (7), respectively; and inserted provision at end that the amount which a State is required to expend pursuant to par. (3) shall be ratably reduced to the extent that Federal allocations to the State are reduced.

1977—Pub. L. 95123 in cl. (1) inserted "subject to clause (2) of this section," after "set forth a program", added cl. (2), redesignated former cl. (2) as (3) and substituted "the second fiscal year preceding the fiscal year for which the determination is made" for "the fiscal year ending June 30, 1971", redesignated former cls. (3) and (4) as (4) and (5), respectively, and inserted sentence at end.

1970—Pub. L. 91600 substituted provisions requiring submission by any State desiring to receive a grant from its allotment for any fiscal year of an annual program for library services for that fiscal year, and setting forth the required contents of such program, for provisions setting forth the criteria for approval by the Commissioner of State plans for the further extension of public library services. See section 351d of this title.

1964—Subsec. (a). Pub. L. 88269, §1(c)(1), struck out "to rural areas" after "public library services".

Subsec. (a)(3). Pub. L. 88269, §1(c)(2), 4, struck out "rural" before "areas".

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as a note under section 351 of this title.

¹So in original. The period probably should be a semicolon.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by section 1(c) of Pub. L. 88269 applicable in the case of expenditures under State plans for periods after June 30, 1964, see section 1(f) of Pub. L. 88269, set out as a note under section 352 of this title.

Section 4 of Pub. L. 88269 provided that the amendment made by that section is effective July 1, 1963.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 352, 353 of this title.

§355. Omitted

CODIFICATION

Section, acts June 19, 1956, ch. 407, title I, §104, formerly §6, 70 Stat. 295; Aug. 1, 1956, ch. 852, §25(b), (c), 70 Stat. 911; Aug. 31, 1960, Pub. L. 86679, §§3, 4, 74 Stat. 571; Sept. 25, 1962, Pub. L. 87688, §5(a)(2), (3), 76 Stat. 587; renumbered and amended Feb. 11, 1964, Pub. L. 88269, §§5, 6, 7(a), (c)(e), 78 Stat. 1214; July 19, 1966, Pub. L. 89511, §§5, 8, 12(a), (b), 80 Stat. 313, 318, related to the conditions under which payments were to be made to States, the amount of such payments, and the determination and promulgation of the Federal share, and was omitted in the general revision of this chapter by Pub. L. 91600, §2(b), Dec. 30, 1970, 84 Stat. 1660, effective after June 30, 1971. See section 351e of this title.

SUBCHAPTER II—PUBLIC LIBRARY CONSTRUCTION AND TECHNOLOGY ENHANCEMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 351b, 351c, 351d, 351f, 361 of this title; title 42 section 3338.

§355a. Grants to States for public library construction and library and information technology enhancement

The Secretary shall carry out a program of making grants to States which have had approved a basic State plan under section 351d of this title and have submitted a long-range program and submit annually appropriately updated programs under section 355c of this title for the construction and technology enhancement of public libraries.

(June 19, 1956, ch. 407, title II, §201, as added Feb. 11, 1964, Pub. L. 88269, §7(a), 78 Stat. 13; amended July 19, 1966, Pub. L. 89511, §6, 80 Stat. 313; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1668; Oct. 17, 1984, Pub. L. 98480, title I, §103(b)(1), 98 Stat. 2237; Mar. 15, 1990, Pub. L. 101254, §16(c)(2), (3), 104 Stat. 106.)

AMENDMENTS

1990—Pub. L. 101254 inserted “and library and information technology enhancement” after “construction” in section catchline and “and technology enhancement” after “construction” in text.

1984—Pub. L. 98480 substituted “Secretary” for “Commissioner”.

1970—Pub. L. 91600 substituted provisions authorizing Commissioner to make grants to States for construction of public libraries for provisions authorizing appropriations for fiscal year ending June 30, 1967, fiscal year ending June 30, 1968, fiscal year ending June 30, 1969, fiscal year ending June 30, 1970, and fiscal year ending June 30, 1971. See section 351b of this title.

1966—Pub. L. 89511 authorized an appropriation of \$40,000,000 for fiscal year ending June 30, 1967, \$50,000,000 for fiscal year ending June 30, 1968, \$60,000,000 for fiscal year ending June 30, 1969, \$70,000,000 for fiscal year ending June 30, 1970, and \$80,000,000 for fiscal year ending

June 30, 1971, and struck out provisions covering appropriation authorizations for fiscal years ending June 30, 1964, June 30, 1965 and June 30, 1966.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as a note under section 351 of this title.

§355b. Federal share**(a) Payment; uses of Federal funds**

Funds appropriated pursuant to paragraph (2) of section 351b(a) of this title shall be available for grants to States from allotments under section 351c(a) of this title for the purpose of paying the Federal share of the cost of construction and technology enhancement projects carried¹ under State plans. Such grants shall be used for the construction and technology enhancement (as defined in sections 351a(2) and 351a(19) of this title, respectively) of public libraries.

(b) Limit on Federal share

For the purposes of subsection (a) of this section, the Federal share of the cost of construction and technology enhancement of any project assisted under this subchapter shall not exceed one-half of the total cost of such project.

(c) Recovery of value of grant

If, within 20 years after completion of construction of any library facility which has been constructed in part with funds made available under this subchapter—

(1) the recipient (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

(2) the facility ceases to be used as a library facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located.

(June 19, 1956, ch. 407, title II, §202, as added Feb. 11, 1964, Pub. L. 88269, §7(a), 78 Stat. 13; amended July 19, 1966, Pub. L. 89511, §§7, 12(a), 80 Stat. 313, 318; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1668; Oct. 7, 1977, Pub. L. 95123, §6, 91 Stat. 1097; Oct. 17, 1984, Pub. L. 98480, title I, §112(a), (b)(1), 98 Stat. 2241; Mar. 15, 1990, Pub. L. 101254, §16(c)(3), (4), 104 Stat. 106.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101254, §16(c)(3), inserted “and technology enhancement” after “construction” in two places and substituted “(as defined in sections

¹So in original. Probably should be followed by “out”.

351a(2) and 351a(19) of this title, respectively)" for "(as defined in section 351a(2) of this title)".

Subsec. (b). Pub. L. 101254, §16(c)(3), inserted "and technology enhancement" after "construction".

1984—Subsec. (a). Pub. L. 98480, §112(a), (b)(1), designated existing provisions as subsec. (a) and substituted provision that such grants shall be used for the construction (as defined in section 351a(2) of this title) of public libraries for provision that such grants were to be used solely for the construction of public libraries, for the remodeling of public libraries necessary to meet standards adopted pursuant to the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, and for remodeling designed to conserve energy in the operation of public libraries under approved State plans.

Subsecs. (b), (c). Pub. L. 98480, §112(b)(1), added subsecs. (b) and (c).

1977—Pub. L. 95123 inserted " , for the remodeling of public libraries necessary to meet standards adopted pursuant to the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, and for remodeling designed to conserve energy in the operation of public libraries" after "construction of public libraries".

1970—Pub. L. 91600 substituted provisions relating to purposes which funds granted to States could be used for, for provisions setting forth the amount of allotments authorized to be made by Commissioner to States, Guam, etc. See section 351c of this title.

1966—Pub. L. 89511 made a State's allotment for any fiscal year available for payments with respect to administration during such year and next fiscal year of its approved State plan, struck out provisions limiting to the case of a State allotment for the fiscal year ending June 30, 1964, the availability of a State's allotment for construction projects for the fiscal year next after the year of the allotment, and provided for an allotment of \$20,000 to the Trust Territory of the Pacific Islands.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 112(b)(2) of Pub. L. 98480 provided that: "Subsection (c) of section 202 of the Act [this section] as added by the amendment made by paragraph (1) of this subsection shall apply to any facility constructed prior to or after the date of enactment of this Act [Oct. 17, 1984] with funds made available under title II of the Act [20 U.S.C. 355a et seq.]."

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as a note under section 351 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by section 7 of Pub. L. 89511 effective with respect to fiscal years beginning after June 30, 1966, see section 11 of Pub. L. 89511.

Amendment by section 12(a) of Pub. L. 89511 effective with respect to fiscal years beginning after June 30, 1966, see section 12(c) of Pub. L. 89511, set out as a note under section 353 of this title.

§355c. Annual State program for construction and technology enhancement of public libraries; submission; contents

Any State desiring to receive a grant from its allotment for the purpose of this subchapter for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 351d of this title, submit such

projects as the State may approve and are consistent with its long-range program.

Such projects shall be submitted at such time and contain such information as the Secretary may require by regulation and shall—

(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 351b(a) of this title for that year, be used, consistent with the State's long-range program, for the construction and technology enhancement of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

(2) follow the criteria, policies, and procedures for the approval of applications for the construction and technology enhancement of public library facilities under the long-range program;

(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction and technology enhancement of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

(4) include an extension of the long-range program taking into consideration the results of evaluations; and

(5) follow policies and procedures in the construction of public libraries that will promote the preservation of library and information resources to be utilized in the facilities.

(June 19, 1956, ch. 407, title II, §203, as added Feb. 11, 1964, Pub. L. 88269, §7(a), 78 Stat. 13; amended Apr. 13, 1970, Pub. L. 91230, title IV, §401(g)(3), 84 Stat. 174; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1668; Oct. 17, 1984, Pub. L. 98480, title I, §103(b)(1), 98 Stat. 2237; Mar. 15, 1990, Pub. L. 101254, §§16(c)(3), (5), 17, 104 Stat. 106.)

AMENDMENTS

1990—Pub. L. 101254, §16(c)(5), inserted "and technology enhancement" after "construction" in section catchline.

Pars. (1) to (3). Pub. L. 101254, §16(c)(3), inserted "and technology enhancement" after "construction".

Par. (5). Pub. L. 101254, §17, added par. (5).

1984—Pub. L. 98480 substituted "Secretary" for "Commissioner" in second par.

1970—Pub. L. 91600 substituted provisions requiring submission by any State desiring to receive a grant from its allotment for any fiscal year of approved projects consistent with its long-range program, and setting forth required contents of such projects, for provisions setting forth criteria for approval by Commissioner of State plans for construction of public libraries. See section 351d of this title.

Pub. L. 91230 repealed labor standards requirement (prevailing wage rates), now superseded by section 1232b of this title, and provisions for overtime compensation under the Contract Work Hours Standards Act.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Public L. 91600, set out as a note under section 351 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 355a of this title.

§355d. Omitted

CODIFICATION

Section, act June 19, 1956, ch. 407, title II, §204, as added Feb. 11, 1964, Pub. L. 88269, §7(a), 78 Stat. 14; amended July 19, 1966, Pub. L. 89511, §§5(b), (8), 80 Stat. 313, related to payment to States of Federal share and determination of amount of such payment, and was omitted in the general revision of this chapter by Pub. L. 91600, §2(b), Dec. 30, 1970, 84 Stat. 1660, effective after June 30, 1971. See section 351e of this title.

SUBCHAPTER III—INTERLIBRARY COOPERATION AND RESOURCE SHARING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 351b, 351c, 351d, 351e, 351f, 361 of this title.

§355e. Grants to States for interlibrary cooperation and resource sharing

The Secretary shall carry out a program of making grants to States which have an approved basic State plan under section 351d of this title, have submitted a long-range program and an annual program under section 355e2 of this title for interlibrary cooperation programs, and have submitted long-range and annual programs which are directed toward attaining compliance with the requirements of section 355e3 of this title.

(June 19, 1956, ch. 407, title III, §301, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 314; amended Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1668; Oct. 17, 1984, Pub. L. 98480, title I, §103(b)(1), 113(b), 98 Stat. 2237, 2242; Mar. 15, 1990, Pub. L. 101254, §18(a), 104 Stat. 106.)

AMENDMENTS

1990—Pub. L. 101254 substituted “attaining” for “eventual”.

1984—Pub. L. 98480 substituted “Secretary” for “Commissioner”, substituted “section 351d of this title,” for “section 351d of this title and have submitted”, and inserted “, and have submitted long-range and annual programs which are directed toward eventual compliance with the requirements of section 355e3 of this title”.

1970—Pub. L. 91600 substituted provisions authorizing Commissioner to make grants to States for interlibrary cooperation programs for provisions authorizing appropriations for fiscal year ending June 30, 1967, fiscal year ending June 30, 1968, fiscal year ending June 30, 1969, fiscal year ending June 30, 1970, and fiscal year ending June 30, 1971. See section 351b of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as a note under section 351 of this title.

§355e1. Federal share**(a) Payment; use of Federal funds**

Funds appropriated pursuant to paragraph (3) of section 351b(a) of this title shall be available

for grants to States from allotments under paragraphs (1) and (3) of section 351c(a) of this title for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 355e2 of this title. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provided for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center; and (3) developing the technological capacity of libraries for interlibrary cooperation and resource sharing.

(b) Amount

For the purposes of this subchapter, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

(June 19, 1956, ch. 407, title III, §302, as added and amended July 19, 1966, Pub. L. 89511, §§9, 12(a), 80 Stat. 314, 318; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1669; Mar. 15, 1990, Pub. L. 101254, §16(d), 104 Stat. 106.)

AMENDMENTS

1990—Subsec. (a)(3). Pub. L. 101254 added cl. (3).

1970—Pub. L. 91600 substituted provisions relating to purposes which funds granted to States could be used for, for provisions setting forth amount of allotments authorized to be made by Commissioner to States, Guam, etc. See section 351c of this title.

1966—Pub. L. 89511, §12(a), inserted reference to the Trust Territory of the Pacific Islands.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as a note under section 351 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by section 12(a) of Pub. L. 89511 effective with respect to fiscal years beginning after June 30, 1966, see section 12(c) of Pub. L. 89511, set out as a note under section 353 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 355e2 of this title.

§355e2. Annual State program for interlibrary cooperation; submission; contents

Any State desiring to receive a grant from its allotment for the purposes of this subchapter for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 351d of this title, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall comply with the requirements of section 355e3 of this title, shall—

(1) set forth a program for the year submitted under which funds paid to the State from

appropriations pursuant to paragraph (3) of section 351b(a) of this title will be used, consistent with its long-range program for the purposes set forth in section 355e1 of this title,

(2) include an extension of the long-range program taking into consideration the results of evaluations.

(June 19, 1956, ch. 407, title III, §303, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 314; amended Nov. 24, 1967, Pub. L. 90154, §1, 81 Stat. 509; Dec. 30, 1970, Pub. L. 91600, §2(b), 84 Stat. 1669; Oct. 17, 1984, Pub. L. 98480, title I, §§103(b)(1), 113(c), 98 Stat. 2237, 2242.)

AMENDMENTS

1984—Pub. L. 98480 substituted “Secretary” for “Commissioner” and inserted “shall comply with the requirements of section 355e3 of this title,” after “by regulation and” in second sentence.

1970—Pub. L. 91600 substituted provisions requiring submission by any State desiring to receive a grant from its allotment for any fiscal year of an annual program for interlibrary cooperation for that fiscal year, and setting forth required contents of such program, for provisions relating to payment to States of Federal share and determination of amount of such payment. See section 351e of this title.

1967—Pub. L. 90154 substituted “June 30, 1968” for “June 30, 1967” and provided that Federal share for Trust Territory of the Pacific Islands shall be 100 per centum.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91600 effective after June 30, 1971, see section 2(c)(1) of Pub. L. 91600, set out as a note under section 351 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 7 of Pub. L. 90154 provided that: “The amendments made by the first section and section 3 of this Act [amending this section and section 355f3 of this title] shall be effective with respect to fiscal years beginning after June 30, 1967.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 355e, 355e1 of this title.

§355e3. Resource sharing

(a) Statewide plan

The long-range program and annual program of each State shall include a statewide resource sharing plan which is directed toward attaining compliance with the provisions of this section.

(b) Recommendations

In developing the State basic and long-range programs, the State library agency with the assistance of the State advisory council on libraries shall consider recommendations from current and potential participating institutions in the interlibrary and resource sharing programs authorized by this subchapter.

(c) Long-range program; identification of objectives; elements of program

The State’s long-range program shall identify interlibrary and resource sharing objectives to be achieved during the period covered by the basic and long-range plans required by section 351d of this title. The long-range program may include—

(1) criteria for participation in statewide resource sharing to ensure equitable participa-

tion by libraries of all types that agree to meet requirements for resource sharing;

(2) an analysis of the needs for development and maintenance of bibliographic access, including data bases for monographs, serials, and audiovisual materials;

(3) an analysis of the needs for development and maintenance of communications systems for information exchange among participating libraries;

(4) an analysis of the needs for development and maintenance of delivery systems for exchanging library materials among participating libraries;

(5) a projection of the computer and other technological needs for resource sharing;

(6) an identification of means which will be required to provide users access to library resources, including collection development and maintenance in major public, academic, school, and private libraries serving as resource centers;

(7) a proposal, where appropriate, for the development, establishment, demonstration, and maintenance of intrastate multitype library systems;

(8) an analysis of the State’s needs for development and maintenance of links with State and national resource sharing systems; and

(9) a description of how the evaluations required by section 351d(d) of this title will be conducted.

(d) Participating libraries; reimbursement of expenses

Libraries participating in resource sharing activities under this section may be reimbursed for their expenses in loaning materials to public libraries.

(e) Periods when schools are not in session

Public and school libraries which cooperate to make school library resources available to the public during periods when school is not in session may be reimbursed for such expenses.

(June 19, 1956, ch. 407, title III, §304, as added Oct. 17, 1984, Pub. L. 98480, title I, §113(d), 98 Stat. 2242; amended Mar. 15, 1990, Pub. L. 101254, §18, 104 Stat. 106.)

PRIOR PROVISIONS

A prior section 355e3, act June 19, 1956, ch. 407, title III, §304, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 314, set forth the criteria for approval by the Commissioner of State plans for interlibrary cooperation, prior to the general revision of this chapter by Pub. L. 91600, §2(b), Dec. 30, 1970, 84 Stat. 1660, effective after June 30, 1971.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101254, §18(a), substituted “attaining” for “eventual”.

Subsec. (e). Pub. L. 101254, §18(b), added subsec. (e).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 355e, 355e2 of this title.

§355e4. Preservation programs**(a) Long-range program and annual program**

The long-range program and annual program of each State under this subchapter may—

- (1) include a statewide preservation cooperation plan that complies with this section; and
- (2) identify the preservation objectives to be achieved during the period covered by the long-range plans required by section 351d of this title.

(b) Plan compliance requirements

A statewide preservation cooperation plan complies with this section if—

- (1) such plan specifies the methods by which the State library administrative agency will work with libraries, archives, historical societies, scholarly organizations, and other agencies, within or outside the State, in planning, education and training, coordinating, outreach and public information, and service programs to ensure that endangered library and information resources are preserved systematically; and
- (2) such preservation plan is developed in consultation with such parties and agencies as the State archives, historical societies, libraries, scholarly organizations, and other interested parties.

(c) Use of funds

A State which has a statewide preservation cooperation plan that complies with this section may use funds under this subchapter to carry out such plan.

(d) Contract authority of State library administrative agencies

The State library administrative agency may contract part or all of the preservation program under this section to other agencies or institutions.

(June 19, 1956, ch. 407, title III, §305, as added Mar. 15, 1990, Pub. L. 101254, §19, 104 Stat. 106.)

EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as an Effective Date of 1990 Amendment note under section 351a of this title.

§§355f to 358. Omitted**CODIFICATION**

Sections 355f to 358 were omitted in the general revision of this chapter by Pub. L. 91600, §2(b), Dec. 30, 1970, 84 Stat. 1660, effective after June 30, 1971.

Sections 355f to 355f7 comprised former subchapter IV of this chapter relating to specialized State library services.

Sections 356 to 358 comprised former subchapter V of this chapter relating to the administration of this chapter.

Section 355f, act June 19, 1956, ch. 407, title IV, §401, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 315, authorized appropriations for State institutional library services. See section 351b of this title.

Section 355f1, act June 19, 1956, ch. 407, title IV, §402, as added and amended July 19, 1966, Pub. L. 89511, §§9, 12(a), 80 Stat. 315, 318, set forth the amount of allotments authorized to be made by the Commissioner to States, Guam, etc. See section 351c of this title.

Section 355f2, act June 19, 1956, ch. 407, title IV, §403, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 315;

amended Nov. 24, 1967, Pub. L. 90154, §2, 81 Stat. 509, related to the payment to the States of the Federal share and the determination of the amount of such payment. See section 351e of this title.

Section 355f3, act June 19, 1956, ch. 407, title IV, §404, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 316; amended Nov. 24, 1967, Pub. L. 90154, §3, 81 Stat. 509, set forth the criteria for approval by the Commissioner of State plans for institutional library services. See section 351d of this title.

Section 355f4, act June 19, 1956, ch. 407, title IV, §411, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 316, authorized appropriations for State library services to the physically handicapped. See section 351b of this title.

Section 355f5, act June 19, 1956, ch. 407, title IV, §412, as added and amended July 19, 1966, Pub. L. 89511, §§9, 12(a), 80 Stat. 316, 318, set forth the amount of allotments authorized to be made by the Commissioner to States, Guam, etc. See section 351c of this title.

Section 355f6, act June 19, 1956, ch. 407, title IV, §413, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 317; amended Nov. 24, 1967, Pub. L. 90154, §4, 81 Stat. 509, related to the payment to the States of the Federal share and the determination of the amount of such payment. See section 351e of this title.

Section 355f7, act June 19, 1956, ch. 407, title IV, §414, as added July 19, 1966, Pub. L. 89511, §9, 80 Stat. 317; amended Nov. 24, 1967, Pub. L. 90154, §5, 81 Stat. 509, set forth the criteria for approval by the Commissioner of State plans for library services to the physically handicapped. See section 351d of this title.

Section 356, act June 19, 1956, ch. 407, title V, §501, formerly §7, 70 Stat. 295, renumbered §301 and amended Feb. 11, 1964, Pub. L. 88269, §7(f), (g), 78 Stat. 14, renumbered §501, July 19, 1966, Pub. L. 89511, §10(b), 80 Stat. 317, authorized the Commissioner to withhold payments to the States, enumerated the grounds for such withholding, and provided that notice and an opportunity for a hearing to be accorded to the appropriate State agency. See section 351d of this title.

Section 357, act June 19, 1956, ch. 407, title V, §502, formerly §8, 70 Stat. 295, renumbered §302 and amended Feb. 11, 1964, Pub. L. 88269, §1(d), 7(f), 8, 78 Stat. 11, 14, 15, renumbered §502 and amended July 19, 1966, Pub. L. 89511, §10(b), (c), (e), 80 Stat. 317, 318, set forth the administrative provisions of this chapter. See section 351d of this title.

Section 357a, act June 19, 1956, ch. 407, title V, §503, formerly §303, as added Feb. 11, 1964, Pub. L. 88269, §7(h), 78 Stat. 14, renumbered and amended July 19, 1966, Pub. L. 89511, §10(b), 80 Stat. 317, provided for the reallocation of unused funds under conditions determined by the Commissioner. See section 351c of this title.

Section 358, act June 19, 1956, ch. 407, title V, §504, formerly §9, 70 Stat. 296; Aug. 1, 1956, ch. 852, §25(d), 70 Stat. 911; Aug. 31, 1960, Pub. L. 86679, §5, 74 Stat. 572; Sept. 25, 1962, Pub. L. 87688, §5(a)(3), 76 Stat. 587, renumbered §304 and amended Feb. 11, 1964, Pub. L. 88269, §1(e), 7(b), (f), 9, 78 Stat. 11, 14, 16, renumbered §504, and amended July 19, 1966, Pub. L. 89511, §10(b), 12(a), 80 Stat. 317, 318; Nov. 24, 1967, Pub. L. 90154, §6, 81 Stat. 509, defined the terms “State”, “State library administrative agency”, “public library”, “construction”, and “Secretary”. See section 351a of this title.

SUBCHAPTER IV—LIBRARY SERVICES FOR INDIAN TRIBES**SUBCHAPTER REFERRED TO IN OTHER SECTIONS**

This subchapter is referred to in section 351b of this title.

§361. Findings and purpose; authorization of grants**(a) Findings**

The Congress finds that—

- (1) most Indian tribes receive little or no funds under subchapters I, II, and III of this chapter;

(2) Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from States;

(3) the vast majority of Indians living on or near reservations do not have access to adequate libraries or have access to no libraries at all; and

(4) this subchapter is therefor¹ required specifically to promote special efforts to provide Indian tribes with library services.

(b) Purpose

It is therefor¹ the purpose of this subchapter (1) to promote the extension of public library services to Indian people living on or near reservations; (2) to provide incentives for the establishment and expansion of tribal library programs; and (3) to improve the administration and implementation of library services for Indians by providing funds to establish and support ongoing library programs.

(c) Grants for services to Indians living on or near reservations

The Secretary shall carry out a program of making grants from allotments under section 351c(c)(1) of this title to Indian tribes that have submitted an approved application under section 363 of this title for library services to Indians living on or near reservations.

(d) Special project grants

The Secretary shall carry out a program of making special project grants from funds available under section 351c(c)(2) of this title to Indian tribes that have submitted approved plans for the provision of library services as described in section 364 of this title.

(June 19, 1956, ch. 407, title IV, §401, as added Oct. 17, 1984, Pub. L. 98480, title I, §114, 98 Stat. 2243.)

PRIOR PROVISIONS

A prior section 361, act June 19, 1956, ch. 407, title IV, §401, as added May 3, 1973, Pub. L. 9329, title VIII, §801(a), 87 Stat. 57; amended Oct. 17, 1984, Pub. L. 98480, title I, §103(b)(1), 98 Stat. 2237, related to grants to States for older readers services, prior to the general revision of this subchapter by section 114 of Pub. L. 98480.

A prior subchapter IV of this chapter, comprising sections 355f to 355f7 of this title, related to specialized State library services, prior to the general revision of this chapter by Pub. L. 91600, §2(b), Dec. 30, 1970, 84 Stat. 1660, effective after June 30, 1971. For further details, see Codification note set out under section 355f of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 362 of this title.

§362. Use of funds

(a) Permitted uses of funds

Funds made available by grant under subsection (c) or (d) of section 361 of this title may be used for—

- (1) inservice or preservice training of Indians as library personnel;
- (2) purchase of library materials;

(3) conduct of special library programs for Indians;

(4) salaries of library personnel;

(5) construction, purchase, renovation, or remodeling of library buildings and facilities;

(6) transportation to enable Indians to have access to library services;

(7) dissemination of information about library services;

(8) assessment of tribal library needs; and

(9) contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described in clauses (1) through (8).

(b) Maintenance of funding level

Any tribe that supports a public library system shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by the tribe from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

(c) Restricted collections of tribal cultural materials

Nothing in this chapter shall be construed to prohibit restricted collections of tribal cultural materials with funds made available under this chapter.

(June 19, 1956, ch. 407, title IV, §402, as added Oct. 17, 1984, Pub. L. 98480, title I, §114, 98 Stat. 2243.)

PRIOR PROVISIONS

A prior section 362, act June 19, 1956, ch. 407, title IV, §402, as added May 3, 1973, Pub. L. 9329, title VIII, §801(a), 87 Stat. 57, related to use of Federal funds and the amount of the Federal share for the cost of carrying out State plans for the provision of older readers' services, prior to the general revision of this subchapter by section 114 of Pub. L. 98480.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351c, 364 of this title.

§363. Applications for library services to Indians

Any Indian tribe which desires to receive its allotment under section 351c(c)(1) of this title shall submit an application which contains such information as the Secretary may require by regulation.

(June 19, 1956, ch. 407, title IV, §403, as added Oct. 17, 1984, Pub. L. 98480, title I, §114, 98 Stat. 2244.)

PRIOR PROVISIONS

A prior section 363, act June 19, 1956, ch. 407, title IV, §403, as added May 3, 1973, Pub. L. 9329, title VIII, §801(a), 87 Stat. 58; amended Oct. 17, 1984, Pub. L. 98480, title I, §103(b)(1), 98 Stat. 2237, related to State annual programs for library services for the elderly, prior to the general revision of this subchapter by section 114 of Pub. L. 98480.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351c, 351d, 351e, 361 of this title.

§364. Plans for library services to Indians

Any Indian tribe which desires to receive a special project grant from funds available under

¹So in original. Probably should be "therefore".

section 351c(c)(2) of this title shall submit a plan for library services on or near an Indian reservation. Such plans shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall set forth a program for the year under which funds paid to the Indian tribe will be used, consistent with—

- (1) a long-range program, and
- (2) the purposes set forth in section 362(a) of this title.

(June 19, 1956, ch. 407, title IV, §404, as added Oct. 17, 1984, Pub. L. 98480, title I, §114, 98 Stat. 2244.)

PRIOR PROVISIONS

A prior section 364, act June 19, 1956, ch. 407, title IV, §404, as added May 3, 1973, Pub. L. 9329, title VIII, §801(a), 87 Stat. 58; amended Oct. 1, 1973, Pub. L. 93113, title VI, §601(d), 87 Stat. 416; Oct. 17, 1984, Pub. L. 98480, title I, §103(b)(1), 98 Stat. 2237, related to administrative coordination between programs for older readers services under this subchapter with other programs for older Americans, prior to the general revision of this subchapter by section 114 of Pub. L. 98480.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 351c, 351d, 351e, 361 of this title.

§365. Coordination with other programs for Indians

The Secretary, with the Secretary of the Interior, shall coordinate programs under this subchapter with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.

(June 19, 1956, ch. 407, title IV, §405, as added Oct. 17, 1984, Pub. L. 98480, title I, §114, 98 Stat. 2244.)

§366. Services in States with Indian tribes not residing on or near reservations

The provisions of this subchapter requiring that services be provided on or near Indian reservations, or to only those Indians who live on or near Indian reservations, shall not apply in the case of Indian tribes and Indians in California, Oklahoma, and Alaska.

(June 19, 1956, ch. 407, title IV, §406, as added Nov. 22, 1985, Pub. L. 99159, title III, §305, 99 Stat. 903.)

SUBCHAPTER V—FOREIGN LANGUAGE MATERIALS ACQUISITION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 351b, 351d of this title.

§371. Grants for foreign language material acquisition

(a) Duty of Secretary

The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 351b(a)(4) of this title to State and local public libraries for the acquisition of foreign language materials.

(b) Selection of recipients

Recipients of grants under this subchapter shall be selected on a competitive basis.

(c) Funding limitation

No grant under this subchapter for any fiscal year shall exceed \$35,000, except that—

- (1) not more than 30 percent of the funds available for grants under this subchapter in any fiscal year may be used to make grants in amounts between \$35,000 and \$125,000; and
- (2) no recipient may receive more than one grant under this subchapter for any fiscal year.

(June 19, 1956, ch. 407, title V, §501, as added Oct. 17, 1984, Pub. L. 98480, title I, §115, 98 Stat. 2244; amended Mar. 15, 1990, Pub. L. 101254, §20, 104 Stat. 107.)

PRIOR PROVISIONS

A prior subchapter V of this chapter, comprising sections 356 to 358 of this title, related to administration of this chapter, prior to the general revision of this chapter by Pub. L. 91600, §2(b), Dec. 30, 1970, 84 Stat. 1660, effective after June 30, 1971. For further details, see Codification note set out under section 355f of this title.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101254 substituted “\$35,000, except that—” for “\$15,000.” and added pars. (1) and (2).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

SUBCHAPTER VI—LIBRARY LITERACY PROGRAMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 351b, 351d of this title.

§375. State and local library grants

(a) Duty of Secretary; grants for support of literacy programs

The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 351b(a)(5) of this title to State and local public libraries for the purposes of supporting literacy programs.

(b) Purposes of grants to State libraries

Grants to State public libraries under this subchapter shall be for the purposes of—

- (1) coordinating and planning library literacy programs; and
- (2) making arrangements for training librarians and volunteers to carry out such programs.

(c) Purposes of grants to local libraries

Grants to local public libraries shall be for the purposes of—

- (1) promoting the use of the voluntary services of individuals, agencies, and organizations in providing literacy programs;
- (2) acquisition of materials for literacy programs; and
- (3) using library facilities for such programs.

(d) Selection of recipients

Recipients of grants under this subchapter shall be selected on a competitive basis.

(e) Funding limitation

No grant under this subchapter for any fiscal year shall exceed \$35,000.

(f) Priorities in awarding grants

In awarding grants under this section the Secretary shall give priority to programs and services which—

(1) will be delivered in areas of greatest need which have highest concentrations of adults who do not have a secondary education or its equivalent, and which—

(A) have few community or financial resources to establish the program described under this section without Federal assistance, or

(B) have low per capita income, unemployment or underemployment; and

(2) coordinate with literacy organizations and community based organizations providing literacy services.

(June 19, 1956, ch. 407, title VI, §601, as added Oct. 17, 1984, Pub. L. 98480, title I, §115, 98 Stat. 2245; amended Mar. 15, 1990, Pub. L. 101254, §21, 104 Stat. 107; July 25, 1991, Pub. L. 10273, title V, §502, 105 Stat. 356.)

AMENDMENTS

1991—Subsec. (f). Pub. L. 10273 added subsec. (f).
 1990—Subsec. (e). Pub. L. 101254 substituted “\$35,000” for “\$25,000”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101254 effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as a note under section 351a of this title.

SUBCHAPTER VII—EVALUATION AND ASSESSMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 351b of this title.

§381. Program authority

The Secretary is authorized to carry out a program for the purpose of evaluation and assessment (directly or by grants or contracts) of programs authorized under this chapter.

(June 19, 1956, ch. 407, title VII, §701, as added Mar. 15, 1990, Pub. L. 101254, §22(a), 104 Stat. 107.)

EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as an Effective Date of 1990 Amendment note under section 351a of this title.

SUBCHAPTER VIII—LIBRARY LEARNING CENTER PROGRAMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 351b of this title.

PART A—FAMILY LEARNING CENTERS

§385. Statement of purpose

It is the purpose of this part to expand and improve opportunities for lifetime learning and the involvement of the Nation’s families as partners in their children’s education by providing comprehensive, family-oriented library services through Family Learning Centers.

(June 19, 1956, ch. 407, title VIII, §801, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 107.)

EFFECTIVE DATE

Subchapter effective Oct. 1, 1990, see section 25 of Pub. L. 101254, set out as an Effective Date of 1990 Amendment note under section 351a of this title.

§385a. Grants for family learning centers

The Secretary shall carry out a program of making grants from sums appropriated pursuant to paragraph (7) of section 351b(a) of this title to local public libraries for the purposes of supporting family learning centers.

(June 19, 1956, ch. 407, title VIII, §802, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 108.)

§385b. Use of funds

(a) Initiation, expansion, and improvement of services

Funds made available to a grantee under this part shall be used to initiate, expand, or improve public library services to families.

(b) Acquisition of resources and materials in print and electronic formats

Not less than 25 percent of the funds made available under this part shall be used for the acquisition of resources and materials in print and electronic formats—

(1) which are intended for use by and with adults, including materials in such areas as child care, child development, nutrition, parenting skills, and job and career information; and

(2) which are intended for use by and with children and adolescents.

(c) Acquisition of computer hardware and software

Not less than 10 percent of the funds made available to a grantee under this part shall be used for—

(1) the acquisition or leasing of computer hardware for use by library patrons, including services necessary for the operation, installation, and maintenance of such equipment; and

(2) the acquisition of computer software and complementary explanatory material for use by library patrons.

(June 19, 1956, ch. 407, title VIII, §803, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 108.)

§385c. Application

(a) Submission by local public libraries

Any local public library which wishes to receive a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary determines is necessary to evaluate the quality of the applicant’s proposal and the applicant’s ability to carry it out.

(b) Requisite content

Each such application shall—

(1) describe the manner in which the funds will be used to initiate, expand, or improve library services to families;

(2) provide assurances that the library will be open on weekday evenings, Saturdays, and some Sundays and legal public holidays to enable families in which both parents work outside the home to utilize the library’s services;

(3) demonstrate that the library has or will have sufficient qualified staff with specialized training in providing library services to children, adolescents, and adults;

(4) provide for the establishment of an advisory committee consisting of parents, teachers, local school administrators, librarians, library administrators, library trustees, local elected officials, and business leaders, at least one-third of whom are parents who regularly use the services of the library;

(5) provide for the establishment of a family library loan program through which families may borrow sets of books for extended periods, and other innovative programs and policies designed to encourage greater use of the library by families;

(6) provide for a job and career information program to provide information and assistance to parents and others who are unemployed or seeking a new job;

(7) describe, if appropriate, any special services and outreach activities which will be offered to meet the needs of—

- (A) adolescent parents;
- (B) single-parent families;
- (C) families in which both parents are employed outside the home;
- (D) parents and children with limited English language proficiency; and
- (E) educationally disadvantaged adults and their children;

(8) describe the methods by which the library will publicize and promote the services of the Center in cooperation with the local media, schools, businesses, social service agencies, and other appropriate entities; and

(9) provide assurances that the funds provided will be used to supplement and not supplant funds otherwise available for the purposes of this part.

(June 19, 1956, ch. 407, title VIII, §804, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 108.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 385d of this title.

§385d. Selection of family learning centers

(a) Competitive process

The Secretary shall select family learning centers on a competitive basis from among the local public libraries submitting applications under section 385c of this title. In making such selection, the Secretary shall give priority to applications which—

- (1) promise to serve a significant number of families on a regular basis; and
- (2) offer innovative approaches to improving library services for families and approaches which show promise for replication and dissemination.

(b) Equitable distribution

In making grants under this subchapter, the Secretary shall assure that there is an equitable distribution of grants among the States and between urban and rural communities.

(c) Maximum grant

No grant made under this subchapter for any fiscal year shall exceed \$200,000.

(June 19, 1956, ch. 407, title VIII, §805, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 109.)

§385e. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.

(June 19, 1956, ch. 407, title VIII, §806, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 109; amended Oct. 20, 1994, Pub. L. 103382, title III, §375(b), 108 Stat. 3979.)

AMENDMENTS

1994—Pub. L. 103382 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated \$3,000,000 for fiscal year 1990 and such sums as may be necessary for each succeeding fiscal year to carry out the provisions of this part.”

PART B—LIBRARY LITERACY CENTERS

§386. Statement of purpose

The purposes of this part are to—

(1) establish model library literacy centers throughout the country to serve as resource centers for the dissemination of literacy materials and equipment to local public libraries in order to help overcome the high incidence of adults with limited literacy skills in the United States;

(2) help adults with limited literacy skills reach full employment through nonthreatening learning experiences in their local public library or in their own home; and

(3) offer innovative approaches to improving library literacy services to adults and approaches which show promise for replication and dissemination.

(June 19, 1956, ch. 407, title VIII, §811, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 109.)

§386a. Grants to States for library literacy centers

(a) Competitive selection process

The Secretary shall carry out a program of making grants on a competitive basis to States which have an approved basic State plan under section 351d of this title and an approved application under section 386b of this title.

(b) Maximum total grant amounts; availability; matching funds

(1) The total grant amount awarded to each State shall not exceed—

- (A) \$350,000 in the first fiscal year in which a State receives a grant under this part; and
- (B) \$100,000 in the second and third fiscal years in which a State receives a grant under this part.

(2) Funds received in the first fiscal year in which a State receives a grant under this part shall remain available until expended. Funds received in the second and third fiscal year in which a State receives a grant under this part shall be available only for the fiscal year for which funds are received.

(3) Funds received in the second and third fiscal years in which a State receives a grant under this part shall be matched, on a dollar for dollar basis, from non-Federal sources.

(June 19, 1956, ch. 407, title VIII, §812, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 110.)

§386b. State application

(a) Purpose of grants

Funds appropriated pursuant to section 386g of this title shall be available for grants to States for the purpose of supporting not more than 1 library literacy center in each State to coordinate the statewide distribution of library literacy materials and equipment on a loan basis to local public libraries within the State.

(b) Submission by State library administrative agencies; requisite assurances

Any State wishing to receive a grant shall, through its State library administrative agency, in conjunction with the advisory committee established under section 386e of this title, submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may reasonably require. No application may be approved by the Secretary unless it contains assurances that the State will—

(1) designate the State library administrative agency, or select a local public library through a competitive process, to serve as a library literacy center in accordance with the provisions of this part;

(2) provide assurances that the library literacy center will—

(A) select local public libraries to participate in a literacy materials and equipment loan program;

(B) select at least 25 percent of the local libraries that participate in the literacy materials and equipment loan program from rural areas;

(C) give priority in the selection of local public libraries to participate in the literacy materials and equipment loan program to public libraries within the State which serve those in greatest need;

(D) coordinate the distribution of equipment and materials;¹

(E) provide training to local public library personnel;

(3) describe how the results of the grant program will be evaluated and disseminated;

(4) set forth the potential of the grant program for achieving replicability and for serving as a model program; and

(5) distribute 100 percent of the amounts received pursuant to this part to the library literacy center as designated or selected under section 386f of this title.

(c) Priority programs and services

The Secretary shall give priority to applicants whose applications comply with the provisions of this part and describe programs and services to be delivered in States which have—

(1) the highest concentrations of adults who do not have a secondary education or its equivalent,

(2)(A) few community or financial resources to establish the program described under this part without Federal assistance, or

(B) low per capita income, or high concentrations of unemployment or underemployment.

(June 19, 1956, ch. 407, title VIII, §813, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 110.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 386a, 386f of this title.

§386c. Use of funds

(a) Initiation, expansion, and improvement of literacy services and programs

Funds made available under this part shall be used by the library literacy centers to establish coordination centers to make literacy materials and equipment available to local public libraries on a loan basis to initiate, expand, or improve public library literacy services and programs. Such services and programs may include—

(1) the acquisition of literacy education equipment including, but not limited to, video recorders and television monitors;

(2) the acquisition of print materials, audio tapes and video tapes designed to train adults with limited literacy skills, including materials and tapes prepared by public television;

(3) the acquisition of library resource materials for literacy instruction purposes;

(4) the acquisition of literacy training materials including but not limited to General Education Development (GED) print materials and video tapes; and

(5) staffing for coordination and training of local library personnel on literacy services.

(b) Computers and computer software

Each library literacy center receiving a grant under this part may use no more than 25 percent of such funds for the acquisition of literacy education computers and computer software.

(June 19, 1956, ch. 407, title VIII, §814, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 111.)

§386d. Local application

(a) Submission by local public libraries

Any local public library desiring to participate in programs and services conducted pursuant to this part shall submit an application to the State or the library literacy center as selected by the State under section 386f of this title at such time, in such form, and containing such information as the State or the library literacy center determines is necessary to evaluate the quality of the local public library's proposal and the local public library's ability to carry out such proposal.

(b) Requisite content

Each such application shall—

(1) describe the manner in which the equipment and materials will be used to initiate, expand, or improve local library literacy services;

(2) demonstrate that the library has or will have sufficient qualified staff and volunteers with specialized training in providing library literacy services to adults;

(3) provide for the establishment of—

(A) a library literacy loan program through which adults with limited literacy

¹So in original. Probably should be “; and”.

skills or individuals helping illiterate adults to learn to read may borrow books, video tapes, and other learning materials; and

(B) other innovative programs and policies designed to encourage greater use of the library by adults with limited literacy skills or individuals helping illiterate adults learn to read;

(4) provide assurances that coordination will take place with literacy organizations and community-based organizations providing literacy services;

(5) provide job and career information to adults with limited literacy skills who are unemployed or seeking a new job;

(6) provide information or referrals to other adult education opportunities in the community;

(7) describe, if appropriate, any special services and outreach activities which will be offered to meet the needs of adults with limited literacy skills;

(8) describe the methods by which the library will publicize and promote the services of the library in cooperation with the local media, schools, businesses, social service agencies, and other appropriate entities; and

(9) provide assurances that the materials, equipment and training provided will be used to supplement and not supplant materials, equipment and training otherwise available for the purposes of this part.

(June 19, 1956, ch. 407, title VIII, §815, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 111.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 386f of this title.

§386e. Advisory committee

Each State receiving a grant under this part shall establish an advisory committee to assist in coordinating the services and programs assisted under this part. Such committee shall consist of, but not be limited to, representatives of—

- (1) the Governor's office;
- (2) the State library administrative agency;
- (3) the State Advisory Council on Libraries;
- (4) the State department of education;
- (5) the State employment office;
- (6) public television; and
- (7) adult literacy community organizations.

(June 19, 1956, ch. 407, title VIII, §816, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 112.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 386b of this title.

§386f. Selection of literacy learning centers

Each State receiving a grant under this part shall designate the State library administrative agency as the library literacy center or shall select a library literacy center on a competitive basis from among the local public libraries submitting applications under section 386d of this title. In making such selection, the State shall give priority to applications which—

- (1) demonstrate the greatest ability to carry out the requirements of section 386b of this title and to serve other local libraries; and

(2) offer innovative approaches to improving library literacy services to adults and approaches which show promise for replication and dissemination.

(June 19, 1956, ch. 407, title VIII, §817, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 112.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 386b, 386d of this title.

§386g. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.

(June 19, 1956, ch. 407, title VIII, §818, as added Mar. 15, 1990, Pub. L. 101254, §23(a), 104 Stat. 113; amended Oct. 20, 1994, Pub. L. 103382, title III, §375(c), 108 Stat. 3979.)

AMENDMENTS

1994—Pub. L. 103382 amended section generally. Prior to amendment, section read as follows: "There are authorized to be appropriated \$3,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year thereafter to carry out the provisions of this part."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 386b of this title.

**CHAPTER 17—NATIONAL DEFENSE
EDUCATION PROGRAM**

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

401 to 403. Omitted or Repealed.

SUBCHAPTER II—LOANS TO STUDENTS IN
INSTITUTIONS OF HIGHER LEARNING

421 to 429. Omitted or Repealed.

SUBCHAPTER III—FINANCIAL ASSISTANCE FOR
STRENGTHENING INSTRUCTION IN ACADEMIC
SUBJECTS

PART A—GRANTS TO STATES

441 to 445. Omitted.

PART B—GRANTS TO LOCAL EDUCATIONAL AGENCIES

451 to 455. Omitted.

SUBCHAPTER IV—NATIONAL DEFENSE
FELLOWSHIPS

461 to 465. Omitted.

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

PART A—STATE PROGRAMS

481 to 485. Omitted.

PART B—COUNSELING AND GUIDANCE TRAINING
INSTITUTES

491. Omitted.

SUBCHAPTER VI—FOREIGN STUDIES AND
LANGUAGE DEVELOPMENT

PART A—CENTERS AND RESEARCH AND STUDIES

511 to 513. Repealed.