

Public Law 89-291

AN ACT

To amend the Public Health Service Act to provide for a program of grants to assist in meeting the need for adequate medical library services and facilities.

October 22, 1965
[S. 597]

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

SECTION 1. This Act may be cited as the "Medical Library Assistance Act of 1965".

Medical Library
Assistance Act
of 1965.

SEC. 2. Title III of the Public Health Service Act is amended by inserting at the end thereof the following new part:

58 Stat. 691.
42 USC 241-280a.

"PART I—ASSISTANCE TO MEDICAL LIBRARIES

"DECLARATION OF POLICY AND STATEMENT OF PURPOSE

"SEC. 390. (a) The Congress hereby finds and declares that (1) the unprecedented expansion of knowledge in the health sciences within the past two decades has brought about a massive growth in the quantity, and major changes in the nature of, biomedical information, materials, and publications; (2) there has not been a corresponding growth in the facilities and techniques necessary adequately to coordinate and disseminate among health scientists and practitioners the ever-increasing volume of knowledge and information which has been developed in the health science field; (3) much of the value of the ever-increasing volume of knowledge and information which has been, and continues to be, developed in the health science field will be lost unless proper measures are taken in the immediate future to develop facilities and techniques necessary to collect, preserve, store, process, retrieve, and facilitate the dissemination and utilization of, such knowledge and information.

"(b) It is therefore the policy of this part to—

"(1) assist in the construction of new, and the renovation, expansion, or rehabilitation of existing medical library facilities;

"(2) assist in the training of medical librarians and other information specialists in the health sciences;

"(3) assist, through the awarding of special fellowships to physicians and other practitioners in the sciences related to health and scientists, in the compilation of existing, and the creation of additional, written matter which will facilitate the distribution and utilization of knowledge and information relating to scientific, social, and cultural advancements in sciences related to health;

"(4) assist in the conduct of research and investigations in the field of medical library science and related activities, and in the development of new techniques, systems, and equipment for processing, storing, retrieving, and distributing information in the sciences related to health;

"(5) assist in improving and expanding the basic resources of medical libraries and related facilities;

"(6) assist in the development of a national system of regional medical libraries each of which would have facilities of sufficient depth and scope to supplement the services of other medical libraries within the region served by it; and

"(7) provide financial support to biomedical scientific publications.

"DEFINITIONS

"SEC. 391. As used in this part—

"(1) the term 'sciences related to health' includes medicine, osteopathy, dentistry, and public health, and fundamental and applied sciences when related thereto;

“(2) the terms ‘National Medical Libraries Assistance Advisory Board’ and ‘Board’ mean the Board of Regents of the National Library of Medicine established under section 373(a) of this Act;

70 Stat. 960.
42 USC 277.

“(3) the terms ‘construction’ and ‘cost of construction’, when used with reference to any medical library facility, include (A) the construction of new buildings, and the expansion, remodeling, and alteration of existing buildings, including architects’ fees, but not including the cost of acquisition of land or off-site improvements, and (B) equipping new buildings and existing buildings (whether or not expanded, remodeled, or altered) for use as a library (including provision of automatic data processing equipment), but not with books, pamphlets, or related material;

“(4) the term ‘medical library’ means a library related to the sciences related to health.

“NATIONAL MEDICAL LIBRARIES ASSISTANCE BOARD

“SEC. 392. (a) The Board of Regents of the National Library of Medicine established pursuant to section 373(a) shall, in addition to its functions prescribed under section 373, constitute and serve as the National Medical Libraries Assistance Advisory Board (hereinafter in this part referred to as the ‘Board’).

Functions.

“(b) The Board shall—

“(1) advise and assist the Surgeon General in the preparation of general regulations and with respect to policy matters arising in the administration of this part, and

“(2) consider all applications for construction grants under this part and make to the Surgeon General such recommendations as it deems advisable with respect to (A) the approval of such applications, and (B) the amount which should be granted to each applicant whose application, in its opinion, should be approved.

“(c) The Surgeon General is authorized to use the services of any member or members of the Board, in connection with matters related to the administration of this part, for such periods, in addition to conference periods, as he may determine.

Members, compensation.

“(d) Appointed members of the Board who are not otherwise in the employ of the United States, while attending conferences of the Board or otherwise serving at the request of the Surgeon General in connection with the administration of this part, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 373(d), when attending conferences, traveling, or serving at the request of the Surgeon General in connection with the administration of part H which deals with the National Library of Medicine.

Post, p. 1067.

42 USC 275-280a.

“ASSISTANCE FOR CONSTRUCTION OF FACILITIES

“SEC. 393. (a) In carrying out the purposes of section 390(b) (1), the Surgeon General may, upon application of any public or private nonprofit agency or institution, make grants to such agency or institution toward the cost of construction of any medical library facility to be constructed by such agency or institution.

Construction grants.

“(b) A grant under this section may be made only if the application therefor is recommended for approval by the Board and is approved by the Surgeon General upon his determination that—

Conditions for approval.

“(1) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction, the facility will be used as a medical library

facility, (B) subject to subsection (c), sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

“(2) the proposed construction is necessary to meet the demonstrated needs for additional or improved medical library facilities in the community or area in which the proposed construction is to take place;

“(3) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on projects of the type covered by the Davis-Bacon Act, as amended, will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011;
78 Stat. 238.

5 USC 1332-15
note
63 Stat. 108.

“(c) Within such aggregate monetary limit as the Surgeon General may prescribe, after consultation with the Board, applications which (solely by reason of the inability of the applicants to give the assurance required by clause (B) of subsection (b)(1)) fail to meet the requirements for approval set forth in subsection (b) may be approved upon condition that the applicants give the assurance required by such clause (B) within a reasonable time and upon such other reasonable terms and conditions as he may determine after consultation with the Board.

“(d) In acting upon applications for grants under this section, the Board and the Surgeon General shall take into consideration the relative effectiveness of the proposed facilities in meeting demonstrated needs for additional or improved medical library services, and shall give priority to applications for construction of facilities for which the need is greatest.

“(e) The amount of any grant made under this section shall be that recommended by the Board or such lesser amount as the Surgeon General determines to be appropriate; except that in no event may such amount exceed 75 per centum of the necessary cost of the construction of such facility as determined by him.

“(f) Upon approval of any application for a grant under this section, the Surgeon General shall reserve, from any appropriation available therefor, the amount of such grant as determined under subsection (e), and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. Such payments shall be made through the disbursement facilities of the Department of the Treasury. The Surgeon General's reservation of any amount under this subsection may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

“(g) In determining the amount of any grant under this section, there shall be excluded from the cost of construction an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by grants authorized under this section, and (2) the amount of any non-Federal

funds required to be expended as a condition of such other Federal grant.

Recovery of
Federal funds.

“(h) If, within twenty years after completion of any construction for which funds have been paid under this section—

“(1) the applicant or other owner of the facility shall cease to be a public or nonprofit institution, or

“(2) the facility shall cease to be used for medical library purposes, unless the Surgeon General determines, in accordance with regulations prescribed by him after consultation with the Board, that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

Appropriation.

“(i) For the purposes of carrying out the provisions of this section, there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1967, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed \$10,000,000 for any fiscal year, as may be necessary.

“GRANTS FOR TRAINING IN MEDICAL LIBRARY SCIENCES

Appropriation.

“SEC. 394. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(2), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed \$1,000,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General in making grants—

“(1) to individuals to enable them to accept traineeships and fellowships leading to postbaccalaureate academic degrees in the field of medical library science, in related fields pertaining to sciences related to health, or in the field of the communication of information;

“(2) to individuals who are librarians or specialists in information on sciences relating to health, to enable them to undergo intensive training or retraining so as to attain greater competence in their occupations (including competence in the fields of automatic data processing and retrieval);

“(3) to assist appropriate public and private nonprofit institutions in developing, expanding, and improving training programs in library science and the field of communications of information pertaining to sciences relating to health; and

“(4) to assist in the establishment of internship programs in established medical libraries meeting standards which the Surgeon General shall prescribe.

“(b) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

“ASSISTANCE TO SPECIAL SCIENTIFIC PROJECTS

Fellowships,
establishment.
Appropriation.

“SEC. 395. In order to enable the Surgeon General to carry out the purposes of section 390(b)(3), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June

30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed \$500,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General for the establishment of special fellowships to be awarded to physicians and other practitioners in the sciences related to health and scientists for the compilation of existing, or writing of original, contributions relating to scientific, social, or cultural, advancements in sciences related to health. In establishing such fellowships, the Surgeon General shall make appropriate arrangements whereby the facilities of the National Library of Medicine and the facilities of libraries of public and private nonprofit institutions of higher learning may be made available in connection with the projects for which such fellowships are established.

"RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND
RELATED FIELDS

"SEC. 396. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b) (4), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed \$3,000,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General in making grants to appropriate public or private nonprofit institutions and entering into contracts with appropriate persons, for purposes of carrying out projects of research and investigations in the field of medical library science and related activities and for the development of new techniques, systems and equipment, for processing, storing, retrieving, and distributing information pertaining to sciences related to health.

Appropriation.

"(b) Payment pursuant to grants made under this section may be in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

"GRANTS FOR IMPROVING AND EXPANDING THE BASIC RESOURCES OF
MEDICAL LIBRARIES AND RELATED INSTRUMENTALITIES

"SEC. 397. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b) (5), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed \$3,000,000 for any fiscal year, as may be necessary.

Appropriation.

"(b) Sums made available under this section shall be utilized by the Surgeon General for making grants of money, materials, or both, to public or private nonprofit medical libraries and related scientific communication instrumentalities for the purpose of expanding and improving their basic medical library or related resources. The uses for which grants so made may be employed include, but are not limited to, the following: (A) acquisition of books, journals, photographs, motion picture and other films, and other similar materials, (B) cataloging, binding, and other services and procedures for processing library resource materials for use by those who are served by the library or related instrumentality, and (C) acquisition of duplication devices, facsimile equipment, film projectors, recording equipment, and other equipment to facilitate the use of the resources of the library or related instrumentality by those who are served by it, and (D) introduction of new technologies in medical librarianship.

Uses.

Determination
of amount.

“(c) (1) The amount of any grant under this section to any medical library or related instrumentality shall be determined by the Surgeon General on the basis of the scope of library or related services provided by such library or instrumentality in relation to the population and purposes served by it. In making a determination of the scope of services served by any medical library or related instrumentality, the Surgeon General shall take into account the following factors—

Factors.

“(A) the number of graduate and undergraduate students making use of the resources of such library or instrumentality;

“(B) the number of physicians and other practitioners in the sciences related to health utilizing the resources of such library or instrumentality;

“(C) the type of supportive staffs, if any, available to such library or instrumentality;

“(D) the type, size, and qualifications of the faculty of any school with which such library or instrumentality is affiliated;

“(E) the staff of any hospital or hospitals or of any clinic or clinics with which such library or instrumentality is affiliated; and

“(F) the geographic area served by such library or instrumentality and the availability, within such area, of medical library or related services provided by other libraries or related instrumentalities.

“(2) In no case shall any grant under this section to a medical library or related instrumentality during any fiscal year exceed \$200,000, or, if lesser, an amount equal to—

“(A) 60 per centum of the annual operating expenses of such library or related instrumentality, if such fiscal year is the first fiscal year with respect to which a grant under this section is made to it;

“(B) (i) 50 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, five-sixths of the amount of its first year grant under this section, if such year is the second fiscal year with respect to which a grant under this section has been made to it;

“(C) (i) 40 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, four-fifths of the amount of the second year grant under this section, if such year is the third fiscal year with respect to which a grant under this section has been made to it;

“(D) (i) 30 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, three-fourths of the amount of the third year grant under this section, if such year is the fourth fiscal year with respect to which a grant under this section has been made to it; and

“(E) (i) 20 per centum of the annual operating expenses of such library or related instrumentality, (ii) or, if lesser, two-thirds of the amount of the fourth year grant under this section, if such year is the fifth fiscal year with respect to which a grant under this section has been made to it.

“Annual operating expense.”

The ‘annual operating expense’ of a library or related instrumentality shall, for purposes of the preceding sentence, be an amount equal (if such annual operating expense is to be determined with respect to the first grant to be made to such library or instrumentality under this section) to the amount of the average of the annual operating expenses of such library or instrumentality over the three fiscal years preceding the year in which such grant is applied for; and if such library or related instrumentality has been operating for less than three years prior to applying for such grant, its ‘annual operating expense’ shall be an amount determined by the Surgeon General pur-

suant to regulations prescribed by him. For the second or succeeding fiscal year in which a grant is made to a library or related instrumentality, the 'annual operating expense' of such library or related instrumentality shall, for purposes of such sentence, be equal to its operating expense (exclusive of Federal financial assistance under this part) for the preceding fiscal year.

“GRANTS FOR ESTABLISHMENT OF REGIONAL MEDICAL LIBRARIES

“SEC. 398. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(6), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed \$2,500,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General, with the advice of the Board, to make grants to existing public or private nonprofit medical libraries so as to enable each of them to serve as the regional medical library for the geographical area in which it is located.

Appropriation.

“(b) The uses for which grants made under this section may be employed include, but are not limited to, the following—

Uses.

“(1) acquisition of books, journals, and other similar materials;

“(2) cataloging, binding, and other procedures for processing library resource materials for use by those who are served by the library;

“(3) acquisition of duplicating devices and other equipment to facilitate the use of the resources of the library by those who are served by it;

“(4) acquisition of mechanisms and employment of personnel for the speedy transmission of materials from the regional library to local libraries in the geographic area served by the regional library; and

“(5) construction, renovation, rehabilitation, or expansion of physical plant considered necessary by such library to carry out its proper functions as a regional library.

“(c) (1) Grants under this section shall be made only to medical libraries which agree (A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services, (B) to provide free loan services to qualified users, and make available photoduplicated or facsimile copies of biomedical materials which qualified requesters may retain.

Conditions for grants.

“(2) The Surgeon General, in awarding grants under this section, shall give priority to medical libraries having the greatest potential of fulfilling the needs for regional medical libraries. In determining the priority to be assigned to any medical library, he shall consider—

Priority factors.

“(A) the need of such library, as determined by the levels of research, teaching, and medical activities of the library in relation to other existing library and medical communication services in the region;

“(B) the adequacy of the library (in terms of collections, personnel, equipment, and other facilities) as a basis for a regional medical library; and

“(C) the size and nature of the population to be served in the region in which the library is located.

“(d) Grants under this section for construction, renovation, rehabilitation, or expansion of physical plant shall be made in the same manner and subject to the same conditions as are provided for

Limitation.

grants made under section 393, except that the eligibility for any such grant would be determined on the basis of the construction requirements of the library so as to be able to serve as a regional medical library. Grants under this section for basic resource materials to a library may not exceed 50 per centum of the library's annual operating expense (exclusive of Federal financial assistance under this part) for the preceding year; or in case of the first year in which the library receives a grant under this section for basic resource materials, 50 per centum of its average annual operating expenses over the past three years (or if it had been in operation for less than three years, its annual operating expenses determined by the Surgeon General in accordance with regulations prescribed by him).

“(e) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

“FINANCIAL SUPPORT OF BIOMEDICAL SCIENTIFIC PUBLICATIONS

Appropriation.
Ante, p. 1059.

“SEC. 399. (a) In order to enable the Surgeon General to carry out the purposes of section 390(b)(7), there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed \$1,000,000 for any fiscal year, as may be necessary. Sums made available under this section shall be utilized by the Surgeon General, with the advice of the Board, in making grants to, and entering into appropriate contracts with, public or private non-profit institutions of higher education and individual scientists for the purpose of supporting biomedical scientific publications of a nonprofit nature and to procure the compilation, writing, editing, and publication of reviews, abstracts, indices, handbooks, bibliographies, and related matter pertaining to scientific works and scientific developments.

“(b) Grants under this section in support of any single periodical publication may not be made for more than three years.

“(c) Payment pursuant to grants made under this section may be made in advance or by way of reimbursement and in such installments as the Surgeon General shall prescribe by regulations after consultation with the Board.

“CONTINUING AVAILABILITY OF APPROPRIATED FUNDS

“SEC. 399a. Funds appropriated to carry out any of the purposes of this part for any fiscal year shall remain available for such purposes for the fiscal year immediately following the fiscal year for which they were appropriated.

“RECORDS AND AUDIT

“SEC. 399b. (a) Each recipient of a grant under this part shall keep such records as the Surgeon General shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

“(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and

examination to any books, documents, papers, and records of such recipients that are pertinent to any grant received under the provisions of this part.”

REGIONAL BRANCHES OF THE NATIONAL LIBRARY OF MEDICINE

SEC. 3. Part H of title III of the Public Health Service Act which deals with the National Library of Medicine is amended by adding at the end thereof the following new section: 70 Stat. 960.
42 USC 275-280a.

“REGIONAL BRANCHES OF THE NATIONAL LIBRARY OF MEDICINE

“SEC. 378. (a) Whenever the Surgeon General, with the advice of the Board, determines that— Need determination.

“(1) in any geographic area of the United States, there is no regional medical library adequate to serve such area;

“(2) under the criteria prescribed in section 398, there is a need for a regional medical library to serve such area; and Ante, p. 1065.

“(3) because there is located in such area no medical library which, under the provisions of section 398, can feasibly be developed into a regional medical library adequate to serve such area, he is authorized to establish, as a branch of the National Library of Medicine, a regional medical library to serve the needs of such area.

“(b) For the purpose of establishing branches of the National Library of Medicine under this section, there are hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1966, and ending with the fiscal year ending June 30, 1970, such sums, not to exceed \$2,000,000 for any fiscal year, as may be necessary. Sums appropriated pursuant to this section for any fiscal year shall remain available until expended.” Appropriation.

COMPENSATION OF MEMBERS OF THE BOARD OF REGENTS OF THE NATIONAL LIBRARY OF MEDICINE

SEC. 4. Part H of title III of the Public Health Service Act which deals with the National Library of Medicine is amended by striking out, in section 373(d) thereof, “\$50” and inserting in lieu thereof “\$75”. 42 USC 277.

Approved October 22, 1965.