

116TH CONGRESS
2D SESSION

S. 5071

To support library infrastructure.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2020

Mr. REED introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To support library infrastructure.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Build America’s Li-
5 braries Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DIRECTOR.—The term “Director” has the
9 meaning given the term in section 202 of the Mu-
10 seum and Library Services Act (20 U.S.C. 9101).

11 (2) INDIAN TRIBE.—The term “Indian Tribe”
12 has the meaning given the term “Indian tribe” in

1 section 202 of the Museum and Library Services Act
2 (20 U.S.C. 9101).

3 (3) LIBRARY.—The term “library” has the
4 meaning given the term in section 213 of the Li-
5 brary Services and Technology Act (20 U.S.C.
6 9122).

7 (4) STATE.—The term “State” has the mean-
8 ing given the term in section 213 of the Library
9 Services and Technology Act (20 U.S.C. 9122).

10 (5) STATE LIBRARY ADMINISTRATIVE AGEN-
11 CY.—The term “State library administrative agen-
12 cy” has the meaning given the term in section 213
13 of the Library Services and Technology Act (20
14 U.S.C. 9122).

15 **SEC. 3. BUILD AMERICA’S LIBRARIES FUND.**

16 (a) ESTABLISHMENT.—From the amount appro-
17 priated under section 8, there is established a Build Amer-
18 ica’s Libraries Fund for the purpose of supporting long-
19 term improvements to library facilities in accordance with
20 this Act.

21 (b) RESERVATIONS.—From the amount available in
22 the Build America’s Libraries Fund, the Director shall re-
23 serve 3 percent to award grants to Indian Tribes and to
24 organizations that primarily serve and represent Native
25 Hawaiians, in the same manner as the Director makes

1 grants under section 261 of the Library Services and
2 Technology Act (20 U.S.C. 9161) to enable such Indian
3 Tribes and organizations to carry out the activities de-
4 scribed in paragraphs (1) through (9) of section 4(c).

5 **SEC. 4. ALLOCATION TO STATES.**

6 (a) ALLOCATION TO STATES.—

7 (1) STATE-BY-STATE ALLOCATION.—

8 (A) IN GENERAL.—From the amount
9 available in the Build America’s Libraries Fund
10 and not reserved under section 3(b), each State
11 that has a plan approved by the Director under
12 subsection (b) shall be allocated an amount in
13 the same manner as the Director makes allot-
14 ments to States under section 221(b) of the Li-
15 brary Services and Technology Act (20 U.S.C.
16 9131(b)), except that, for purposes of this sec-
17 tion, the minimum allotment for each State
18 shall be \$10,000,000, except that the minimum
19 allotment shall be \$500,000 in the case of the
20 United States Virgin Islands, Guam, American
21 Samoa, the Commonwealth of the Northern
22 Mariana Islands, the Republic of the Marshall
23 Islands, the Federated States of Micronesia,
24 and the Republic of Palau.

1 (B) REALLOCATION OF REMAINING
2 FUNDS.—

3 (i) IN GENERAL.—From the remain-
4 der of any amounts not reserved or allo-
5 cated under subparagraph (A), on the date
6 that is 1 year after the date of enactment
7 of this Act, the Director shall allocate to
8 each State that has a plan approved by the
9 Director under subsection (b), an amount
10 that bears the same relation to such re-
11 mainder as the population of the State
12 bears to the population of all States.

13 (ii) DATA.—For the purposes of
14 clause (i), the population of each State and
15 of all the States shall be determined by the
16 Director on the basis of the most recent
17 data available from the Bureau of the Cen-
18 sus.

19 (2) STATE RESERVATIONS.—A State shall re-
20 serve not more than 4 percent of its allocation under
21 paragraph (1) for administrative costs and to pro-
22 vide technical assistance to libraries in the State.

23 (b) STATE PLAN.—

24 (1) IN GENERAL.—To be eligible to receive an
25 allocation under this section, a State library admin-

1 administrative agency shall submit to the Director a plan
2 that includes such information as the Director may
3 require, including at a minimum—

4 (A) a description of how the State will use
5 the allocation to make long-term improvements
6 to library facilities with a focus on underserved
7 and marginalized communities;

8 (B) a description regarding how the State
9 will carry out its responsibility to provide tech-
10 nical assistance under subsection (a)(2);

11 (C) a description regarding how the State
12 will make the determinations of eligibility and
13 priority under subsections (b) and (d) of section
14 5;

15 (D) a certification that the State has met
16 the maintenance of effort requirements under
17 section 223(c) of the Library Services and
18 Technology Act (20 U.S.C. 9133(c)); and

19 (E) an assurance that the State will meet
20 the supplement not supplant requirement under
21 section 6(c).

22 (2) APPROVAL.—

23 (A) IN GENERAL.—The Director shall ap-
24 prove a State plan submitted under paragraph
25 (1) that meets the requirements of paragraph

1 (1) and provides satisfactory assurances that
2 the provisions of such plan will be carried out.

3 (B) PUBLIC AVAILABILITY.—Each State li-
4 brary administrative agency receiving an alloca-
5 tion under this section shall make the State
6 plan available to the public, including through
7 electronic means.

8 (C) ADMINISTRATION.—If the Director de-
9 termines that the State plan does not meet the
10 requirements of this section, the Director
11 shall—

12 (i) immediately notify the State li-
13 brary administrative agency of such deter-
14 mination and the reasons for such deter-
15 mination;

16 (ii) offer the State library administra-
17 tive agency the opportunity to revise its
18 State plan;

19 (iii) provide technical assistance in
20 order to assist the State library adminis-
21 trative agency in meeting the requirements
22 of this section; and

23 (iv) provide the State library adminis-
24 trative agency the opportunity for a hear-
25 ing.

1 (c) USES OF FUNDS.—Each State receiving an allo-
2 cation under this section shall use the funds for any 1
3 or more of the following:

4 (1) Constructing, renovating, modernizing, or
5 retrofitting library facilities in the State, which may
6 include—

7 (A) financing new library facilities;

8 (B) making capital improvements to exist-
9 ing library facilities, including buildings, facili-
10 ties grounds, and bookmobiles;

11 (C) enhancing library facilities to improve
12 the overall safety and health of library patrons
13 and staff, including improvements directly re-
14 lated to reducing the risk of community spread
15 of COVID–19; and

16 (D) addressing the vulnerability of library
17 facilities to natural disasters.

18 (2) Investing in infrastructure projects related
19 to improving internet access and connectivity in li-
20 brary facilities and for library patrons, including
21 projects related to high-speed broadband, technology
22 hardware, and mobile hotspots and similar equip-
23 ment.

1 (3) Improving energy and water efficiency to
2 lower the costs of energy and water consumption in
3 library facilities.

4 (4) Improving indoor air quality and ventilation
5 in library facilities, including mechanical and non-
6 mechanical heating, ventilation, and air conditioning
7 systems, filtering and other air cleaning, fans, con-
8 trol systems, and window and door repair and re-
9 placement.

10 (5) Reducing or eliminating the presence in li-
11 brary facilities of potential hazards to library staff
12 and patrons, including—

13 (A) toxic substances, including mercury,
14 radon, PCBs, lead, and asbestos; or

15 (B) mold and mildew.

16 (6) Ensuring the safety of drinking water at
17 the tap in library facilities, which may include test-
18 ing of the potability of water at the tap for the pres-
19 ence of lead and other contaminants.

20 (7) Making library facilities accessible to people
21 with disabilities, including by ensuring compliance
22 with the Americans with Disabilities Act of 1990 (42
23 U.S.C. 12101 et seq.) and section 504 of the Reha-
24 bilitation Act of 1973 (29 U.S.C. 794).

1 (8) Improving library facilities for the purposes
2 of supporting place-based services or community-
3 based partnerships that provide library patrons with
4 access to educational, workforce, behavioral health,
5 mental health, and social services.

6 (9) Assessing the condition of existing library
7 facilities and the need for new or improved library
8 facilities and developing facilities master plans.

9 **SEC. 5. NEED-BASED GRANTS TO LIBRARIES.**

10 (a) GRANTS TO LIBRARIES.—From the amounts allo-
11 cated to a State under section 4(a), the State library ad-
12 ministrative agency shall award grants to libraries, on a
13 competitive basis, to carry out the activities described in
14 paragraphs (1) through (9) of section 4(c).

15 (b) ELIGIBILITY.—To be eligible to receive a grant
16 under this section, a library shall be—

17 (1) a public library;

18 (2) a tribal library; or

19 (3) a State library or a State archive, with re-
20 spect to outlets and facilities that provide library
21 service directly to the general public.

22 (c) APPLICATION.—A library described in subsection
23 (b) that desires to receive a grant under this section shall
24 submit an application to the State library administrative
25 agency at such time, in such manner, and containing such

1 information as the State library administrative agency
2 may require, including—

3 (1) the information necessary for the State to
4 make a determination of the library's eligibility for
5 the grant and priority under subsection (d); and

6 (2) a description of the projects that the library
7 plans to carry out with the grant, in accordance with
8 paragraphs (1) through (9) of section 4(c), includ-
9 ing—

10 (A) the rationale the library used to select
11 such project; and

12 (B) a description of how the library took
13 into consideration the impacts of such projects
14 on underserved or marginalized communities,
15 including families with incomes below the pov-
16 erty line (as defined under section 673(2) of the
17 Community Services Block Grant Act (42
18 U.S.C. 9902(2))).

19 (d) PRIORITY OF GRANTS.—In awarding grants
20 under this section, the State—

21 (1) shall give first priority to eligible libraries
22 that demonstrate the greatest need for such a grant
23 in order to plan for, and make long-term improve-
24 ments to, library facilities that predominantly pro-
25 vide service to underserved or marginalized commu-

1 nities, including families with incomes below the pov-
2 erty line (as defined under section 673(2) of the
3 Community Services Block Grant Act (42 U.S.C.
4 9902(2))); and

5 (2) may additionally give priority to eligible li-
6 braries that will use the grant to—

7 (A) make health, safety, resiliency, or
8 emergency preparedness improvements to exist-
9 ing library facilities that pose a severe health or
10 safety threat to library patrons or staff, which
11 may include a threat posed by the proximity of
12 the facilities to toxic sites or the vulnerability of
13 the facilities to natural disasters;

14 (B) install or upgrade hardware that will
15 improve access to high-speed broadband for li-
16 brary patrons of the library facilities;

17 (C) improve access to existing library fa-
18 cilities for library patrons or staff with disabil-
19 ities; or

20 (D) improve the energy efficiency of or re-
21 duce the carbon emissions or negative environ-
22 mental impacts resulting from the existing li-
23 brary facilities.

24 (e) SUPPLEMENT NOT SUPPLANT.—A library shall
25 use a grant received under this section only to supplement

1 the level of Federal, State, and local public funds that
2 would, in the absence of such grant, be made available
3 for the activities supported by the grant, and not to sup-
4 plant such funds.

5 **SEC. 6. ADMINISTRATION AND OVERSIGHT.**

6 (a) NO PROHIBITION AGAINST CONSTRUCTION.—
7 Section 210A of the Museum and Library Services Act
8 (20 U.S.C. 9109) shall not apply to this Act.

9 (b) NO MATCHING REQUIREMENT OR NON-FEDERAL
10 SHARE.—Notwithstanding any other provision of law, a
11 State, Indian Tribe, organization, library, or other entity
12 that receives funds under this Act shall not be required
13 to provide matching funds or a non-Federal share toward
14 the cost of the activities carried out with the funds.

15 (c) SUPPLEMENT NOT SUPPLANT.—A State shall use
16 an allocation received under section 4 only to supplement
17 the level of Federal, State, and local public funds that
18 would, in absence of such allocation, be made available for
19 the activities supported by the allocation, and not to sup-
20 plant such funds.

21 (d) ADMINISTRATIVE COSTS.—From the amount ap-
22 propriated under section 8, the Director may allocate not
23 more than 3 percent of such amount for program adminis-
24 tration, oversight activities, research, analysis, and data

1 collection related to the purposes of the Build America's
2 Libraries Fund.

3 (e) REPORTS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act and annually
6 thereafter until all funds provided under this Act
7 have been expended, the Director shall issue reports
8 to the Committee on Appropriations and the Com-
9 mittee on Health, Education, Labor, and Pensions
10 of the Senate and the Committee on Appropriations
11 and the Committee on Education and Labor of the
12 House of Representatives detailing how funding
13 under this Act has been spent and its impact on im-
14 proving library services in communities that are
15 served, including underserved and marginalized pop-
16 ulations, Indian Tribes, and Native Hawaiian com-
17 munities, and shall make such reports publicly avail-
18 able on the website of the Institute of Museum and
19 Library Services.

20 (2) STATE REPORT.—A State that receives
21 funds under this Act shall, not later than 1 year
22 after the date of enactment of this Act, and annually
23 thereafter until all funds have been expended, sub-
24 mit a report to the Director at such time and in
25 such manner as the Director may require.

1 (f) AMERICAN IRON AND STEEL PRODUCTS.—

2 (1) IN GENERAL.—As a condition on receipt of
3 funds under this Act for a project, an entity shall
4 ensure that all of the iron and steel products used
5 in the project are produced in the United States.

6 (2) APPLICATION.—Paragraph (1) shall be
7 waived in any case or category of cases in which the
8 Director finds that—

9 (A) applying subparagraph (A) would be
10 inconsistent with the public interest;

11 (B) iron and steel products are not pro-
12 duced in the United States in sufficient and
13 reasonably available quantities and of a satis-
14 factory quality; or

15 (C) inclusion of iron and steel products
16 produced in the United States will increase the
17 cost of the overall project by more than 25 per-
18 cent.

19 (3) WAIVER.—If the Director receives a request
20 for a waiver under this subsection, the Director shall
21 make available to the public, on an informal basis,
22 a copy of the request and information available to
23 the Director concerning the request, and shall allow
24 for informal public input on the request for at least
25 15 days prior to making a finding based on the re-

1 quest. The Director shall make the request and ac-
2 companying information available by electronic
3 means.

4 (4) INTERNATIONAL AGREEMENTS.—This sub-
5 section shall be applied in a manner consistent with
6 United States obligations under international agree-
7 ments.

8 (5) MANAGEMENT AND OVERSIGHT.—The Di-
9 rector may retain up to 0.25 percent of the funds
10 appropriated for this Act for management and over-
11 sight of the requirements of this subsection.

12 (6) EFFECTIVE DATE.—This paragraph does
13 not apply with respect to a project if a State agency
14 approves the engineering plans and specifications for
15 the project, in that agency's capacity to approve
16 such plans and specifications prior to a project re-
17 questing bids, prior to the date of enactment of this
18 Act.

19 **SEC. 7. OTHER REQUIREMENTS.**

20 For fiscal year 2021 and each succeeding fiscal year,
21 with respect to each contract or subcontract funded, in
22 whole or in part, under a grant under this Act—

23 (1) the provisions of subchapter IV of chapter
24 31 of title 40, United States Code, shall apply with
25 respect to laborers or mechanics for each construc-

1 tion contract or subcontract funded, in whole or in
2 part, through such grant; and

3 (2) the provisions of chapter 67 of title 41,
4 United States Code, shall apply with respect to serv-
5 ice employees for each contract or subcontract fund-
6 ed, in whole or in part, under this Act, except that,
7 for purposes of such chapter, the term “service em-
8 ployee” shall—

9 (A) have the meaning given the term in
10 section 6701 of such title;

11 (B) include employees that are routine op-
12 erations workers or routine maintenance work-
13 ers; and

14 (C) not include any employee covered
15 under paragraph (1).

16 **SEC. 8. APPROPRIATION OF FUNDS.**

17 There is authorized to be appropriated, and there is
18 appropriated, to carry out this Act, \$5,000,000,000, for
19 the period of fiscal years 2021 through 2023, to remain
20 available until expended.

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