

117TH CONGRESS
1ST SESSION

S. 127

To support library infrastructure.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. REED (for himself, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. SANDERS)
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. PURPOSE.**

7 The purpose of this Act is to support long-term im-
8 provements to library facilities (including addressing
9 needs that have arisen due to COVID–19) in order for
10 libraries to better serve underserved and distressed com-
11 munities, low-income and rural areas, and people with dis-

1 abilities and vulnerable library users including children
2 and seniors.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

8 (2) INDIAN TRIBE.—The term “Indian Tribe”
9 has the meaning given the term “Indian tribe” in
10 section 202 of the Museum and Library Services Act
11 (20 U.S.C. 9101).

12 (3) LIBRARY.—The term “library” has the
13 meaning given the term in section 213 of the Li-
14 brary Services and Technology Act (20 U.S.C.
15 9122).

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

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

1 **SEC. 4. BUILD AMERICA'S LIBRARIES FUND.**

2 (a) ESTABLISHMENT.—From the amount appro-
 3 priated under section 9, there is established a Build Amer-
 4 ica's Libraries Fund for the purpose of supporting long-
 5 term improvements to library facilities in accordance with
 6 this Act.

7 (b) RESERVATIONS.—From the amount available in
 8 the Build America's Libraries Fund, the Director shall re-
 9 serve 3 percent to award grants to Indian Tribes and to
 10 organizations that primarily serve and represent Native
 11 Hawaiians, in the same manner as the Director makes
 12 grants under section 261 of the Library Services and
 13 Technology Act (20 U.S.C. 9161) to enable such Indian
 14 Tribes and organizations to carry out the activities de-
 15 scribed in paragraphs (1) through (9) of section 5(c).

16 **SEC. 5. ALLOCATION TO STATES.**

17 (a) ALLOCATION TO STATES.—

18 (1) STATE-BY-STATE ALLOCATION.—

19 (A) IN GENERAL.—From the amount
 20 available in the Build America's Libraries Fund
 21 and not reserved under section 4(b), each State
 22 that has a plan approved by the Director under
 23 subsection (b) shall be allocated an amount in
 24 the same manner as the Director makes allot-
 25 ments to States under section 221(b) of the Li-
 26 brary Services and Technology Act (20 U.S.C.

9131(b)), except that, for purposes of this section, the minimum allotment for each State shall be \$10,000,000, except that the minimum allotment shall be \$500,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) REALLOCATION OF REMAINING FUNDS.—

(i) IN GENERAL.—From the remainder of any amounts not reserved or allocated under subparagraph (A), on the date that is 1 year after the date of enactment of this Act, the Director shall allocate to each State that has a plan approved by the Director under subsection (b), an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

(ii) DATA.—For the purposes of clause (i), the population of each State and of all the States shall be determined by the Director on the basis of the most recent

1 data available from the Bureau of the Cen-
2 sus.

3 (2) STATE RESERVATIONS.—A State shall re-
4 serve not more than 4 percent of its allocation under
5 paragraph (1) for administrative costs and to pro-
6 vide technical assistance to libraries that are eligible
7 to apply for a grant under section 6.

8 (b) STATE PLAN.—

9 (1) IN GENERAL.—To be eligible to receive an
10 allocation under this section, a State library admin-
11 istrative agency shall submit to the Director a plan
12 that includes such information as the Director may
13 require, including at a minimum—

14 (A) a description of how the State will use
15 the allocation to make long-term improvements
16 to library facilities with a focus on underserved
17 and marginalized communities;

18 (B) a description regarding how the State
19 will carry out its responsibility to provide tech-
20 nical assistance under subsection (a)(2), includ-
21 ing providing, as appropriate, training and re-
22 sources to help library staff maximize the use,
23 functionality, and accessibility of library facili-
24 ties improved under this section;

1 (C) a description regarding how the State
 2 will make the determinations of eligibility and
 3 priority under subsections (b) and (d) of section
 4 6;

5 (D) a certification that the State has met
 6 the maintenance of effort requirements under
 7 section 223(c) of the Library Services and
 8 Technology Act (20 U.S.C. 9133(c)); and

9 (E) an assurance that the State will meet
 10 the supplement not supplant requirement under
 11 section 7(c).

12 (2) APPROVAL.—

13 (A) IN GENERAL.—The Director shall ap-
 14 prove a State plan submitted under paragraph
 15 (1) that meets the requirements of paragraph
 16 (1) and provides satisfactory assurances that
 17 the provisions of such plan will be carried out.

18 (B) PUBLIC AVAILABILITY.—Each State li-
 19 brary administrative agency receiving an alloca-
 20 tion under this section shall make the State
 21 plan available to the public, including through
 22 electronic means.

23 (C) ADMINISTRATION.—If the Director de-
 24 termines that the State plan does not meet the

1 requirements of this section, the Director
2 shall—

3 (i) immediately notify the State li-
4 brary administrative agency of such deter-
5 mination and the reasons for such deter-
6 mination;

7 (ii) offer the State library administra-
8 tive agency the opportunity to revise its
9 State plan;

10 (iii) provide technical assistance in
11 order to assist the State library adminis-
12 trative agency in meeting the requirements
13 of this section; and

14 (iv) provide the State library adminis-
15 trative agency the opportunity for a hear-
16 ing.

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

20 (1) Constructing, renovating, modernizing, or
21 retrofitting library facilities in the State, which may
22 include—

23 (A) financing new library facilities;

1 (B) making capital improvements to exist-
2 ing library facilities, including buildings, facili-
3 ties, grounds, and bookmobiles;

4 (C) enhancing library facilities to improve
5 the overall safety and health of library patrons
6 and staff, including improvements directly re-
7 lated to reducing the risk of community spread
8 of COVID–19; and

9 (D) addressing the vulnerability of library
10 facilities to natural disasters and hazards.

11 (2) Investing in infrastructure projects related
12 to improving internet access and connectivity in li-
13 brary facilities and for library patrons, including
14 projects related to high-speed broadband, technology
15 hardware, and mobile hotspots and similar equip-
16 ment.

17 (3) Improving energy and water efficiency and
18 addressing the environmental impacts of library fa-
19 cilities.

20 (4) Improving indoor air quality and ventilation
21 in library facilities, including mechanical and non-
22 mechanical heating, ventilation, and air conditioning
23 systems, filtering and other air cleaning, fans, con-
24 trol systems, and window and door repair and re-
25 placement.

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

4 (A) toxic substances, including mercury,
5 radon, PCBs, lead, and asbestos; or

6 (B) mold and mildew.

7 (6) Ensuring the safety of drinking water at
8 the tap in library facilities, which may include test-
9 ing of the potability of water at the tap for the pres-
10 ence of lead and other contaminants.

11 (7) Ensuring that library facilities are—

12 (A) accessible to people with disabilities,
13 including by implementing universal and inclu-
14 sive design; and

15 (B) in compliance with the Architectural
16 Barriers Act of 1968 (42 U.S.C. 4151 et seq.),
17 the Americans with Disabilities Act of 1990 (42
18 U.S.C. 12101 et seq.), and section 504 of the
19 Rehabilitation Act of 1973 (29 U.S.C. 794).

20 (8) Improving library facilities for the purposes
21 of supporting place-based services or community-
22 based partnerships that provide library patrons with
23 access to educational, workforce, behavioral health,
24 mental health, and social services.

1 (9) Assessing the condition of existing library
 2 facilities and the need for new or improved library
 3 facilities and developing facilities master plans.

4 **SEC. 6. NEED-BASED GRANTS TO LIBRARIES.**

5 (a) GRANTS TO LIBRARIES.—From the amounts allo-
 6 cated to a State under section 5(a), the State library ad-
 7 ministrative agency shall award grants to libraries, on a
 8 competitive basis, to carry out the activities described in
 9 paragraphs (1) through (9) of section 5(c).

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

12 (1) a public library;

13 (2) a tribal library; or

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

17 (c) APPLICATION.—A library described in subsection
 18 (b) that desires to receive a grant under this section shall
 19 submit an application to the State library administrative
 20 agency at such time, in such manner, and containing such
 21 information as the State library administrative agency
 22 may require, including—

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

1 (2) a description of the projects that the library
2 plans to carry out with the grant, in accordance with
3 paragraphs (1) through (9) of section 5(c), includ-
4 ing—

5 (A) the rationale the library used to select
6 such project; and

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

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

16 (1) shall give first priority to eligible libraries
17 that demonstrate the greatest need for such a grant
18 in order to plan for, and make long-term improve-
19 ments to, library facilities that predominantly pro-
20 vide service to underserved or marginalized commu-
21 nities, including families with incomes below the pov-
22 erty line (as defined under section 673(2) of the
23 Community Services Block Grant Act (42 U.S.C.
24 9902(2)); and

1 (2) may additionally give priority to eligible li-
2 braries that will use the grant to replace, renovate,
3 modernize, or retrofit existing library facilities in
4 order to—

5 (A) make health, safety, resiliency, hazard
6 mitigation, or emergency preparedness improve-
7 ments to existing library facilities that pose a
8 severe health or safety threat to library patrons
9 or staff, which may include a threat posed by
10 the proximity of the facilities to toxic sites or
11 the vulnerability of the facilities to natural dis-
12 asters;

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

16 (C) improve access for library patrons or
17 staff with disabilities to use the library facilities
18 and its equipment; or

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

23 (e) SUPPLEMENT NOT SUPPLANT.—A library shall
24 use a grant received under this section only to supplement
25 the level of Federal, State, and local public funds that

1 would, in the absence of such grant, be made available
2 for the activities supported by the grant, and not to sup-
3 plant such funds.

4 **SEC. 7. ADMINISTRATION AND OVERSIGHT.**

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

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

14 (c) SUPPLEMENT NOT SUPPLANT.—A State shall use
15 an allocation received under section 5 only to supplement
16 the level of Federal, State, and local public funds that
17 would, in absence of such allocation, be made available for
18 the activities supported by the allocation, and not to sup-
19 plant such funds.

20 (d) ADMINISTRATIVE COSTS.—From the amount ap-
21 propriated under section 9, the Director may allocate not
22 more than 3 percent of such amount for program adminis-
23 tration, oversight activities, research, analysis, and data
24 collection related to the purposes of the Build America’s
25 Libraries Fund.

1 (e) REPORTS.—

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

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

24 (f) AMERICAN IRON AND STEEL PRODUCTS.—

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

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

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

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

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

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

1 accompanying information available by electronic
2 means.

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

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

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

18 **SEC. 8. OTHER REQUIREMENTS.**

19 For fiscal year 2022 and each succeeding fiscal year,
20 with respect to each contract or subcontract funded, in
21 whole or in part, under a grant under this Act—

22 (1) the provisions of subchapter IV of chapter
23 31 of title 40, United States Code, shall apply with
24 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. 9. 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 2022 through 2024, to remain
20 available until expended.

○