

109TH CONGRESS
1ST SESSION

H. R. 2292

To provide for public library construction and modernization.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2005

Mr. HINCHEY (for himself, Mr. OWENS, Mr. ENGEL, Mr. LYNCH, Mr. CROWLEY, Mr. McDERMOTT, Mr. KILDEE, Mr. NADLER, Mr. BROWN of Ohio, Mr. CONYERS, Mr. CLAY, Mr. WEXLER, Mr. BUTTERFIELD, Mr. PALLONE, Mr. CHANDLER, Mrs. MCCARTHY, Mr. McNULTY, Mr. PAYNE, Mr. BISHOP of New York, Mr. ROSS, Mr. JEFFERSON, Mr. MCGOVERN, Mr. SANDERS, Mr. TOWNS, Ms. DEGETTE, Mr. WU, Mr. RANGEL, Mr. NEAL of Massachusetts, Ms. LINDA T. SÁNCHEZ of California, Mr. MOORE of Kansas, Mr. RUPPERSBERGER, Mr. SNYDER, Mr. WYNN, and Mr. BOUCHER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide for public library construction and modernization.

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 “Andrew Carnegie Pub-
5 lic Libraries Act”.

1 **SEC. 2. PUBLIC LIBRARY CONSTRUCTION AND MODERNIZA-**
 2 **TION.**

3 (a) IN GENERAL.—The Library Services and Tech-
 4 nology Act (20 U.S.C. 9121 et seq.) is amended—

5 (1) by redesignating chapter 3 as chapter 4;

6 and

7 (2) by inserting after chapter 2 the following:

8 **“CHAPTER 3—PUBLIC LIBRARY**
 9 **CONSTRUCTION AND MODERNIZATION**

10 **“SEC. 241. GRANTS FOR PUBLIC LIBRARY CONSTRUCTION**
 11 **AND MODERNIZATION.**

12 “(a) IN GENERAL.—From amounts appropriated
 13 under section 244, the Director may make grants for the
 14 construction or modernization of public libraries to per-
 15 sons or entities submitting applications under section 243.

16 “(b) APPLICABILITY.—The provisions of this subtitle
 17 (other than this chapter) shall not apply to this chapter.

18 “(c) DEFINITIONS.—In this chapter:

19 “(1) CONSTRUCTION.—

20 “(A) IN GENERAL.—The term ‘construc-
 21 tion’ means—

22 “(i) construction of new buildings;

23 “(ii) the acquisition, expansion, re-
 24 modeling, and alteration of existing build-
 25 ings;

1 “(iii) the purchase, lease, and installa-
2 tion of equipment for any new or existing
3 buildings; or

4 “(iv) any combination of the activities
5 described in clauses (i) through (iii), in-
6 cluding architect’ fees and the cost of ac-
7 quisition of land.

8 “(B) SPECIAL RULE.—Such term includes
9 remodeling to meet standards under the Act en-
10 titled ‘An Act to insure that certain buildings
11 financed with Federal funds are so designed
12 and constructed as to be accessible to the phys-
13 ically handicapped’, approved August 12, 1968
14 (42 U.S.C. 4151 et seq.), commonly known as
15 the ‘Architectural Barriers Act of 1968’, remod-
16 eling designed to ensure safe working environ-
17 ments and to conserve energy, renovation or re-
18 modeling to accommodate new technologies, and
19 the purchase of historic buildings for conversion
20 to public libraries.

21 “(2) EQUIPMENT.—The term ‘equipment’
22 means—

23 “(A) information and building tech-
24 nologies, video and telecommunications equip-
25 ment, machinery, utilities, built-in equipment,

1 and any necessary enclosures or structures to
2 house the technologies, equipment, machinery
3 or utilities; and

4 “(B) all other items necessary for the
5 functioning of a particular facility as a facility
6 for the provision of library services.

7 “(3) MODERNIZATION.—

8 “(A) IN GENERAL.—The term ‘moderniza-
9 tion’ means the purchase, rental, or lease of
10 technological items, devices, or products (in-
11 cluding upgrades)—

12 “(i) to improve access to library serv-
13 ices or materials in a public library; or

14 “(ii) to maintain or improve the func-
15 tional capabilities of individuals with dis-
16 abilities in a public library.

17 “(B) LIMITATION.—Such term does not in-
18 clude—

19 “(i) the purchase of books, periodi-
20 cals, audio or video recordings, or other
21 similar library materials used by patrons;
22 or

23 “(ii) costs for telecommunications or
24 computer wiring undertaken in order to

1 permit or improve the use of technological
2 items, devices, or products.

3 “(4) PUBLIC LIBRARY.—The term ‘public li-
4 brary’ means a library that serves free of charge all
5 residents of a community, district, or region, and re-
6 ceives its financial support in whole or in part from
7 public funds. Such term also includes a research li-
8 brary, which, for the purposes of this sentence,
9 means a library, which—

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

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

16 “(C) engages in the dissemination of hu-
17 manistic knowledge through services to readers,
18 fellowships, educational and cultural programs,
19 publication of significant research, and other
20 activities; and

21 “(D) is not an integral part of an institu-
22 tion of higher education.

23 **“SEC. 242. USES OF FEDERAL FUNDS.**

24 “(a) IN GENERAL.—A recipient of a grant under this
25 chapter shall use funds appropriated under section 244

1 to pay the Federal share of the cost of construction or
2 modernization of public libraries.

3 “(b) MAXIMUM AMOUNT.—The maximum amount of
4 a grant under this chapter is \$5,000,000.

5 “(c) FEDERAL SHARE.—

6 “(1) IN GENERAL.—For the purposes of sub-
7 section (a), the Federal share of the cost of con-
8 struction or modernization of any project assisted
9 under this chapter shall not exceed one-half of the
10 total cost of the project.

11 “(2) NON-FEDERAL SHARE.—The non-Federal
12 share of the cost of construction or modernization of
13 any project assisted under this chapter may be pro-
14 vided from State, local or private sources, including
15 for-profit and nonprofit organizations.

16 “(d) SPECIAL RULE.—If, within 20 years after com-
17 pletion of construction of any public library facility that
18 has been constructed in part with grant funds made avail-
19 able under this chapter—

20 “(1) the recipient of the grant funds (or its suc-
21 cessor in title or possession) ceases or fails to be a
22 public or nonprofit institution, or

23 “(2) the facility ceases to be used as a library
24 facility, unless the Director determines that there is

1 good cause for releasing the institution from its obli-
2 gation,
3 the United States shall be entitled to recover from such
4 recipient (or successor) an amount which bears the same
5 ratio to the value of the facility at that time (or part there-
6 of constituting an approved project or projects) as the
7 amount of the Federal grant bore to the cost of such facil-
8 ity (or part thereof). The value shall be determined by the
9 parties or by action brought in the United States district
10 court for the district in which the facility is located.

11 **“SEC. 243. APPLICATION.**

12 “Any person or entity desiring to receive a grant
13 under this chapter for any fiscal year shall submit to the
14 Director an application at such time, in such manner, and
15 containing such information as the Director may require,
16 including a description of the public library construction
17 or modernization activities be assisted under this chapter.

18 **“SEC. 244. LABOR STANDARDS.**

19 “All laborers and mechanics employed by contractors
20 or subcontractors in any construction, alteration, or re-
21 pair, including painting and decorating, of projects, build-
22 ings, and works which are assisted under this chapter,
23 shall be paid wages at rates not less than those prevailing
24 on similar construction in the locality as determined by
25 the Secretary of Labor in accordance with the Act of

1 March 3, 1931 (40 U.S.C. 276—276a-5), popularly
2 known as the Davis-Bacon Act. The Secretary of Labor
3 shall have, with respect to such labor standards, the au-
4 thority and functions set forth in Reorganization Plan
5 Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and
6 section 2 of the Act of June 1, 1934, as amended (48
7 Stat. 948, as amended; 40 U.S.C. 276(c)).

8 **“SEC. 245. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) IN GENERAL.—There are authorized to be ap-
10 propriated to carry out this chapter \$200,000,000 for fis-
11 cal year 2006 and each of the 4 succeeding fiscal years,
12 to remain available until expended.

13 “(b) ADMINISTRATION.—Not more than 3 percent of
14 the funds appropriated under subsection (a) for a fiscal
15 year may be used to pay for the Federal administrative
16 costs of carrying out this chapter.”.

17 (b) CONFORMING AMENDMENT.—Section 210A of
18 the Museum and Library Services Act (20 U.S.C. 9109)
19 is amended by striking “No funds” and inserting “Except
20 as provided in chapter 3 of the Library Services and Tech-
21 nology Act, no funds”.

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