

117TH CONGRESS  
1ST SESSION

# H. R. 4966

To require the Secretary of Energy to provide grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2021

Ms. MATSUI (for herself, Ms. BARRAGÁN, Mr. SMITH of Washington, Mr. HUFFMAN, Mr. TAKANO, and Mr. BOWMAN) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To require the Secretary of Energy to provide grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes.

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 “Healthier and Greener  
5 Schools Act of 2021”.

1 **SEC. 2. GRANTS FOR ENERGY EFFICIENCY IMPROVEMENTS**  
2 **AND RENEWABLE ENERGY IMPROVEMENTS**  
3 **AT PUBLIC SCHOOL FACILITIES.**

4 (a) DEFINITIONS.—In this section:

5 (1) COMMUNITY OF COLOR.—The term “com-  
6 munity of color” means a geographically distinct  
7 area in which the population of any of the following  
8 categories of individuals is higher than the average  
9 population of that category for the State in which  
10 the community is located:

11 (A) Black.

12 (B) African American.

13 (C) Asian.

14 (D) Pacific Islander.

15 (E) Other non-White race.

16 (F) Hispanic.

17 (G) Latino.

18 (H) Linguistically isolated.

19 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
20 ty” means a consortium of—

21 (A) 1 local educational agency; and

22 (B) 1 or more—

23 (i) schools;

24 (ii) nonprofit organizations;

25 (iii) for-profit organizations; or

1 (iv) community partners that have the  
2 knowledge and capacity to partner and as-  
3 sist with energy improvements.

4 (3) ENERGY IMPROVEMENT.—The term “en-  
5 ergy improvement” means—

6 (A) any improvement, repair, or renovation  
7 to a school that results in a direct reduction in  
8 school energy costs, including improvements to  
9 the envelope, air conditioning system, ventila-  
10 tion system, heating system, domestic hot water  
11 heating system, compressed air system, dis-  
12 tribution system, lighting system, power system,  
13 and controls of a building;

14 (B) any improvement, repair, or renovation  
15 to, or installation in, a school that leads to an  
16 improvement in teacher and student health, in-  
17 cluding indoor air quality, daylighting, ventila-  
18 tion, electrical lighting, windows, roofing (in-  
19 cluding green roofs), outdoor gardens, and  
20 acoustics;

21 (C) any improvement, repair, or renovation  
22 to a school involving the installation of renew-  
23 able energy technologies (such as wind power,  
24 photovoltaics, solar thermal systems, geo-

1 thermal energy, hydrogen-fueled systems, and  
2 hydropower); and

3 (D) the installation of zero-emissions vehi-  
4 cle infrastructure on school grounds for—

5 (i) exclusive use of school buses,  
6 school fleets, staff, faculty, or students; or

7 (ii) the general public.

8 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—

9 The term “environmental justice community” means  
10 any population of color, community of color, indige-  
11 nous community, or low-income community that ex-  
12periences a disproportionate burden of adverse  
13 human health or environmental effects, including  
14 with respect to such effects that are the result of  
15 pollution or other environmental hazards.

16 (5) HIGH SCHOOL.—The term “high school”  
17 has the meaning given the term in section 8101 of  
18 the Elementary and Secondary Education Act of  
19 1965 (20 U.S.C. 7801).

20 (6) LOCAL EDUCATIONAL AGENCY.—The term  
21 “local educational agency” has the meaning given  
22 the term in section 8101 of the Elementary and Sec-  
23 ondary Education Act of 1965 (20 U.S.C. 7801).

24 (7) PARTNERING LOCAL EDUCATIONAL AGEN-  
25 CY.—The term “partnering local educational agen-

1 cy”, with respect to an eligible entity, means the  
2 local educational agency participating in the consor-  
3 tium of the eligible entity.

4 (8) SECRETARY.—The term “Secretary” means  
5 the Secretary of Energy.

6 (9) ZERO-EMISSIONS VEHICLE INFRASTRUC-  
7 TURE.—The term “zero-emissions vehicle infrastruc-  
8 ture” means infrastructure used to charge or fuel—

9 (A) a zero-emission vehicle (as defined in  
10 section 88.102–94 of title 40, Code of Federal  
11 Regulations (or successor regulation)); or

12 (B) a vehicle that produces zero exhaust  
13 emissions of any criteria pollutant (or precursor  
14 pollutant) or greenhouse gas under any possible  
15 operational mode or condition.

16 (b) GRANTS.—The Secretary shall award competitive  
17 grants to eligible entities to make energy improvements  
18 in accordance with this section.

19 (c) APPLICATIONS.—

20 (1) IN GENERAL.—An eligible entity desiring a  
21 grant under this section shall submit to the Sec-  
22 retary an application at such time, in such manner,  
23 and containing such information as the Secretary  
24 may require.

1           (2) CONTENTS.—The application submitted  
2 under paragraph (1) shall include each of the fol-  
3 lowing:

4           (A) A needs assessment of the current con-  
5 dition of the school and school facilities that  
6 will receive the energy improvements.

7           (B) A draft work plan of the intended  
8 achievements of the eligible entity at the school.

9           (C) A description of the energy improve-  
10 ments that the eligible entity will carry out at  
11 the school.

12           (D) A description of the capacity of the eli-  
13 gible entity to provide services and comprehen-  
14 sive support to make the energy improvements  
15 referred to in subparagraph (C).

16           (E) An assessment of the expected needs  
17 of the eligible entity for operation and mainte-  
18 nance training funds, and a plan for use of  
19 those funds, if applicable.

20           (F) An assessment of the expected energy  
21 efficiency and safety benefits of the energy im-  
22 provements.

23           (G) A cost estimate of the proposed energy  
24 improvements.

1           (H) An identification of other resources  
2           that are available to carry out the activities for  
3           which grant funds are requested under this sec-  
4           tion, including the availability of utility pro-  
5           grams and public benefit funds.

6           (d) PRIORITY.—

7           (1) IN GENERAL.—In awarding grants under  
8           this section, the Secretary shall give priority to an  
9           eligible entity that—

10           (A) serves students the majority of whom  
11           are located in—

12           (i) an environmental justice commu-  
13           nity; or

14           (ii) a community that is affected by a  
15           natural or man-made disaster;

16           (B) has renovation, repair, and improve-  
17           ment funding needs; and

18           (C)(i) as determined by the Secretary,  
19           serves a high percentage of students, including  
20           students in a high school in accordance with  
21           paragraph (2), who are eligible for a free or re-  
22           duced price lunch under the Richard B. Russell  
23           National School Lunch Act (42 U.S.C. 1751 et  
24           seq.); or

1           (ii) the partnering local educational agency  
2           of which is designated with a school district lo-  
3           cale code of 41, 42, or 43, as determined by the  
4           National Center for Education Statistics in con-  
5           sultation with the Bureau of the Census.

6           (2) HIGH SCHOOL STUDENTS.—In the case of  
7           students in a high school, the percentage of students  
8           eligible for a free or reduced price lunch described  
9           in paragraph (1)(C)(i) shall be calculated using data  
10          from the schools that feed into the high school.

11          (e) COMPETITIVE CRITERIA.—The competitive cri-  
12          teria used by the Secretary to award grants under this  
13          section shall include the following:

14               (1) The extent of the disparity between the fis-  
15               cal capacity of the eligible entity to carry out energy  
16               improvements at school facilities and the needs of  
17               the partnering local educational agency for those en-  
18               ergy improvements, including consideration of—

19                       (A) the current and historic ability of the  
20                       partnering local educational agency to raise  
21                       funds for construction, renovation, moderniza-  
22                       tion, and major repair projects for schools;

23                       (B) the ability of the partnering local edu-  
24                       cational agency to issue bonds or receive other  
25                       funds to support the current infrastructure



1 needs of the partnering local educational agency  
2 for schools; and

3 (C) the bond rating of the partnering local  
4 educational agency.

5 (2) The likelihood that the partnering local edu-  
6 cational agency or eligible entity will maintain, in  
7 good condition, any school and school facility that is  
8 the subject of improvements.

9 (3) The potential energy efficiency, greenhouse  
10 gas reduction, resilience, and safety benefits from  
11 the proposed energy improvements.

12 (f) USE OF GRANT AMOUNTS.—

13 (1) IN GENERAL.—Except as provided in this  
14 subsection, an eligible entity receiving a grant under  
15 this section shall use the grant amounts only to  
16 make the energy improvements described in the ap-  
17 plication submitted by the eligible entity under sub-  
18 section (c).

19 (2) ADDITIONAL FUNDS.—An eligible entity re-  
20 ceiving a grant under this section may combine the  
21 grant with additional funds, including other Federal  
22 funds, State or local funds, and private funds (in-  
23 cluding any private funds provided in an energy sav-  
24 ing performance contract), provided that the eligible  
25 entity meets any requirements the Secretary may es-

1        tablish relating to tracking and reporting use of  
2        grant funds separately from such additional funds.

3            (3) OPERATION AND MAINTENANCE TRAIN-  
4        ING.—An eligible entity receiving a grant under this  
5        section may use not more than 5 percent of the  
6        grant amounts for operation and maintenance train-  
7        ing for energy efficiency and renewable energy im-  
8        provements, such as maintenance staff and teacher  
9        training, education, and preventative maintenance  
10       training.

11           (4) THIRD-PARTY INVESTIGATION AND ANAL-  
12        YSIS.—An eligible entity receiving a grant under this  
13        section may use a portion of the grant amounts for  
14        a third-party investigation and analysis of the en-  
15        ergy improvements carried out by the eligible entity,  
16        such as energy audits and existing building commis-  
17        sioning.

18           (5) CONTINUING EDUCATION.—An eligible enti-  
19        ty receiving a grant under this section may use not  
20        more than 3 percent of the grant amounts to develop  
21        a continuing education curriculum relating to energy  
22        improvements.

23           (g) COMPETITION IN CONTRACTING.—If an eligible  
24        entity receiving a grant under this section uses grant  
25        funds to carry out repair or renovation through a contract,

1 the eligible entity shall be required to ensure that the con-  
2 tract process—

3           (1) through full and open competition, ensures  
4 the maximum practicable number of qualified bid-  
5 ders, including small, minority, and women-owned  
6 businesses; and

7           (2) gives priority to businesses located in, or re-  
8 sources common to, the State or geographical area  
9 in which the repair or renovation under the contract  
10 will be carried out.

11       (h) BEST PRACTICES.—The Secretary shall develop  
12 and publish guidelines and best practices for activities car-  
13 ried out under this section.

14       (i) REPORT BY ELIGIBLE ENTITY.—An eligible entity  
15 receiving a grant under this section shall submit to the  
16 Secretary, at such time as the Secretary may require, a  
17 report describing—

18           (1) the use of the grant funds for energy im-  
19 provements;

20           (2) the estimated cost savings realized by those  
21 energy improvements;

22           (3) the results of any third-party investigation  
23 and analysis conducted relating to those energy im-  
24 provements;

1           (4) the use of any utility programs and public  
2 benefit funds; and

3           (5) the use of performance tracking for energy  
4 improvements, such as the Energy Star program es-  
5 tablished under section 324A or the United States  
6 Green Building Council Leadership in Energy and  
7 Environmental Design (LEED) green building rat-  
8 ing system for operations and maintenance.

9 (j) WAGE RATE REQUIREMENTS.—

10           (1) DAVIS-BACON.—Any laborer or mechanic  
11 employed by any contractor or subcontractor in the  
12 performance of work on any energy improvements  
13 funded by a grant under this section shall be paid  
14 wages at rates not less than those prevailing on  
15 similar construction in the locality as determined by  
16 the Secretary of Labor under subchapter IV of chap-  
17 ter 31 of title 40, United States Code (commonly re-  
18 ferred to as the “Davis-Bacon Act”).

19           (2) AUTHORITY.—With respect to the labor  
20 standards specified in paragraph (1), the Secretary  
21 of Labor shall have the authority and functions set  
22 forth in Reorganization Plan Numbered 14 of 1950  
23 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of  
24 title 40, United States Code.

1       (k) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$100,000,000 for each of fiscal years 2022 through 2026.

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