

117TH CONGRESS
1ST SESSION

H. R. 4542

To direct the Secretary of Energy to provide grants for energy improvements to certain public buildings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2021

Ms. VELÁZQUEZ (for herself, Ms. JACKSON LEE, Mr. JONES, Ms. NORTON, Mr. BOWMAN, Mr. ESPAILLAT, Ms. MOORE of Wisconsin, and Mr. SIRES) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Energy to provide grants for energy improvements to certain public buildings, 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 “Energy Efficient Pub-
5 lic Buildings Act of 2021”.

6 **SEC. 2. GRANTS FOR ENERGY EFFICIENCY IMPROVEMENTS**

7 **AND RENEWABLE ENERGY IMPROVEMENTS**

8 **FOR PUBLIC BUILDINGS.**

9 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE BUILDING.—The term “eligible
2 building” means a—

3 (A) public library;

4 (B) public hospital;

5 (C) community center; or

6 (D) State or local government building.

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State;

10 (B) a local government;

11 (C) a nonprofit organization that owns or
12 operates an eligible building;

13 (D) a nongovernmental organization, in-
14 cluding a nonprofit organization, with expertise
15 related to energy improvements; or

16 (E) a consortium of entities described in
17 subparagraphs (A) through (D).

18 (3) ENERGY IMPROVEMENT.—The term “en-
19 ergy improvement”—

20 (A) means any improvement, repair, or
21 renovation to an eligible building—

22 (i) that will directly result in a reduc-
23 tion in building energy costs of at least 20
24 percent, including improvements to build-
25 ing envelope, air conditioning, ventilation,

1 heating system, domestic hot water heat-
2 ing, compressed air systems, distribution
3 systems, lighting, power systems, and con-
4 trols; and

5 (ii) that leads to an improvement in
6 building occupant health, including im-
7 provement in indoor air quality,
8 daylighting, ventilation, electrical lighting,
9 and acoustics; and

10 (B) may include the installation of a re-
11 newable energy technology (such as wind power,
12 photovoltaics, solar thermal systems, geo-
13 thermal energy, energy storage, and hydro-
14 power) to an eligible building that meets the re-
15 quirements of subparagraph (A).

16 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—

17 The term “environmental justice community” means
18 a community with significant representation of com-
19 munities of color, low-income communities, or Tribal
20 and indigenous communities, that experiences, or is
21 at risk of experiencing higher or more adverse
22 human health or environmental effects.

23 (5) EJSCREEN.—The term “EJSCREEN”
24 means the environmental justice mapping and

1 screening tool created by the Environmental Protec-
 2 tion Agency.

3 (6) EJ INDEX.—The term “EJ Index” means
 4 the Environmental Justice Indexes in EJSCREEN.

5 (7) MEDICALLY UNDERSERVED COMMUNITY.—
 6 The term “medically underserved community” has
 7 the meaning given such term in section 799B of the
 8 Public Health Service Act (42 U.S.C. 295p).

9 (8) SECRETARY.—The term “Secretary” means
 10 the Secretary of Energy.

11 (9) UNDERSERVED COMMUNITY.—The term
 12 “underserved community” means—

13 (A) a community located within a ZIP
 14 Code or census tract that is identified by the
 15 Secretary as—

16 (i) a low-income community;

17 (ii) a community of color; or

18 (iii) a Tribal community; or

19 (B) any other community that the Sec-
 20 retary determines is disproportionately vulner-
 21 able to, or bears, a disproportionate burden of,
 22 any combination of economic, social, environ-
 23 mental, or climate stressors.

24 (b) AUTHORITY.—From amounts made available to
 25 carry out this section, the Secretary shall provide competi-

1 tive grants to eligible entities to make energy improve-
2 ments authorized by this section.

3 (c) PRIORITY.—In providing grants under this sec-
4 tion, the Secretary shall give priority to eligible entities
5 that will carry out energy improvements—

6 (1) in an environmental justice community;

7 (2) in a neighborhood with poverty and unem-
8 ployment rates that exceed the average in the United
9 States;

10 (3) in a neighborhood where 30 percent or more
11 of households receive benefits under—

12 (A) the supplemental nutrition assistance
13 program under the Food and Nutrition Act of
14 2008; or

15 (B) a mandatory spending program of the
16 Federal Government for which, as determined
17 by the Secretary, eligibility for the program's
18 benefits, or the amount of such benefits, is de-
19 termined on the basis of income or resources of
20 the individual or family seeking the benefit;

21 (4) in an underserved community or a medically
22 underserved community;

23 (5) in an EPA region where the EJ Index is
24 above the national average, as determined by
25 EJSCREEN; or

1 (6) in an environmental justice community, as
2 documented by federally recognized environmental
3 justice mapping and equity screening tools.

4 (d) COMPETITIVE CRITERIA.—The competitive cri-
5 teria used by the Secretary in providing grants under this
6 section shall include the following:

7 (1) The fiscal capacity of the eligible entity to
8 meet the needs for improvements of building facili-
9 ties without assistance under this section, including
10 the ability of the eligible entity to finance the appli-
11 cable project through the use of local bonding capac-
12 ity, energy performance contracting, if applicable, or
13 other means determined appropriate by the Sec-
14 retary.

15 (2) The likelihood that the eligible entity will
16 maintain, in good condition, any building facility
17 whose improvement is assisted with a grant under
18 this section.

19 (3) The potential energy efficiency and safety
20 benefits for building occupants from the proposed
21 energy improvements.

22 (e) APPLICATIONS.—To be eligible to receive a grant
23 under this section, an applicant shall submit to the Sec-
24 retary an application that includes each of the following:

1 (1) A needs assessment of the current condition
2 of the eligible building, or eligible buildings, that are
3 to receive the energy improvements.

4 (2) A draft work plan of what the applicant
5 hopes to achieve at eligible buildings and a descrip-
6 tion of the energy improvements to be carried out.

7 (3) A description of the applicant's capacity to
8 provide services and comprehensive support to make
9 the energy improvements.

10 (4) An assessment of the applicant's expected
11 needs for operation and maintenance training funds,
12 and a plan for use of those funds, if any.

13 (5) An assessment of the expected energy effi-
14 ciency and safety benefits of the energy improve-
15 ments.

16 (6) A cost estimate of the proposed energy im-
17 provements.

18 (f) USE OF GRANT AMOUNTS.—

19 (1) IN GENERAL.—Except as otherwise pro-
20 vided in this subsection, an eligible entity that re-
21 ceives a grant under this section shall use the grant
22 amounts only to make the energy improvements con-
23 templated in the application for the grant.

24 (2) OPERATION AND MAINTENANCE TRAIN-
25 ING.—An eligible entity that receives a grant under

1 this section may use up to 5 percent for operation
2 and maintenance training for energy efficiency and
3 renewable energy improvements (such as mainte-
4 nance staff and building occupant training, edu-
5 cation, and preventative maintenance training).

6 (3) AUDIT.—An eligible entity that receives a
7 grant under this section may use funds for a third-
8 party investigation and analysis for energy improve-
9 ments (such as energy audits and existing building
10 commissioning).

11 (g) CONTRACTING REQUIREMENTS.—

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

21 (2) COMPETITION.—Each eligible entity that
22 receives a grant under this section shall ensure that,
23 if the eligible entity carries out repair or renovation
24 through a contract, any such contract process—

1 (A) ensures the maximum number of quali-
2 fied bidders, including small, minority, and
3 women-owned businesses, through full and open
4 competition; and

5 (B) gives priority to businesses located in
6 or resources common to, the State or the geo-
7 graphical area in which the project is carried
8 out.

9 (h) REPORTING.—

10 (1) INITIAL REPORT.—Each eligible entity that
11 receives a grant under this section shall submit to
12 the Secretary, at such time as the Secretary may re-
13 quire, a report describing the—

14 (A) use of such funds for energy improve-
15 ments, including the type of eligible building in-
16 volved;

17 (B) the estimated cost savings realized by
18 such energy improvements;

19 (C) the building occupant safety benefits
20 as a result of such energy improvements;

21 (D) the results of any standard or detailed
22 energy audit of the applicable eligible building;
23 and

1 (E) the use of the Department of Energy's
2 Energy Star Program performance tracking for
3 tracking such energy improvements.

4 (2) FOLLOW-UP REPORT.—Not later than 5
5 years after an eligible entity completes energy im-
6 provements funded by a grant received under this
7 section, such eligible entity shall submit to the Sec-
8 retary a report describing the energy use and reduc-
9 tions as a result of such energy improvements.

10 (3) DOE REPORT.—The Secretary shall submit
11 to Congress a report summarizing the information in
12 the reports submitted under paragraphs (1) and (2).

13 (4) BEST PRACTICES REPORT.—Not later than
14 180 days after the date of the enactment of this Act,
15 the Secretary shall develop and publish, including on
16 the public website of the Department of Energy, a
17 report on the best practices for eligible entities for
18 activities carried out under this section, including
19 how to apply for a grant under this section, includ-
20 ing how to register with the Federal system of
21 award management and how to obtain and validate
22 a Federal Data Universal Number System.

23 (i) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) AUTHORIZATION.—There is authorized to
25 be appropriated to carry out this section

1 \$1,000,000,000 for each of fiscal years 2022
2 through 2026.

3 (2) TECHNICAL ASSISTANCE AND OUTREACH.—

4 Up to 10 percent of amounts made available pursu-
5 ant to paragraph (1) each fiscal year may be used
6 to provide technical assistance and outreach to eligi-
7 ble entities.

○