

(1) The extent of the disparity between the fiscal capacity of the eligible entity to carry out energy improvements at school facilities and the needs of the partnering local educational agency for those energy improvements, including consideration of—

(A) the current and historic ability of the partnering local educational agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

(B) the ability of the partnering local educational agency to issue bonds or receive other funds to support the current infrastructure needs of the partnering local educational agency for schools; and

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

(2) The likelihood that the partnering local educational agency or eligible entity will maintain, in good condition, any school and school facility that is the subject of improvements.

(3) The potential energy efficiency and safety benefits from the proposed energy improvements.

(f) Use of grant amounts

(1) In general

Except as provided in this subsection, an eligible entity receiving a grant under this section shall use the grant amounts only to make the energy improvements described in the application submitted by the eligible entity under subsection (c).

(2) Operation and maintenance training

An eligible entity receiving a grant under this section may use not more than 5 percent of the grant amounts for operation and maintenance training for energy efficiency and renewable energy improvements, such as maintenance staff and teacher training, education, and preventative maintenance training.

(3) Third-party investigation and analysis

An eligible entity receiving a grant under this section may use a portion of the grant amounts for a third-party investigation and analysis of the energy improvements carried out by the eligible entity, such as energy audits and existing building commissioning.

(4) Continuing education

An eligible entity receiving a grant under this section may use not more than 3 percent of the grant amounts to develop a continuing education curriculum relating to energy improvements.

(g) Competition in contracting

If an eligible entity receiving a grant under this section uses grant funds to carry out repair or renovation through a contract, the eligible entity shall be required to ensure that the contract process—

(1) through full and open competition, ensures the maximum practicable number of qualified bidders, including small, minority, and women-owned businesses; and

(2) gives priority to businesses located in, or resources common to, the State or geo-

graphical area in which the repair or renovation under the contract will be carried out.

(h) Best practices

The Secretary shall develop and publish guidelines and best practices for activities carried out under this section.

(i) Report by eligible entity

An eligible entity receiving a grant under this section shall submit to the Secretary, at such time as the Secretary may require, a report describing—

(1) the use of the grant funds for energy improvements;

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

(3) the results of any third-party investigation and analysis conducted relating to those energy improvements;

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

(5) the use of performance tracking for energy improvements, such as—

(A) the Energy Star program established under section 6294a of this title; or

(B) the United States Green Building Council Leadership in Energy and Environmental Design (LEED) green building rating system for existing buildings.

(j) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section \$500,000,000 for the period of fiscal years 2022 through 2026.

(Pub. L. 117-58, div. D, title V, §40541, Nov. 15, 2021, 135 Stat. 1071.)

Editorial Notes

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (a)(7), is classified generally to Title 26, Internal Revenue Code.

The Richard B. Russell National School Lunch Act, referred to in subsec. (d)(1)(B)(i), is act June 4, 1946, ch. 281, 60 Stat. 230, which is classified generally to chapter 13 (§1751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of this title and Tables.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

§ 18832. Energy efficiency materials pilot program

(a) Definitions

In this section:

(1) Applicant

The term “applicant” means a nonprofit organization that applies for a grant under this section.

(2) Energy-efficiency material

(A) In general

The term “energy-efficiency material” means a material (including a product,

equipment, or system) the installation of which results in a reduction in use by a non-profit organization of energy or fuel.

(B) Inclusions

The term “energy-efficiency material” includes—

- (i) a roof or lighting system or component of the system;
- (ii) a window;
- (iii) a door, including a security door; and
- (iv) a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing improvements needed to serve a more efficient system).

(3) Nonprofit building

The term “nonprofit building” means a building operated and owned by an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(b) Establishment

Not later than 1 year after November 15, 2021, the Secretary shall establish a pilot program to award grants for the purpose of providing non-profit buildings with energy-efficiency materials.

(c) Grants

(1) In general

The Secretary may award grants under the program established under subsection (b).

(2) Application

The Secretary may award a grant under paragraph (1) if an applicant submits to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

(3) Criteria for grant

In determining whether to award a grant under paragraph (1), the Secretary shall apply performance-based criteria, which shall give priority to applicants based on—

- (A) the energy savings achieved;
- (B) the cost effectiveness of the use of energy-efficiency materials;
- (C) an effective plan for evaluation, measurement, and verification of energy savings; and
- (D) the financial need of the applicant.

(4) Limitation on individual grant amount

Each grant awarded under this section shall not exceed \$200,000.

(d) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

(Pub. L. 117–58, div. D, title V, §40542, Nov. 15, 2021, 135 Stat. 1074.)

Editorial Notes

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (a)(3), is classified generally to Title 26, Internal Revenue Code.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

PART E—MISCELLANEOUS

§ 18841. Survey, analysis, and report on employment and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States

(a) Energy Jobs Council

(1) Establishment

The Secretary shall establish a council, to be known as the “Energy Jobs Council” (referred to in this section as the “Council”).

(2) Membership

The Council shall be comprised of—

(A) to be appointed by the Secretary—

- (i) 1 or more representatives of the Energy Information Administration; and
- (ii) 1 or more representatives of a State energy office that are serving as members of the State Energy Advisory Board established by section 6325(g) of this title;

(B) to be appointed by the Secretary of Commerce—

- (i) 1 or more representatives of the Department of Commerce; and
- (ii) 1 or more representatives of the Bureau of the Census;

(C) 1 or more representatives of the Bureau of Labor Statistics, to be appointed by the Secretary of Labor; and

(D) 1 or more representatives of any other Federal agency the assistance of which is required to carry out this section, as determined by the Secretary, to be appointed by the head of the applicable agency.

(b) Survey and analysis

(1) In general

The Council shall—

(A) conduct a survey of employers in the energy, energy efficiency, and motor vehicle sectors of the economy of the United States; and

(B) perform an analysis of the employment figures and demographics in those sectors, including the number of personnel in each sector who devote a substantial portion of working hours, as determined by the Secretary, to regulatory compliance matters.

(2) Methodology

In conducting the survey and analysis under paragraph (1), the Council shall employ a methodology that—

(A) was approved in 2016 by the Office of Management and Budget for use in the document entitled “OMB Control Number 1910–5179”;

(B) uses a representative, stratified sampling of businesses in the United States; and

(C) is designed to elicit a comparable number of responses from businesses in each