

116TH CONGRESS
1ST SESSION

S. 983

To amend the Energy Conservation and Production Act to reauthorize the weatherization assistance program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2019

Mr. COONS (for himself, Ms. COLLINS, Mr. REED, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Energy Conservation and Production Act to reauthorize the weatherization assistance program, 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 “Weatherization En-
5 hancement and Local Energy Efficiency Investment and
6 Accountability Act of 2019”.

1 **SEC. 2. WEATHERIZATION ASSISTANCE PROGRAM.**

2 (a) DEFINITION OF WEATHERIZATION MATE-
3 RIALS.—Section 412(9)(J) of the Energy Conservation
4 and Production Act (42 U.S.C. 6862(9)(J)) is amended—

5 (1) by inserting “, including renewable energy
6 technologies and other advanced technologies,” after
7 “technologies”; and

8 (2) by striking “Development,” and all that fol-
9 lows through the period at the end and inserting
10 “Development and the Secretary of Agriculture.”.

11 (b) ALLOWANCE FOR HEALTH AND SAFETY BENE-
12 FITS.—Section 413(b) of the Energy Conservation and
13 Production Act (42 U.S.C. 6863(b)) is amended—

14 (1) in paragraph (2)(B), by striking “para-
15 graph (5)” and inserting “paragraph (6)”;

16 (2) by redesignating paragraphs (5) and (6) as
17 paragraphs (6) and (7), respectively; and

18 (3) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) In carrying out paragraph (3), the Sec-
21 retary may take into consideration evidence-based
22 values for improvements in the health and safety of
23 occupants of weatherized homes, and other non-en-
24 ergy benefits, as determined by the Secretary.”.

25 (c) CONTRACTOR OPTIMIZATION.—

1 (1) TECHNICAL TRANSFER GRANTS.—Section
 2 414B(a)(4) of the Energy Conservation and Produc-
 3 tion Act (42 U.S.C. 6864b(a)(4)) is amended—

4 (A) by striking “for persons” and inserting
 5 the following: “for—

6 “(A) persons”; and

7 (B) in subparagraph (A) (as so des-
 8 ignated), by striking the period at the end and
 9 inserting the following: “; and

10 “(B) private entities that are contracted to
 11 provide weatherization assistance under this
 12 part, in accordance with rules determined by
 13 the Secretary.”.

14 (2) CONTRACTOR OPTIMIZATION.—The Energy
 15 Conservation and Production Act is amended by in-
 16 serting after section 414B (42 U.S.C. 6864b) the
 17 following:

18 **“SEC. 414C. CONTRACTOR OPTIMIZATION.**

19 “The Secretary may request that entities receiving
 20 funding from the Federal Government or from a State
 21 through a weatherization assistance program under sec-
 22 tion 413 or 414—

23 “(1) perform periodic reviews of the use of pri-
 24 vate contractors in the provision of weatherization
 25 assistance, if applicable; and

1 “(2) encourage an increased use and expanded
2 role of contractors as appropriate.”.

3 (3) TABLE OF CONTENTS AMENDMENT.—The
4 table of contents for the Energy Conservation and
5 Production Act (Public Law 94–385; 90 Stat. 1125)
6 is amended by inserting after the item relating to
7 section 414B the following:

“Sec. 414C. Contractor optimization.”.

8 (d) FINANCIAL ASSISTANCE FOR WAP ENHANCE-
9 MENT AND INNOVATION.—

10 (1) IN GENERAL.—The Energy Conservation
11 and Production Act (Public Law 94–385; 90 Stat.
12 1125) is amended by inserting after section 414C
13 (as added by subsection (c)) the following:

14 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-**
15 **MENT AND INNOVATION.**

16 “(a) PURPOSES.—The purposes of this section are—

17 “(1) to expand the number of dwelling units
18 that are occupied by low-income persons that receive
19 weatherization assistance under this section by mak-
20 ing those dwelling units weatherization-ready;

21 “(2) to promote the deployment of renewable
22 energy in dwelling units that are occupied by low-in-
23 come persons;

24 “(3) to ensure healthy indoor environments by
25 enhancing or expanding health and safety measures

1 and resources available to dwellings that are occu-
2 pied by low-income persons; and

3 “(4) to disseminate new methods and best prac-
4 tices among eligible entities providing weatherization
5 assistance under this section.

6 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
7 tion, the term ‘eligible entity’ means—

8 “(1) an entity receiving funding from the Fed-
9 eral Government or from a State through a weather-
10 ization assistance program under section 413 or
11 414; and

12 “(2) a nonprofit organization.

13 “(c) FINANCIAL ASSISTANCE AWARDS.—The Sec-
14 retary shall, to the extent funds are made available, award
15 financial assistance through a competitive process to an
16 eligible entity—

17 “(1) with respect to dwelling units that are oc-
18 cupied by low-income persons—

19 “(A) to implement measures to make those
20 dwelling units weatherization-ready, including
21 by addressing structural, plumbing, roofing,
22 and electrical issues, environmental hazards,
23 and other issues that the Secretary determines
24 to be appropriate;

1 “(B) to install energy efficiency tech-
2 nologies, including home energy management
3 systems, smart devices, and other technologies
4 the Secretary determines to be appropriate;

5 “(C) to install renewable energy systems
6 (as defined in section 415(c)(6)(A)); and

7 “(D) to implement measures to ensure
8 healthy indoor environments by improving in-
9 door air quality, accessibility, and other healthy
10 home measures, as determined by the Sec-
11 retary;

12 “(2) to improve the capability of the eligible en-
13 tity—

14 “(A) to significantly increase the number
15 of energy retrofits performed by the eligible en-
16 tity;

17 “(B) to replicate best practices for work
18 performed under this section on a larger scale;
19 and

20 “(C) to leverage additional funds to sus-
21 tain the provision of weatherization assistance
22 and other work performed under this section
23 after the financial assistance awarded under
24 this section is expended;

1 “(3) for innovative outreach and education re-
2 garding the benefits and availability of weatheriza-
3 tion assistance and other assistance available under
4 this section;

5 “(4) for quality control of work performed
6 under this section;

7 “(5) for data collection, measurement, and
8 verification with respect to that work;

9 “(6) for program monitoring, oversight, evalua-
10 tion, and reporting of that work;

11 “(7) for labor, training, and technical assist-
12 ance relating to that work;

13 “(8) subject to subsection (g)(2), for planning,
14 management, and administration of that work; and

15 “(9) for any other appropriate activity, as de-
16 termined by the Secretary.

17 “(d) APPLICATIONS.—To be eligible for an award of
18 financial assistance under this section, an eligible entity
19 shall submit to the Secretary an application in such man-
20 ner and containing such information as the Secretary may
21 require.

22 “(e) AWARD FACTORS.—In awarding financial assist-
23 ance under this section, the Secretary shall consider—

24 “(1) the record of the eligible entity, using the
25 most recent year for which data are available, in

1 constructing, renovating, repairing, and making en-
2 ergy efficient single-family, multifamily, or manufac-
3 tured homes that are occupied by low-income per-
4 sons, either directly or through affiliates, chapters,
5 or other partners;

6 “(2) the number of dwelling units occupied by
7 low-income persons that the eligible entity has built,
8 renovated, repaired, weatherized, and made more en-
9 ergy efficient in the 5 years immediately preceding
10 the date on which the eligible entity submits an ap-
11 plication under subsection (d);

12 “(3) the qualifications, experience, and past
13 performance of the eligible entity, including experi-
14 ence successfully managing and administering Fed-
15 eral funds;

16 “(4) the strength of the proposal of the eligible
17 entity to achieve one or more of the purposes de-
18 scribed in subsection (a);

19 “(5) the extent to which the eligible entity will
20 use partnerships and regional coordination to
21 achieve one or more of the purposes described in
22 subsection (a);

23 “(6) regional and climate zone diversity;

24 “(7) urban, suburban, and rural localities; and

1 “(8) any other appropriate factor, as deter-
2 mined by the Secretary.

3 “(f) FIRST AWARD.—Subject to the availability of ap-
4 propriations, not later than 270 days after the date of en-
5 actment of this section, the Secretary shall make a first
6 award of financial assistance under this section.

7 “(g) AMOUNT AND TERM.—

8 “(1) MAXIMUM AMOUNT.—The total amount of
9 financial assistance awarded to an eligible entity
10 under this section shall not exceed \$2,000,000.

11 “(2) PLANNING, MANAGEMENT, AND ADMINIS-
12 TRATION.—Of the amount awarded to an eligible en-
13 tity under this section, not more than 15 percent
14 may be used by the eligible entity for the purpose
15 described in subsection (c)(8).

16 “(3) TECHNICAL AND TRAINING ASSISTANCE.—
17 The total amount of financial assistance awarded to
18 an entity under this section shall be reduced by the
19 cost of any technical and training assistance pro-
20 vided by the Secretary under this section that relates
21 to that financial assistance.

22 “(4) TERM.—The term of an award of financial
23 assistance under this section shall not exceed 3
24 years.

1 “(h) GUIDANCE.—Not later than 90 days after the
2 date of enactment of this section, the Secretary shall issue
3 guidance on implementing this section, which shall in-
4 clude, with respect to eligible entities awarded financial
5 assistance under this section—

6 “(1) standards for allowable expenditures;

7 “(2) a minimum saving-to-investment ratio; and

8 “(3) standards for—

9 “(A) training programs;

10 “(B) energy audits;

11 “(C) the provision of technical assistance;

12 “(D) monitoring activities carried out
13 using the financial assistance;

14 “(E) verification of energy and cost sav-
15 ings;

16 “(F) liability insurance requirements; and

17 “(G) recordkeeping and reporting require-
18 ments, which shall include reporting to the Of-
19 fice of Weatherization and Intergovernmental
20 Programs of the Department of Energy applica-
21 ble data on each dwelling unit retrofitted or
22 otherwise assisted by the eligible entity using
23 the financial assistance.

24 “(i) COMPLIANCE WITH STATE AND LOCAL LAW.—

25 Nothing in this section supersedes or modifies any State

1 or local law to the extent that the State or local law is
2 more stringent than this section.

3 “(j) REVIEW AND EVALUATION.—The Secretary shall
4 review and evaluate the performance of each eligible entity
5 that receives an award of financial assistance under this
6 section, which may include an audit.

7 “(k) ANNUAL REPORT.—The Secretary shall submit
8 to the relevant committees of Congress an annual report
9 that describes—

10 “(1) the actions taken by the Secretary and eli-
11 gible entities awarded financial assistance under this
12 section to achieve the purposes of this section during
13 the year covered by the report; and

14 “(2) the energy and cost savings, and any other
15 accomplishments, achieved under this section during
16 the year covered by the report.

17 “(l) FUNDING.—

18 “(1) IN GENERAL.—Subject to paragraphs (2)
19 and (3), for each of fiscal years 2020 through 2024,
20 of the amount appropriated under section 422—

21 “(A) if the amount is not more than
22 \$225,000,000, no funds shall be used to carry
23 out this section;

1 “(B) if the amount is not more than
 2 \$260,000,000, not more than 2 percent of that
 3 amount may be used to carry out this section;

4 “(C) if the amount is not more than
 5 \$300,000,000, not more than 4 percent of that
 6 amount may be used to carry out this section;
 7 and

8 “(D) if the amount is more than
 9 \$300,000,000, not more than 6 percent of that
 10 amount may be used to carry out this section.

11 “(2) AMOUNTS EXCLUDED.—Each amount de-
 12 scribed in paragraph (1) shall not include the
 13 amount made available for Department of Energy
 14 headquarters training or technical assistance.

15 “(3) MAXIMUM AMOUNT.—The maximum
 16 amount used to carry out this section in each fiscal
 17 year shall not exceed \$25,000,000.”.

18 (2) TABLE OF CONTENTS.—The table of con-
 19 tents for the Energy Conservation and Production
 20 Act (Public Law 94–385; 90 Stat. 1125) is amended
 21 by inserting after the item relating to section 414C
 22 (as added by subsection (c)(3)) the following:

“Sec. 414D. Financial assistance for WAP enhancement and innovation.”.

23 (e) INCREASE IN ADMINISTRATIVE FUNDS.—Section
 24 415(a)(1) of the Energy Conservation and Production Act

1 (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-
 2 cent” and inserting “15 percent”.

3 (f) REWEATHERIZATION DATE.—Section 415(c) of
 4 the Energy Conservation and Production Act (42 U.S.C.
 5 6865(c)) is amended by striking paragraph (2) and insert-
 6 ing the following:

7 “(2) FURTHER ASSISTANCE.—

8 “(A) DEFINITION OF INTERIM SERVICE.—

9 “(i) IN GENERAL.—In this paragraph,
 10 the term ‘interim service’ means an energy
 11 service that takes place between instances
 12 of weatherization or partial weatherization
 13 of a dwelling unit, as determined by the
 14 Secretary.

15 “(ii) INCLUSION.—In this paragraph,
 16 the term ‘interim service’ includes—

17 “(I) the provision of energy infor-
 18 mation and education to assist with
 19 energy management;

20 “(II) an evaluation of the effec-
 21 tiveness of installed weatherization
 22 measures; and

23 “(III) the provision of services,
 24 equipment, or other measures funded

1 by non-Federal funds, as determined
2 by the Secretary.

3 “(B) FURTHER ASSISTANCE.—Dwelling
4 units weatherized or partially weatherized under
5 this part, or under other Federal programs—

6 “(i) may not receive further financial
7 assistance for weatherization under this
8 part until the date that is 15 years after
9 the date on which the previous weatheriza-
10 tion was completed; and

11 “(ii) may receive further financial as-
12 sistance for weatherization under this part
13 for the purpose of providing an interim
14 service.”.

15 (g) REAUTHORIZATION OF WAP.—Section 422 of the
16 Energy Conservation and Production Act (42 U.S.C.
17 6872) is amended in the matter preceding paragraph (1)
18 by striking “appropriated” and all that follows through
19 “2012..” in paragraph (5) and inserting “appropriated
20 \$350,000,000 for each of fiscal years 2020 through
21 2024.”.

22 **SEC. 3. WAIVER STUDY.**

23 (a) IN GENERAL.—It is the sense of Congress that,
24 to the maximum extent practicable, the Secretary of En-
25 ergy should coordinate with the Director of the Office of

1 Management and Budget to grant waivers of requirements
2 under section 200.313 of title 2, Code of Federal Regula-
3 tions (or successor regulations), to better leverage private
4 sector funds for the purposes of using funding awarded
5 under the Weatherization Assistance Program for Low-In-
6 come Persons established under part A of title IV of the
7 Energy Conservation and Production Act (42 U.S.C. 6861
8 et seq.).

9 (b) STUDY.—Not more than 180 days after the date
10 of enactment of this Act, the Secretary of Energy shall
11 submit to the relevant committees of Congress a report
12 that describes—

13 (1) each waiver that has been requested under
14 subsection (a); and

15 (2) the determination of the Secretary and the
16 Director of the Office of Management and Budget
17 regarding each waiver requested under subsection
18 (a).

○