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116TH CONGRESS
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S. 983

[Report No. 116–82]

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, Mrs. SHAHEEN, Mr. MANCHIN, Ms. MURKOWSKI, Mr. HEINRICH, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 10, 2019

Reported by Ms. MURKOWSKI, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Weatherization En-
3 hancement and Local Energy Efficiency Investment and
4 Accountability Act of 2019”.

5 **SEC. 2. WEATHERIZATION ASSISTANCE PROGRAM.**

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

9 (1) by inserting “, including renewable energy
10 technologies and other advanced technologies,” after
11 “technologies”; and

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

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

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

20 (2) by redesignating paragraphs (5) and (6) as
21 paragraphs (6) and (7), respectively; and

22 (3) by inserting after paragraph (4) the fol-
23 lowing:

24 “(5) In carrying out paragraph (3), the Sec-
25 retary may take into consideration evidence-based
26 values for improvements in the health and safety of

1 occupants of weatherized homes, and other non-en-
 2 ergy benefits, as determined by the Secretary.”.

3 (c) CONTRACTOR OPTIMIZATION.—

4 (1) TECHNICAL TRANSFER GRANTS.—Section
 5 414B(a)(4) of the Energy Conservation and Produc-
 6 tion Act (42 U.S.C. 6864b(a)(4)) is amended—

7 (A) by striking “for persons” and inserting
 8 the following: “for—

9 “(A) persons”; and

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

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

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

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

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

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

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

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

“Sec. 414C. Contractor optimization.”.

11 (d) FINANCIAL ASSISTANCE FOR WAP ENHANCE-
 12 MENT AND INNOVATION.—

13 (1) IN GENERAL.—The Energy Conservation
 14 and Production Act (Public Law 94–385; 90 Stat.
 15 1125) is amended by inserting after section 414C
 16 (as added by subsection (c)) the following:

17 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-**
 18 **MENT AND INNOVATION.**

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

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

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

4 “(3) to ensure healthy indoor environments by
5 enhancing or expanding health and safety measures
6 and resources available to dwellings that are occu-
7 pied by low-income persons; and

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

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

13 “(1) an entity receiving funding from the Fed-
14 eral Government or from a State through a weather-
15 ization assistance program under section 413 or
16 414; and

17 “(2) a nonprofit organization.

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

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

24 “(A) to implement measures to make those
25 dwelling units weatherization-ready, including

1 by addressing structural, plumbing, roofing,
2 and electrical issues, environmental hazards,
3 and other issues that the Secretary determines
4 to be appropriate;

5 “(B) to install energy efficiency tech-
6 nologies, including home energy management
7 systems, smart devices, and other technologies
8 the Secretary determines to be appropriate;

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

11 “(D) to implement measures to ensure
12 healthy indoor environments by improving in-
13 door air quality, accessibility, and other healthy
14 home measures, as determined by the Sec-
15 retary;

16 “(2) to improve the capability of the eligible en-
17 tity—

18 “(A) to significantly increase the number
19 of energy retrofits performed by the eligible en-
20 tity;

21 “(B) to replicate best practices for work
22 performed under this section on a larger scale;
23 and

24 “(C) to leverage additional funds to sus-
25 tain the provision of weatherization assistance

1 and other work performed under this section
2 after the financial assistance awarded under
3 this section is expended;

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

8 “(4) for quality control of work performed
9 under this section;

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

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

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

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

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

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

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

3 “(1) the record of the eligible entity, using the
4 most recent year for which data are available, in
5 constructing, renovating, repairing, and making en-
6 ergy efficient single-family, multifamily, or manufac-
7 tured homes that are occupied by low-income per-
8 sons, either directly or through affiliates, chapters,
9 or other partners;

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

16 “(3) the qualifications, experience, and past
17 performance of the eligible entity, including experi-
18 ence successfully managing and administering Fed-
19 eral funds;

20 “(4) the strength of the proposal of the eligible
21 entity to achieve one or more of the purposes de-
22 scribed in subsection (a);

23 “(5) the extent to which the eligible entity will
24 use partnerships and regional coordination to

1 achieve one or more of the purposes described in
2 subsection (a);

3 “(6) regional and climate zone diversity;

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

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

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

11 “(g) AMOUNT AND TERM.—

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

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

20 “(3) TECHNICAL AND TRAINING ASSISTANCE.—

21 The total amount of financial assistance awarded to
22 an entity under this section shall be reduced by the
23 cost of any technical and training assistance pro-
24 vided by the Secretary under this section that relates
25 to that financial assistance.

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

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

9 “(1) standards for allowable expenditures;

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

11 “(3) standards for—

12 “(A) training programs;

13 “(B) energy audits;

14 “(C) the provision of technical assistance;

15 “(D) monitoring activities carried out
16 using the financial assistance;

17 “(E) verification of energy and cost sav-
18 ings;

19 “(F) liability insurance requirements; and

20 “(G) recordkeeping and reporting require-
21 ments, which shall include reporting to the Of-
22 fice of Weatherization and Intergovernmental
23 Programs of the Department of Energy applica-
24 ble data on each dwelling unit retrofitted or

1 otherwise assisted by the eligible entity using
2 the financial assistance.

3 “(i) COMPLIANCE WITH STATE AND LOCAL LAW.—
4 Nothing in this section supersedes or modifies any State
5 or local law to the extent that the State or local law is
6 more stringent than this section.

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

11 “(k) ANNUAL REPORT.—The Secretary shall submit
12 to the relevant committees of Congress an annual report
13 that describes—

14 “(1) the actions taken by the Secretary and eli-
15 gible entities awarded financial assistance under this
16 section to achieve the purposes of this section during
17 the year covered by the report; and

18 “(2) the energy and cost savings, and any other
19 accomplishments, achieved under this section during
20 the year covered by the report.

21 “(l) FUNDING.—

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

1 “(A) if the amount is not more than
2 \$225,000,000, no funds shall be used to carry
3 out this section;

4 “(B) if the amount is not more than
5 \$260,000,000, not more than 2 percent of that
6 amount may be used to carry out this section;

7 “(C) if the amount is not more than
8 \$300,000,000, not more than 4 percent of that
9 amount may be used to carry out this section;
10 and

11 “(D) if the amount is more than
12 \$300,000,000, not more than 6 percent of that
13 amount may be used to carry out this section.

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

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

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

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

1 (e) INCREASE IN ADMINISTRATIVE FUNDS.—Section
 2 415(a)(1) of the Energy Conservation and Production Act
 3 (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-
 4 cent” and inserting “15 percent”.

5 (f) REWEATHERIZATION DATE.—Section 415(c) of
 6 the Energy Conservation and Production Act (42 U.S.C.
 7 6865(c)) is amended by striking paragraph (2) and insert-
 8 ing the following:

9 “(2) FURTHER ASSISTANCE.—

10 “(A) DEFINITION OF INTERIM SERVICE.—

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

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

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

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

1 “(III) the provision of services,
2 equipment, or other measures funded
3 by non-Federal funds, as determined
4 by the Secretary.

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

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

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

17 (g) REAUTHORIZATION OF WAP.—Section 422 of the
18 Energy Conservation and Production Act (42 U.S.C.
19 6872) is amended in the matter preceding paragraph (1)
20 by striking “appropriated” and all that follows through
21 “2012..” in paragraph (5) and inserting “appropriated
22 \$350,000,000 for each of fiscal years 2020 through
23 2024.”.

1 **SEC. 3. WAIVER STUDY.**

2 (a) IN GENERAL.—It is the sense of Congress that,
3 to the maximum extent practicable, the Secretary of En-
4 ergy should coordinate with the Director of the Office of
5 Management and Budget to grant waivers of requirements
6 under section 200.313 of title 2, Code of Federal Regula-
7 tions (or successor regulations), to better leverage private
8 sector funds for the purposes of using funding awarded
9 under the Weatherization Assistance Program for Low-In-
10 come Persons established under part A of title IV of the
11 Energy Conservation and Production Act (42 U.S.C. 6861
12 et seq.).

13 (b) STUDY.—Not more than 180 days after the date
14 of enactment of this Act, the Secretary of Energy shall
15 submit to the relevant committees of Congress a report
16 that describes—

17 (1) each waiver that has been requested under
18 subsection (a); and

19 (2) the determination of the Secretary and the
20 Director of the Office of Management and Budget
21 regarding each waiver requested under subsection
22 (a).

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