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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 2041

To reauthorize the weatherization assistance program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TONKO introduced the following bill; which was referred to the Committee
on _____

A BILL

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”.

7 **SEC. 2. WEATHERIZATION ASSISTANCE PROGRAM.**

8 (a) REAUTHORIZATION OF WEATHERIZATION AS-
9 SISTANCE PROGRAM.—Section 422 of the Energy Con-

1 servation and Production Act (42 U.S.C. 6872) is amend-
2 ed by striking “appropriated—” and all that follows
3 through “2012..” and inserting “appropriated
4 \$350,000,000 for each of fiscal years 2020 through
5 2024.”.

6 (b) MODERNIZING THE DEFINITION OF WEATHER-
7 IZATION MATERIALS.—Section 412(9)(J) of the Energy
8 Conservation and Production Act (42 U.S.C. 6862(9)(J))
9 is amended—

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

13 (2) by striking “, after consulting with the Sec-
14 retary of Housing and Urban Development, the Sec-
15 retary of Agriculture, and the Director of the Com-
16 munity Services Administration”.

17 (c) CONSIDERATION OF HEALTH BENEFITS.—Sec-
18 tion 413(b) of the Energy Conservation and Production
19 Act (42 U.S.C. 6863(b)) is amended—

20 (1) by redesignating paragraphs (4) through
21 (6) as paragraphs (5) through (7), respectively; and

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

24 “(4) The Secretary may amend the regulations pre-
25 scribed under paragraph (1) to provide that the standards

1 described in paragraph (2)(A) take into consideration im-
2 provements in the health and safety of occupants of dwell-
3 ing units, and other non-energy benefits, from weatheriza-
4 tion.”.

5 (d) CONTRACTOR OPTIMIZATION.—

6 (1) IN GENERAL.—The Energy Conservation
7 and Production Act is amended by inserting after
8 section 414B (42 U.S.C. 6864b) the following:

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

10 “(a) IN GENERAL.—The Secretary may request that
11 entities receiving funding from the Federal Government
12 or from a State through a weatherization assistance pro-
13 gram under section 413 or section 414 perform periodic
14 reviews of the use of private contractors in the provision
15 of weatherization assistance, and encourage expanded use
16 of contractors as appropriate.

17 “(b) USE OF TRAINING FUNDS.—Entities described
18 in subsection (a) may use funding described in such sub-
19 section to train private, non-Federal entities that are con-
20 tracted to provide weatherization assistance under a
21 weatherization program, in accordance with rules deter-
22 mined by the Secretary.”.

23 (2) TABLE OF CONTENTS AMENDMENT.—The
24 table of contents for the Energy Conservation and

1 Production Act is amended by inserting after the
2 item relating to section 414B the following:

“Sec. 414C. Contractor optimization.”.

3 (e) FINANCIAL ASSISTANCE FOR WAP ENHANCE-
4 MENT AND INNOVATION.—

5 (1) IN GENERAL.—The Energy Conservation
6 and Production Act is amended by inserting after
7 section 414C (as added by subsection (d) of this sec-
8 tion) the following:

9 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-
10 MENT AND INNOVATION.**

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

12 “(1) to expand the number of dwelling units
13 that are occupied by low-income persons that receive
14 weatherization assistance by making such dwelling
15 units weatherization-ready;

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

19 “(3) to ensure healthy indoor environments by
20 enhancing or expanding health and safety measures
21 and resources available to dwellings that are occu-
22 pied by low-income persons; and

23 “(4) to disseminate new methods and best prac-
24 tices among entities providing weatherization assist-
25 ance.

1 “(b) FINANCIAL ASSISTANCE.—The Secretary shall,
2 to the extent funds are made available, award financial
3 assistance through a competitive process to entities receiv-
4 ing funding from the Federal Government or from a State
5 through a weatherization program under section 413 or
6 section 414, or to nonprofit entities, to be used by such
7 an entity—

8 “(1) with respect to dwelling units that are oc-
9 cupied by low-income persons, to—

10 “(A) implement measures to make such
11 dwelling units weatherization-ready by address-
12 ing structural, plumbing, roofing, and electrical
13 issues, environmental hazards, or other meas-
14 ures that the Secretary determines to be appro-
15 priate;

16 “(B) install energy efficiency technologies,
17 including home energy management systems,
18 smart devices, and other technologies the Sec-
19 retary determines to be appropriate;

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

22 “(D) implement measures to ensure
23 healthy indoor environments by improving in-
24 door air quality, accessibility, and other healthy

1 homes measures as determined by the Sec-
2 retary;

3 “(2) to improve the capability of the entity—

4 “(A) to significantly increase the number
5 of energy retrofits performed by such entity;

6 “(B) to replicate best practices for work
7 performed pursuant to this section on a larger
8 scale; and

9 “(C) to leverage additional funds to sus-
10 tain the provision of weatherization assistance
11 and other work performed pursuant to this sec-
12 tion after financial assistance awarded under
13 this section is expended;

14 “(3) for innovative outreach and education re-
15 garding the benefits and availability of weatheriza-
16 tion assistance and other assistance available pursu-
17 ant to this section;

18 “(4) for quality control of work performed pur-
19 suant to this section;

20 “(5) for data collection, measurement, and
21 verification with respect to such work;

22 “(6) for program monitoring, oversight, evalua-
23 tion, and reporting regarding such work;

24 “(7) for labor, training, and technical assist-
25 ance relating to such work;

1 “(8) for planning, management, and adminis-
2 tration (up to a maximum of 15 percent of the as-
3 sistance provided); and

4 “(9) for such other activities as the Secretary
5 determines to be appropriate.

6 “(c) AWARD FACTORS.—In awarding financial assist-
7 ance under this section, the Secretary shall consider—

8 “(1) the applicant’s record of constructing, ren-
9 ovating, repairing, or making energy efficient single-
10 family, multifamily, or manufactured homes that are
11 occupied by low-income persons, either directly or
12 through affiliates, chapters, or other partners (using
13 the most recent year for which data are available);

14 “(2) the number of dwelling units occupied by
15 low-income persons that the applicant has built, ren-
16 ovated, repaired, weatherized, or made more energy
17 efficient in the 5 years preceding the date of the ap-
18 plication;

19 “(3) the qualifications, experience, and past
20 performance of the applicant, including experience
21 successfully managing and administering Federal
22 funds;

23 “(4) the strength of an applicant’s proposal to
24 achieve one or more of the purposes under sub-
25 section (a);

1 “(5) the extent to which such applicant will uti-
2 lize partnerships and regional coordination to
3 achieve one or more of the purposes under sub-
4 section (a);

5 “(6) regional and climate zone diversity;

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

7 “(8) such other factors as the Secretary deter-
8 mines to be appropriate.

9 “(d) APPLICATIONS.—

10 “(1) ADMINISTRATION.—To be eligible for an
11 award of financial assistance under this section, an
12 applicant shall submit to the Secretary an applica-
13 tion in such manner and containing such informa-
14 tion as the Secretary may require.

15 “(2) AWARDS.—Subject to the availability of
16 appropriations, not later than 270 days after the
17 date of enactment of this section, the Secretary shall
18 make a first award of financial assistance under this
19 section.

20 “(e) MAXIMUM AMOUNT AND TERM.—

21 “(1) IN GENERAL.—The total amount of finan-
22 cial assistance awarded to an entity under this sec-
23 tion shall not exceed \$2,000,000.

24 “(2) TECHNICAL AND TRAINING ASSISTANCE.—

25 The total amount of financial assistance awarded to

1 an entity under this section shall be reduced by the
2 cost of any technical and training assistance pro-
3 vided by the Secretary that relates to such financial
4 assistance.

5 “(3) TERM.—The term of an award of financial
6 assistance under this section shall not exceed 3
7 years.

8 “(f) REQUIREMENTS.—Not later than 90 days after
9 the date of enactment of this section, the Secretary shall
10 issue requirements to implement this section, including,
11 for entities receiving financial assistance under this sec-
12 tion—

13 “(1) standards for allowable expenditures;

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

15 “(3) standards for—

16 “(A) training programs;

17 “(B) energy audits;

18 “(C) the provision of technical assistance;

19 “(D) monitoring activities carried out
20 using such financial assistance;

21 “(E) verification of energy and cost sav-
22 ings;

23 “(F) liability insurance requirements; and

24 “(G) recordkeeping and reporting require-
25 ments, which shall include reporting to the Of-

1 fice of Weatherization and Intergovernmental
2 Programs of the Department of Energy applica-
3 ble data on each dwelling unit retrofitted or
4 otherwise assisted pursuant to this section.

5 “(g) COMPLIANCE WITH STATE AND LOCAL LAW.—

6 Nothing in this section supersedes or otherwise affects any
7 State or local law, to the extent that the State or local
8 law contains a requirement that is more stringent than
9 the applicable requirement of this section.

10 “(h) REVIEW AND EVALUATION.—The Secretary

11 shall review and evaluate the performance of each entity
12 that receives an award of financial assistance under this
13 section (which may include an audit).

14 “(i) ANNUAL REPORT.—The Secretary shall submit

15 to Congress an annual report that provides a description
16 of—

17 “(1) actions taken under this section to achieve
18 the purposes of this section; and

19 “(2) accomplishments as a result of such ac-
20 tions, including energy and cost savings achieved.

21 “(j) FUNDING.—

22 “(1) AMOUNTS.—

23 “(A) IN GENERAL.—For each of fiscal
24 years 2020 through 2024, of the amount made
25 available under section 422 for such fiscal year

1 to carry out the weatherization program under
2 this part (not including any of such amount
3 made available for Department of Energy head-
4 quarters training or technical assistance), not
5 more than—

6 “(i) 2 percent of such amount (if such
7 amount is \$225,000,000 or more but less
8 than \$260,000,000) may be used to carry
9 out this section;

10 “(ii) 4 percent of such amount (if
11 such amount is \$260,000,000 or more but
12 less than \$300,000,000) may be used to
13 carry out this section; and

14 “(iii) 6 percent of such amount (if
15 such amount is \$300,000,000 or more)
16 may be used to carry out this section.

17 “(B) MINIMUM.—For each of fiscal years
18 2020 through 2024, if the amount made avail-
19 able under section 422 (not including any of
20 such amount made available for Department of
21 Energy headquarters training or technical as-
22 sistance) for such fiscal year is less than
23 \$225,000,000, no funds shall be made available
24 to carry out this section.

1 “(2) LIMITATION.—For any fiscal year, the
2 Secretary may not use more than \$25,000,000 of
3 the amount made available under section 422 to
4 carry out this section.”.

5 (2) TABLE OF CONTENTS.—The table of con-
6 tents for the Energy Conservation and Production
7 Act is amended by inserting after the item relating
8 to section 414C the following:

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

9 (f) INCREASE IN ADMINISTRATIVE FUNDS.—Section
10 415(a)(1) of the Energy Conservation and Production Act
11 (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-
12 cent” and inserting “15 percent”.

13 (g) AMENDING RE-WEATHERIZATION DATE.—Para-
14 graph (2) of section 415(c) of the Energy Conservation
15 and Production Act (42 U.S.C. 6865(c)) is amended to
16 read as follows:

17 “(2) Dwelling units weatherized (including dwelling
18 units partially weatherized) under this part, or under
19 other Federal programs, (in this paragraph referred to as
20 ‘previous weatherization’) may not receive further finan-
21 cial assistance for weatherization under this part until the
22 date that is 15 years after the date such previous weather-
23 ization was completed. This paragraph does not preclude
24 dwelling units that have received previous weatherization
25 from receiving assistance and services (including the provi-

1 sion of information and education to assist with energy
2 management and evaluation of the effectiveness of in-
3 stalled weatherization materials) other than weatheriza-
4 tion under this part or under other Federal programs, or
5 from receiving non-Federal assistance for weatheriza-
6 tion.”.

7 **SEC. 3. REPORT ON WAIVERS.**

8 Not later than 180 days after the date of enactment
9 of this Act, the Secretary of Energy shall submit to Con-
10 gress a report on the status of any request for a waiver
11 of any requirement under section 200.313 of title 2, Code
12 of Federal Regulations, as such requirement applies with
13 respect to the weatherization assistance program under
14 part A of title IV of the Energy Conservation and Produc-
15 tion Act (42 U.S.C. 6861 et seq.), including a description
16 of any such waiver that has been granted and any such
17 request for a waiver that has been considered but not
18 granted.