

116TH CONGRESS  
1ST SESSION

# H. R. 2041

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2019

Mr. TONKO (for himself, Mr. RUSH, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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-  
10      servation and Production Act (42 U.S.C. 6872) is amend-  
11      ed by striking “appropriated—” and all that follows

1 through “2012..” and inserting “appropriated  
2 \$350,000,000 for each of fiscal years 2020 through  
3 2024.”.

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

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

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

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

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

20 (2) by inserting after paragraph (3), the fol-  
21 lowing:

22 “(4) The Secretary may amend the regulations pre-  
23 scribed under paragraph (1) to provide that the standards  
24 described in paragraph (2)(A) take into consideration im-  
25 provements in the health and safety of occupants of dwell-

1 ing units, and other non-energy benefits, from weatheriza-  
 2 tion.”.

3 (d) CONTRACTOR OPTIMIZATION.—

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

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

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

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

21 (2) TABLE OF CONTENTS AMENDMENT.—The  
 22 table of contents for the Energy Conservation and  
 23 Production Act is amended by inserting after the  
 24 item relating to section 414B the following:

“Sec. 414C. Contractor optimization.”.

1 (e) FINANCIAL ASSISTANCE FOR WAP ENHANCE-  
2 MENT AND INNOVATION.—

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

7 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-**  
8 **MENT AND INNOVATION.**

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

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

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

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

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

24 “(b) FINANCIAL ASSISTANCE.—The Secretary shall,  
25 to the extent funds are made available, award financial

1 assistance through a competitive process to entities receiv-  
2 ing funding from the Federal Government or from a State  
3 through a weatherization program under section 413 or  
4 section 414, or to nonprofit entities, to be used by such  
5 an entity—

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

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

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

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

20 “(D) implement measures to ensure  
21 healthy indoor environments by improving in-  
22 door air quality, accessibility, and other healthy  
23 homes measures as determined by the Sec-  
24 retary;

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

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

3           “(B) to replicate best practices for work  
4 performed pursuant to this section on a larger  
5 scale; and

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

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

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

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

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

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

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

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

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

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

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

16          “(3) the qualifications, experience, and past  
17          performance of the applicant, including experience  
18          successfully managing and administering Federal  
19          funds;

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

23          “(5) the extent to which such applicant will uti-  
24          lize partnerships and regional coordination to

1 achieve one or more of the purposes under sub-  
2 section (a);

3 “(6) regional and climate zone diversity;

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

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

7 “(d) APPLICATIONS.—

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

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

18 “(e) MAXIMUM AMOUNT AND TERM.—

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

22 “(2) TECHNICAL AND TRAINING ASSISTANCE.—  
23 The total amount of financial assistance awarded to  
24 an entity under this section shall be reduced by the  
25 cost of any technical and training assistance pro-

1 vided by the Secretary that relates to such financial  
2 assistance.

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

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

11 “(1) standards for allowable expenditures;

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

13 “(3) standards for—

14 “(A) training programs;

15 “(B) energy audits;

16 “(C) the provision of technical assistance;

17 “(D) monitoring activities carried out  
18 using such financial assistance;

19 “(E) verification of energy and cost sav-  
20 ings;

21 “(F) liability insurance requirements; and

22 “(G) recordkeeping and reporting require-  
23 ments, which shall include reporting to the Of-  
24 fice of Weatherization and Intergovernmental  
25 Programs of the Department of Energy applica-

1           ble data on each dwelling unit retrofitted or  
2           otherwise assisted pursuant to this section.

3           “(g) COMPLIANCE WITH STATE AND LOCAL LAW.—  
4   Nothing in this section supersedes or otherwise affects any  
5   State or local law, to the extent that the State or local  
6   law contains a requirement that is more stringent than  
7   the applicable requirement of this section.

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

12          “(i) ANNUAL REPORT.—The Secretary shall submit  
13   to Congress an annual report that provides a description  
14   of—

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

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

19          “(j) FUNDING.—

20               “(1) AMOUNTS.—

21                   “(A) IN GENERAL.—For each of fiscal  
22   years 2020 through 2024, of the amount made  
23   available under section 422 for such fiscal year  
24   to carry out the weatherization program under  
25   this part (not including any of such amount

1 made available for Department of Energy head-  
2 quarters training or technical assistance), not  
3 more than—

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

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

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

15 “(B) MINIMUM.—For each of fiscal years  
16 2020 through 2024, if the amount made avail-  
17 able under section 422 (not including any of  
18 such amount made available for Department of  
19 Energy headquarters training or technical as-  
20 sistance) for such fiscal year is less than  
21 \$225,000,000, no funds shall be made available  
22 to carry out this section.

23 “(2) LIMITATION.—For any fiscal year, the  
24 Secretary may not use more than \$25,000,000 of

1 the amount made available under section 422 to  
2 carry out this section.”.

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

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

7 (f) INCREASE IN ADMINISTRATIVE FUNDS.—Section  
8 415(a)(1) of the Energy Conservation and Production Act  
9 (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-  
10 cent” and inserting “15 percent”.

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

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

1 stalled weatherization materials) other than weatheriza-  
2 tion under this part or under other Federal programs, or  
3 from receiving non-Federal assistance for weatheriza-  
4 tion.”.

5 **SEC. 3. REPORT ON WAIVERS.**

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

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