

113TH CONGRESS
2D SESSION

S. 2052

To reauthorize the weatherization and State energy programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2014

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 reauthorize the weatherization and State energy programs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Weatherization Enhancement and Local Energy Effi-
6 ciency Investment and Accountability Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—WEATHERIZATION ASSISTANCE PROGRAM

Sec. 101. Reauthorization of Weatherization Assistance Program.

Sec. 102. Grants for new, self-sustaining low-income, single-family and multi-family housing energy retrofit model programs to eligible multistate housing and energy nonprofit organizations.

Sec. 103. Standards program.

TITLE II—STATE ENERGY PROGRAM

Sec. 201. Reauthorization of State energy program.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the State energy program established under
 4 part D of title III of the Energy Policy and Con-
 5 servation Act (42 U.S.C. 6321 et seq.) (referred to
 6 in this section as “SEP”) and the Weatherization
 7 Assistance Program for Low-Income Persons estab-
 8 lished under part A of title IV of the Energy Con-
 9 servation and Production Act (42 U.S.C. 6861 et
 10 seq.) (referred to in this section as “WAP”) have
 11 proven to be beneficial, long-term partnerships
 12 among Federal, State, and local partners;

13 (2) the SEP and the WAP have been reauthor-
 14 ized on a bipartisan basis over many years to ad-
 15 dress changing national, regional, and State cir-
 16 cumstances and needs, especially through—

17 (A) the Energy Policy and Conservation
 18 Act (42 U.S.C. 6201 et seq.);

19 (B) the Energy Conservation and Produc-
 20 tion Act (42 U.S.C. 6801 et seq.);

1 (C) the State Energy Efficiency Programs
2 Improvement Act of 1990 (Public Law 101–
3 440; 104 Stat. 1006);

4 (D) the Energy Policy Act of 1992 (42
5 U.S.C. 13201 et seq.);

6 (E) the Energy Policy Act of 2005 (42
7 U.S.C. 15801 et seq.); and

8 (F) the Energy Independence and Security
9 Act of 2007 (42 U.S.C. 17001 et seq.);

10 (3) the SEP, also known as the “State energy
11 conservation program”—

12 (A) was first created in 1975 to implement
13 a State-based, national program in support of
14 energy efficiency, renewable energy, economic
15 development, energy emergency preparedness,
16 and energy policy; and

17 (B) has come to operate in every sector of
18 the economy in support of the private sector to
19 improve productivity and has dramatically re-
20 duced the cost of government through energy
21 savings at the State and local levels;

22 (4) Federal laboratory studies have concluded
23 that, for every Federal dollar invested through the
24 SEP, more than \$7 is saved in energy costs and al-
25 most \$11 in non-Federal funds is leveraged;

1 (5) the WAP—

2 (A) was first created in 1976 to assist low-
3 income families in response to the first oil em-
4 bargo;

5 (B) has become the largest residential en-
6 ergy conservation program in the United
7 States, with more than 7,100,000 homes weath-
8 erized since the WAP was created;

9 (C) saves an estimated 35 percent of con-
10 sumption in the typical weatherized home, yield-
11 ing average annual savings of \$437 per year in
12 home energy costs;

13 (D) has created thousands of jobs in both
14 the construction sector and in the supply chain
15 of materials suppliers, vendors, and manufac-
16 turers who supply the WAP;

17 (E) returns \$2.51 in energy savings for
18 every Federal dollar spent in energy and non-
19 energy benefits over the life of weatherized
20 homes;

21 (F) serves as a foundation for residential
22 energy efficiency retrofit standards, technical
23 skills, and workforce training for the emerging
24 broader market and reduces residential and

1 power plant emissions of carbon dioxide by 2.65
2 metric tons each year per home; and

3 (G) has decreased national energy con-
4 sumption by the equivalent of 24,100,000 bar-
5rels of oil annually;

6 (6) the WAP can be enhanced with the addition
7 of a targeted portion of the Federal funds through
8 an innovative program that supports projects per-
9 formed by qualified nonprofit organizations that
10 have a demonstrated capacity to build, renovate, re-
11 pair, or improve the energy efficiency of a significant
12 number of low-income homes, building on the suc-
13 cess of the existing program without replacing the
14 existing WAP network or creating a separate deliv-
15 ery mechanism for basic WAP services;

16 (7) the WAP has increased energy efficiency
17 opportunities by promoting new, competitive public-
18 private sector models of retrofitting low-income
19 homes through new Federal partnerships;

20 (8) improved monitoring and reporting of the
21 work product of the WAP has yielded benefits, and
22 expanding independent verification of efficiency work
23 will support the long-term goals of the WAP;

24 (9) reports of the Government Accountability
25 Office in 2011, Inspector General's of the Depart-

1 ment of Energy, and State auditors have identified
 2 State-level deficiencies in monitoring efforts that can
 3 be addressed in a manner that will ensure that WAP
 4 funds are used more effectively;

5 (10) through the history of the WAP, the WAP
 6 has evolved with improvements in efficiency tech-
 7 nology, including, in the 1990s, many States adopt-
 8 ing advanced home energy audits, which has led to
 9 great returns on investment; and

10 (11) as the home energy efficiency industry has
 11 become more performance-based, the WAP should
 12 continue to use those advances in technology and the
 13 professional workforce.

14 **TITLE I—WEATHERIZATION** 15 **ASSISTANCE PROGRAM**

16 **SEC. 101. REAUTHORIZATION OF WEATHERIZATION ASSIST-** 17 **ANCE PROGRAM.**

18 Section 422 of the Energy Conservation and Produc-
 19 tion Act (42 U.S.C. 6872) is amended by striking “appro-
 20 priated—” and all that follows through the period at the
 21 end and inserting “appropriated \$450,000,000 for each
 22 of fiscal years 2015 through 2019.”.

1 **SEC. 102. GRANTS FOR NEW, SELF-SUSTAINING LOW-IN-**
 2 **COME, SINGLE-FAMILY AND MULTIFAMILY**
 3 **HOUSING ENERGY RETROFIT MODEL PRO-**
 4 **GRAMS TO ELIGIBLE MULTISTATE HOUSING**
 5 **AND ENERGY NONPROFIT ORGANIZATIONS.**

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

9 **“SEC. 414C. GRANTS FOR NEW, SELF-SUSTAINING LOW-IN-**
 10 **COME, SINGLE-FAMILY AND MULTIFAMILY**
 11 **HOUSING ENERGY RETROFIT MODEL PRO-**
 12 **GRAMS TO ELIGIBLE MULTISTATE HOUSING**
 13 **AND ENERGY NONPROFIT ORGANIZATIONS.**

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

15 “(1) to expand the number of low-income, sin-
 16 gle-family and multifamily homes that receive energy
 17 efficiency retrofits;

18 “(2) to promote innovation and new models of
 19 retrofitting low-income homes through new Federal
 20 partnerships with covered organizations that lever-
 21 age substantial donations, donated materials, volun-
 22 teer labor, homeowner labor equity, and other pri-
 23 vate sector resources;

24 “(3) to assist the covered organizations in dem-
 25 onstrating, evaluating, improving, and replicating

1 widely the model low-income energy retrofit pro-
 2 grams of the covered organizations; and

3 “(4) to ensure that the covered organizations
 4 make the energy retrofit programs of the covered or-
 5 ganizations self-sustaining by the time grant funds
 6 have been expended.

7 “(b) DEFINITIONS.—In this section:

8 “(1) COVERED ORGANIZATION.—The term ‘cov-
 9 ered organization’ means an organization that—

10 “(A) is described in section 501(c)(3) of
 11 the Internal Revenue Code of 1986 and exempt
 12 from taxation under 501(a) of that Code; and

13 “(B) has an established record of con-
 14 structing, renovating, repairing, or making en-
 15 ergy efficient a total of not less than 250
 16 owner-occupied, single-family or multifamily
 17 homes per year for low-income households, ei-
 18 ther directly or through affiliates, chapters, or
 19 other direct partners (using the most recent
 20 year for which data are available).

21 “(2) LOW-INCOME.—The term ‘low-income’
 22 means an income level that is not more than 200
 23 percent of the poverty level (as determined in ac-
 24 cordance with criteria established by the Director of
 25 the Office of Management and Budget) applicable to

1 a family of the size involved, except that the Sec-
 2 retary may establish a higher or lower level if the
 3 Secretary determines that a higher or lower level is
 4 necessary to carry out this section.

5 “(3) WEATHERIZATION ASSISTANCE PROGRAM
 6 FOR LOW-INCOME PERSONS.—The term ‘Weatheriza-
 7 tion Assistance Program for Low-Income Persons’
 8 means the program established under this part (in-
 9 cluding part 440 of title 10, Code of Federal Regu-
 10 lations).

11 “(c) COMPETITIVE GRANT PROGRAM.—The Sec-
 12 retary shall make grants to covered organizations through
 13 a national competitive process for use in accordance with
 14 this section.

15 “(d) AWARD FACTORS.—In making grants under this
 16 section, the Secretary shall consider—

17 “(1) the number of low-income homes the appli-
 18 cant—

19 “(A) has built, renovated, repaired, or
 20 made more energy efficient as of the date of the
 21 application; and

22 “(B) can reasonably be projected to build,
 23 renovate, repair, or make energy efficient dur-
 24 ing the 10-year period beginning on the date of
 25 the application;

1 “(2) the qualifications, experience, and past
2 performance of the applicant, including experience
3 successfully managing and administering Federal
4 funds;

5 “(3) the number and diversity of States and cli-
6 mates in which the applicant works as of the date
7 of the application;

8 “(4) the amount of non-Federal funds, donated
9 or discounted materials, discounted or volunteer
10 skilled labor, volunteer unskilled labor, homeowner
11 labor equity, and other resources the applicant will
12 provide;

13 “(5) the extent to which the applicant could
14 successfully replicate the energy retrofit program of
15 the applicant and sustain the program after the
16 grant funds have been expended;

17 “(6) regional diversity;

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

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

21 “(e) APPLICATIONS.—

22 “(1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this section, the Sec-
24 retary shall request proposals from covered organiza-
25 tions.

1 “(2) ADMINISTRATION.—To be eligible to re-
2 ceive a grant under this section, an applicant shall
3 submit to the Secretary an application at such time,
4 in such manner, and containing such information as
5 the Secretary may require.

6 “(3) AWARDS.—Not later than 90 days after
7 the date of issuance of a request for proposals, the
8 Secretary shall award grants under this section.

9 “(f) ELIGIBLE USES OF GRANT FUNDS.—A grant
10 under this section may be used for—

11 “(1) energy efficiency audits, cost-effective ret-
12 rofit, and related activities in different climatic re-
13 gions of the United States;

14 “(2) energy efficiency materials and supplies;

15 “(3) organizational capacity—

16 “(A) to significantly increase the number
17 of energy retrofits;

18 “(B) to replicate an energy retrofit pro-
19 gram in other States; and

20 “(C) to ensure that the program is self-
21 sustaining after the Federal grant funds are ex-
22 pended;

23 “(4) energy efficiency, audit and retrofit train-
24 ing, and ongoing technical assistance;

1 “(5) information to homeowners on proper
2 maintenance and energy savings behaviors;

3 “(6) quality control and improvement;

4 “(7) data collection, measurement, and
5 verification;

6 “(8) program monitoring, oversight, evaluation,
7 and reporting;

8 “(9) management and administration (up to a
9 maximum of 10 percent of the total grant);

10 “(10) labor and training activities; and

11 “(11) such other activities as the Secretary de-
12 termines to be appropriate.

13 “(g) MAXIMUM AMOUNT.—The amount of a grant
14 provided under this section shall not exceed—

15 “(1) if the amount made available to carry out
16 this section for a fiscal year is \$225,000,000 or
17 more, \$5,000,000; and

18 “(2) if the amount made available to carry out
19 this section for a fiscal year is less than
20 \$225,000,000, \$1,500,000.

21 “(h) GUIDELINES.—

22 “(1) IN GENERAL.—Not later than 90 days
23 after the date of enactment of this section, the Sec-
24 retary shall issue guidelines to implement the grant
25 program established under this section.

1 “(2) ADMINISTRATION.—The guidelines—

2 “(A) shall not apply to the Weatherization
3 Assistance Program for Low-Income Persons,
4 in whole or major part; but

5 “(B) may rely on applicable provisions of
6 law governing the Weatherization Assistance
7 Program for Low-Income Persons to estab-
8 lish—

9 “(i) standards for allowable expendi-
10 tures;

11 “(ii) a minimum savings-to-investment
12 ratio;

13 “(iii) standards—

14 “(I) to carry out training pro-
15 grams;

16 “(II) to conduct energy audits
17 and program activities;

18 “(III) to provide technical assist-
19 ance;

20 “(IV) to monitor program activi-
21 ties; and

22 “(V) to verify energy and cost
23 savings;

24 “(iv) liability insurance requirements;
25 and

1 “(v) recordkeeping requirements,
2 which shall include reporting to the Office
3 of Weatherization and Intergovernmental
4 Programs of the Department of Energy
5 applicable data on each home retrofitted.

6 “(i) REVIEW AND EVALUATION.—The Secretary shall
7 review and evaluate the performance of any covered orga-
8 nization that receives a grant under this section (which
9 may include an audit), as determined by the Secretary.

10 “(j) COMPLIANCE WITH STATE AND LOCAL LAW.—
11 Nothing in this section or any program carried out using
12 a grant provided under this section supersedes or other-
13 wise affects any State or local law, to the extent that the
14 State or local law contains a requirement that is more
15 stringent than the applicable requirement of this section.

16 “(k) ANNUAL REPORTS.—The Secretary shall submit
17 to Congress annual reports that provide—

18 “(1) findings;

19 “(2) a description of energy and cost savings
20 achieved and actions taken under this section; and

21 “(3) any recommendations for further action.

22 “(l) FUNDING.—Of the amount of funds that are
23 made available to carry out the Weatherization Assistance
24 Program for each of fiscal years 2015 through 2019 under

1 section 422, the Secretary shall use to carry out this sec-
 2 tion for each of fiscal years 2015 through 2019—

3 “(1) 2 percent of the amount if the amount is
 4 less than \$225,000,000;

5 “(2) 5 percent of the amount if the amount is
 6 \$225,000,000 or more but less than \$260,000,000;

7 “(3) 10 percent of the amount if the amount is
 8 \$260,000,000 or more but less than \$400,000,000;
 9 and

10 “(4) 20 percent of the amount if the amount is
 11 \$400,000,000 or more.”.

12 **SEC. 103. STANDARDS PROGRAM.**

13 Section 415 of the Energy Conservation and Produc-
 14 tion Act (42 U.S.C. 6865) is amended by adding at the
 15 end the following:

16 “(f) STANDARDS PROGRAM.—

17 “(1) CONTRACTOR QUALIFICATION.—Effective
 18 beginning January 1, 2015, to be eligible to carry
 19 out weatherization using funds made available under
 20 this part, a contractor shall be selected through a
 21 competitive bidding process and be—

22 “(A) accredited by the Building Perform-
 23 ance Institute;

1 “(B) an Energy Smart Home Performance
 2 Team accredited under the Residential Energy
 3 Services Network; or

4 “(C) accredited by an equivalent accredita-
 5 tion or program accreditation-based State cer-
 6 tification program approved by the Secretary.

7 “(2) GRANTS FOR ENERGY RETROFIT MODEL
 8 PROGRAMS.—

9 “(A) IN GENERAL.—To be eligible to re-
 10 ceive a grant under section 414C, a covered or-
 11 ganization (as defined in section 414C(b)) shall
 12 use a crew chief who—

13 “(i) is certified or accredited in ac-
 14 cordance with paragraph (1); and

15 “(ii) supervises the work performed
 16 with grant funds.

17 “(B) VOLUNTEER LABOR.—A volunteer
 18 who performs work for a covered organization
 19 that receives a grant under section 414C shall
 20 not be required to be certified under this sub-
 21 section if the volunteer is not directly installing
 22 or repairing mechanical equipment or other
 23 items that require skilled labor.

24 “(C) TRAINING.—The Secretary shall use
 25 training and technical assistance funds available

1 to the Secretary to assist covered organizations
2 under section 414C in providing training to ob-
3 tain certification required under this subsection,
4 including provisional or temporary certification.

5 “(3) MINIMUM EFFICIENCY STANDARDS.—Ef-
6 fective beginning October 1, 2015, the Secretary
7 shall ensure that—

8 “(A) each retrofit for which weatherization
9 assistance is provided under this part meets
10 minimum efficiency and quality of work stand-
11 ards established by the Secretary after weather-
12 ization of a dwelling unit;

13 “(B) at least 10 percent of the dwelling
14 units are randomly inspected by a third party
15 accredited under this subsection to ensure com-
16 pliance with the minimum efficiency and quality
17 of work standards established under subpara-
18 graph (A); and

19 “(C) the standards established under this
20 subsection meet or exceed the industry stand-
21 ards for home performance work that are in ef-
22 fect on the date of enactment of this subsection,
23 as determined by the Secretary.”.

1 **TITLE II—STATE ENERGY**
2 **PROGRAM**

3 **SEC. 201. REAUTHORIZATION OF STATE ENERGY PROGRAM.**

4 Section 365(f) of the Energy Policy and Conservation
5 Act (42 U.S.C. 6325(f)) is amended by striking
6 “\$125,000,000 for each of fiscal years 2007 through
7 2012” and inserting “\$75,000,000 for each of fiscal years
8 2015 through 2019”.

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