

under section 6801 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6801 of this title and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of title IV of Pub. L. 94-385, which is classified principally to this subchapter, as the “Energy Conservation in Existing Buildings Act of 1976”, see section 401 of Pub. L. 94-385, set out as a note under section 6801 of this title.

PART A—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

§ 6861. Congressional findings and purpose

(a) The Congress finds that—

(1) a fast, cost-effective, and environmentally sound way to prevent future energy shortages in the United States while reducing the Nation’s dependence on imported energy supplies, is to encourage and facilitate, through major programs, the implementation of energy conservation and renewable-resource energy measures with respect to dwelling units;

(2) existing efforts to encourage and facilitate such measures are inadequate because—

(A) many dwellings owned or occupied by low-income persons are energy inefficient;

(B) low-income persons can least afford to make the modifications necessary to provide for efficient energy equipment in such dwellings and otherwise to improve the energy efficiency of such dwellings;

(3) weatherization of such dwellings would lower shelter costs in dwellings owned or occupied by low-income persons as well as save energy and reduce future energy capacity requirements; and

(4) States, through Community Action Agencies established under the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] and units of general purpose local government, should be encouraged, with Federal financial and technical assistance, to develop and support coordinated weatherization programs designed to alleviate the adverse effects of energy costs on such low-income persons, to supplement other Federal programs serving such low-income persons, and to increase energy efficiency.

(b) It is, therefore, the purpose of this part to develop and implement a weatherization assistance program to increase the energy efficiency of dwellings owned or occupied by low-income persons, reduce their total residential energy expenditures, and improve their health and safety, especially low-income persons who are particularly vulnerable such as the elderly, the handicapped, and children.

(Pub. L. 94-385, title IV, §411, Aug. 14, 1976, 90 Stat. 1151; Pub. L. 101-440, §7(j), Oct. 18, 1990, 104 Stat. 1015.)

Editorial Notes

REFERENCES IN TEXT

The Economic Opportunity Act of 1964, referred to in subsec. (a)(4), is Pub. L. 88-452, Aug. 20, 1964, 78 Stat.

508, which was classified generally to chapter 34 (§2701 et seq.) of this title prior to repeal, except for titles VIII and X, by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519. Titles VIII and X of the Act are classified generally to subchapters VIII (§2991 et seq.) and X (§2996 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1990—Pub. L. 101-440 amended section generally. Prior to amendment, section read as follows:

“(a) The Congress finds that—

“(1) dwellings owned or occupied by low-income persons frequently are inadequately insulated;

“(2) low-income persons, particularly elderly and handicapped low-income persons, can least afford to make the modifications necessary to provide for adequate insulation in such dwellings and to otherwise reduce residential energy use;

“(3) weatherization of such dwellings would lower utility expenses for such low-income owners or occupants as well as save thousands of barrels per day of needed fuel; and

“(4) States, through community action agencies established under the Economic Opportunity Act of 1964 and units of general purpose local government, should be encouraged, with Federal financial and technical assistance, to develop and support coordinated weatherization programs designed to ameliorate the adverse effects of high energy costs on such low-income persons, to supplement other Federal programs serving such persons, and to conserve energy.

“(b) It is, therefore, the purpose of this part to develop and implement a supplementary weatherization assistance program to assist in achieving a prescribed level of insulation in the dwellings of low-income persons, particularly elderly and handicapped low-income persons, in order both to aid those persons least able to afford higher utility costs and to conserve needed energy.”

Statutory Notes and Related Subsidiaries

WEATHERIZATION ASSISTANCE PROGRAM

Pub. L. 117-58, div. D, title V, §40551, Nov. 15, 2021, 135 Stat. 1075, provided that:

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary [of Energy] for the weatherization assistance program established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) \$3,500,000,000 for fiscal year 2022, to remain available until expended.

“(b) APPLICATION OF WAGE RATE REQUIREMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.—With respect to work performed under the weatherization assistance program established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) on a project assisted in whole or in part by funding made available under subsection (a), the requirements of section 41101 [42 U.S.C. 18851] shall apply only to work performed on multifamily buildings with not fewer than 5 units.”

[For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.]

§ 6862. Definitions

As used in this part:

(1) The term “Secretary” means the Secretary of Energy.

(2) The term “Director” means the Director of the Community Services Administration.

(3) The term “elderly” means any individual who is 60 years of age or older.

(4) The term “Governor” means the chief executive officer of a State (including the Mayor of the District of Columbia).

(5) The term “handicapped person” means any individual (A) who is an individual with a disability, as defined in section 705 of title 29, (B) who is under a disability as defined in section 1614(a)(3)(A) or 223(d)(1) of the Social Security Act [42 U.S.C. 1382c(a)(3)(A), 423(d)(1)] or in section 102(7)¹ of the Developmental Disabilities Services and Facilities Construction Act [42 U.S.C. 6001(7)], or (C) who is receiving benefits under chapter 11 or 15 of title 38.

(6) The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings prescribed for such terms by section 3002 of this title.

(7) The term “low-income” means that income in relation to family size which (A) is at or below 200 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, except that the Secretary may establish a higher level if the Secretary, after consulting with the Secretary of Agriculture and the Director of the Community Services Administration, determines that such a higher level is necessary to carry out the purposes of this part and is consistent with the eligibility criteria established for the weatherization program under section 2809(a)(12) of this title, (B) is the basis on which cash assistance payments have been paid during the preceding 12-month period under titles IV and XVI of the Social Security Act [42 U.S.C. 601 et seq., 1381 et seq.] or applicable State or local law, or (C) if a State elects, is the basis for eligibility for assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621), provided that such basis is at least 200 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.

(8) STATE.—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

(9) The term “weatherization materials” means—

- (A) caulking and weatherstripping of doors and windows;
- (B) furnace efficiency modifications, including, but not limited to—
 - (i) replacement burners, furnaces, or boilers or any combination thereof;
 - (ii) devices for minimizing energy loss through heating system, chimney, or venting devices; and
 - (iii) electrical or mechanical furnace ignition systems which replace standing gas pilot lights;
- (C) clock thermostats;
- (D) ceiling, attic, wall, floor, and duct insulation;
- (E) water heater insulation;
- (F) storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective window and door materials;

(G) cooling efficiency modifications, including, but not limited to, replacement air-conditioners, ventilation equipment, screening, window films, and shading devices;

(H) solar thermal water heaters;

(I) wood-heating appliances; and

(J) such other insulating or energy conserving devices or technologies, including renewable energy technologies and other advanced technologies, as the Secretary may determine, after consulting with the Secretary of Housing and Urban Development.

(Pub. L. 94-385, title IV, §412, Aug. 14, 1976, 90 Stat. 1152; Pub. L. 95-602, title I, §122(e), Nov. 6, 1978, 92 Stat. 2987; Pub. L. 95-619, title II, §231(a)(1), (b)(2), Nov. 9, 1978, 92 Stat. 3224, 3225; Pub. L. 96-294, title V, §577(1), (2), June 30, 1980, 94 Stat. 760; Pub. L. 98-558, title IV, §§401, 402, Oct. 30, 1984, 98 Stat. 2887; Pub. L. 100-242, title V, §570(d), Feb. 5, 1988, 101 Stat. 1950; Pub. L. 101-440, §7(a), Oct. 18, 1990, 104 Stat. 1012; Pub. L. 102-486, title I, §142(b), Oct. 24, 1992, 106 Stat. 2843; Pub. L. 105-220, title IV, §414(f), Aug. 7, 1998, 112 Stat. 1242; Pub. L. 109-58, title I, §122(b), Aug. 8, 2005, 119 Stat. 616; Pub. L. 109-365, title IX, §901(b), Oct. 17, 2006, 120 Stat. 2599; Pub. L. 110-140, title IV, §411(c), Dec. 19, 2007, 121 Stat. 1601; Pub. L. 111-5, div. A, title IV, §407(a), Feb. 17, 2009, 123 Stat. 145; Pub. L. 116-260, div. Z, title I, §1011(b), Dec. 27, 2020, 134 Stat. 2442.)

Editorial Notes

REFERENCES IN TEXT

Section 102(7) of the Developmental Disabilities Services and Facilities Construction Act [42 U.S.C. 6001(7)], referred to in par. (5), was repealed by Pub. L. 106-402, title IV, §401(a), Oct. 30, 2000, 114 Stat. 1737.

Section 2809(a)(12) of this title, referred to in par. (7), which was redesignated as section 2809(a)(5) by Pub. L. 95-568, §5(a)(2)(E), Nov. 2, 1978, 92 Stat. 2426, was subsequently repealed by Pub. L. 97-35, title VI, §683(a), Aug. 13, 1981, 95 Stat. 519.

The Social Security Act, referred to in par. (7), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles IV and XVI of the Social Security Act are classified generally to subchapters IV (§601 et seq.) and XVI (§1381 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Low-Income Home Energy Assistance Act of 1981, referred to in par. (7), is title XXVI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 893, which is classified generally to subchapter II (§8621 et seq.) of chapter 94 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8621 of this title and Tables.

AMENDMENTS

2020—Par. (9)(J). Pub. L. 116-260 inserted “, including renewable energy technologies and other advanced technologies,” after “devices or technologies” and struck out “, the Secretary of Agriculture, and the Director, of the Community Services Administration” before period at end.

2009—Par. (7). Pub. L. 111-5 substituted “200 percent” for “150 percent” in two places.

2007—Par. (8). Pub. L. 110-140 added par. (8) and struck out former par. (8) which read as follows: “The term ‘State’ means each of the States and the District of Columbia.”

2006—Par. (6). Pub. L. 109-365 struck out “paragraphs (4), (5), and (6), respectively, of” before “section 3002 of this title”.

2005—Par. (7). Pub. L. 109-58 substituted “150 percent” for “125 percent” in two places.

¹ See References in Text note below.

1998—Par. (5)(A). Pub. L. 105-220 substituted “an individual with a disability, as defined in section 705 of title 29” for “a handicapped individual as defined in section 7(7) of the Rehabilitation Act of 1973”.

1992—Par. (9)(G) to (J). Pub. L. 102-486 realigned margin of subpar. (G), added subpars. (H) and (I), and redesignated former subpar. (H) as (J).

1990—Par. (9)(G), (H). Pub. L. 101-440 added subpar. (G) and redesignated former subpar. (G) as (H).

1988—Par. (9)(G). Pub. L. 100-242 substituted a single comma for two consecutive commas after “determine”.

1984—Par. (7)(C). Pub. L. 98-558, §401, added cl. (C).

Par. (9)(B). Pub. L. 98-558, §402(1), in amending subpar. (B) generally, substituted “, including, but not limited to” for “limited to” in provisions preceding cl. (i), “, furnaces, or boilers or any combination thereof” for “designed to substantially increase the energy efficiency of the heating system,” in cl. (i), and “minimizing energy loss through heating system, chimney, or venting devices” for “modifying flue openings which will increase the energy efficiency of the heating system,” in cl. (ii).

Par. (9)(C). Pub. L. 98-558, §402(2), struck out “by rule” after “may determine.”

1980—Par. (1). Pub. L. 96-294, §577(1), substituted provisions defining “Secretary” for provisions defining “Administrator”.

Pars. (7), (9)(G). Pub. L. 96-294, §577(2), substituted “Secretary” for “Administrator” wherever appearing.

1978—Par. (5). Pub. L. 95-602 substituted “section 7(7) of the Rehabilitation Act of 1973” for “section 7(6) of the Rehabilitation Act of 1973”.

Par. (7)(A). Pub. L. 95-619, §231(a)(1), inserted “125 percent of” after “at or below” and inserted provision authorizing the Administrator to establish a higher level for low-income computations after determining such higher level to be necessary to carry out the purposes of this part.

Par. (9). Pub. L. 95-619, §231(b)(2), substituted a specific listing of items to be considered weatherization materials for purposes of this part for a general statement of the sort of materials that could be considered as such.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

USE OF APPROPRIATIONS

Pub. L. 113-76, div. D, title III, §308, Jan. 17, 2014, 128 Stat. 175, provided that: “None of the funds made available by this [Act] [div D. of Pub. L. 113-76, see Tables for classification] or any subsequent Act for fiscal year 2014 or any fiscal year hereafter may be used to pay the salaries of Department of Energy employees to carry out the amendments made by section 407 of division A of the American Recovery and Reinvestment Act of 2009 [Pub. L. 111-5, amending this section and sections 6865 and 6866 of this title].”

COMMUNITY SERVICES ADMINISTRATION

Community Services Administration, which was established by section 601 of Economic Opportunity Act of 1964, as amended (42 U.S.C. 2941), terminated when Economic Opportunity Act of 1964, Pub. L. 88-452, Aug. 20, 1964, 78 Stat. 508, as amended, was repealed, except for titles VIII and X, effective Oct. 1, 1981, by section 683(a) of Pub. L. 97-35, title VI, Aug. 13, 1981, 95 Stat. 519, which is classified to 42 U.S.C. 9912(a). An Office of Community Services, headed by a Director, was established in Department of Health and Human Services by section 676 of Pub. L. 97-35, which is classified to 42 U.S.C. 9905.

§ 6863. Weatherization program

(a) Development and conduct of program by Secretary; grants to States and Indian tribal organizations

The Secretary shall develop and conduct, in accordance with the purpose and provisions of this part, a weatherization program. In developing and conducting such program, the Secretary may, in accordance with this part and regulations promulgated under this part, make grants (1) to States, and (2) in accordance with the provisions of subsection (d), to Indian tribal organizations to serve Native Americans. Such grants shall be made for the purpose of providing financial assistance with regard to projects designed to provide for the weatherization of dwelling units, particularly those where elderly or handicapped low-income persons reside, occupied by low-income families.

(b) Consultation by Secretary with other Federal departments and agencies on development and publication in Federal Register of proposed regulations; required regulatory provisions; standards and procedures; rental units

(1) The Secretary, after consultation with the Director, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Labor, and the heads of such other Federal departments and agencies as the Secretary deems appropriate, shall develop and publish in the Federal Register for public comment, not later than 60 days after August 14, 1976, proposed regulations to carry out the provisions of this part. The Secretary shall take into consideration comments submitted regarding such proposed regulations and shall promulgate and publish final regulations for such purpose not later than 90 days after August 14, 1976. The development of regulations under this part shall be fully coordinated with the Director.

(2) The regulations promulgated pursuant to this section shall include provisions—

(A) prescribing, in coordination with the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, and the Director of the National Institute of Standards and Technology in the Department of Commerce, for use in various climatic, structural, and human need settings, standards for weatherization materials, energy conservation techniques, and balance combinations thereof, which are designed to achieve a balance of a healthful dwelling environment and maximum practicable energy conservation;

(B) that provide guidance to the States in the implementation of this part, including guidance designed to ensure that a State establishes (i) procedures that provide protection under paragraph (5) to tenants paying for energy as a portion of their rent, and (ii) a process for monitoring compliance with its obligations pursuant to this part; and

(C) that secure the Federal investment made under this part and address the issues of eviction from and sale of property receiving weatherization materials under this part.

(3) The Secretary, in coordination with the Secretaries and Director described in paragraph