

service employment workers, pursuant to title I of the Workforce Innovation and Opportunity Act” for “securing, to the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to title I of the Workforce Investment Act of 1998”.

1998—Subsec. (b)(3). Pub. L. 105-277, § 101(f) [title VIII, § 405(f)(29)], struck out “the Job Training Partnership Act or” after “pursuant to”.

Pub. L. 105-277, § 101(f) [title VIII, § 405(d)(38)], substituted “the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” for “the Comprehensive Employment and Training Act of 1973”.

1990—Subsec. (a)(D). Pub. L. 101-440, § 7(c)(1), inserted “, such as the cost of heating and cooling,” after “necessary”.

Subsec. (b)(3). Pub. L. 101-440, § 7(g), added cl. (B) and redesignated former cl. (B) as (C).

Subsec. (c). Pub. L. 101-440, § 7(c)(2), added subsec. (c). 1980—Subsec. (a). Pub. L. 96-294, § 577(2), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b). Pub. L. 96-294, §§ 573(c), 577(2), substituted “Secretary” for “Administrator” and added par. (4).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

##### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, § 405(d)(38)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, § 405(f)(29)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, § 405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

#### § 6864a. Private sector investments

##### (a) In general

The Secretary shall, to the extent funds are made available for such purpose, provide financial assistance to entities receiving funding from the Federal Government or from a State through a weatherization assistance program under section 6863 or section 6864 of this title for the development and initial implementation of partnerships, agreements, or other arrangements with utilities, private sector interests, or other institutions, under which non-Federal financial assistance would be made available to support programs which install energy efficiency improvements in low-income housing.

##### (b) Use of funds

Financial assistance provided under this section may be used for—

- (1) the negotiation of such partnerships, agreements and other arrangements;
- (2) the presentation of arguments before State or local agencies;
- (3) expert advice on the development of such partnerships, agreements, and other arrangements; or
- (4) other activities reasonably associated with the development and initial implementation of such arrangements.

##### (c) Conditions

(1) Financial assistance provided under this section to entities other than States shall, to

the extent practicable, coincide with the timing of financial assistance provided to such entities under section 6863 or section 6864 of this title.

(2) Not less than 80 percent of amounts provided under this section shall be provided to entities other than States.

(3) A recipient of financial assistance under this section shall have up to three years to complete projects undertaken with such assistance. (Pub. L. 94-385, title IV, § 414A, as added Pub. L. 102-486, title I, § 142(a), Oct. 24, 1992, 106 Stat. 2842.)

#### § 6864b. Technical transfer grants

##### (a) In general

The Secretary may, to the extent funds are made available, provide financial assistance to entities receiving funding from the Federal Government or from a State through a weatherization assistance program under section 6863 or section 6864 of this title for—

- (1) evaluating technical and management measures which increase program and/or private entity performance in weatherizing low-income housing;
- (2) producing technical information for use by persons involved in weatherizing low-income housing;
- (3) exchanging information; and
- (4) conducting training programs for persons involved in weatherizing low-income housing.

##### (b) Conditions

(1) Not less than 50 percent of amounts provided under this section shall be awarded to entities other than States.

(2) A recipient of financial assistance under this section may contract with nonprofit entities to carry out all or part of the activities for which such financial assistance is provided.

(Pub. L. 94-385, title IV, § 414B, as added Pub. L. 102-486, title I, § 142(a), Oct. 24, 1992, 106 Stat. 2842.)

#### § 6864c. Contractor optimization

##### (a) In general

The Secretary may request that entities receiving funding from the Federal Government or from a State through a weatherization assistance program under section 6863 of this title or section 6864 of this title perform periodic reviews of the use of private contractors in the provision of weatherization assistance, and encourage expanded use of contractors as appropriate.

##### (b) Use of training funds

Entities described in subsection (a) may use funding described in such subsection to train private, non-Federal entities that are contracted to provide weatherization assistance under a weatherization program, in accordance with rules determined by the Secretary.

(Pub. L. 94-385, title IV, § 414C, as added Pub. L. 116-260, div. Z, title I, § 1011(d)(1), Dec. 27, 2020, 134 Stat. 2442.)

#### § 6864d. Financial assistance for WAP enhancement and innovation

##### (a) Purposes

The purposes of this section are—

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

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

(3) to ensure healthy indoor environments by enhancing or expanding health and safety measures and resources available to dwellings that are occupied by low-income persons;

(4) to disseminate new methods and best practices among entities providing weatherization assistance; and

(5) to encourage entities providing weatherization assistance to hire and retain employees who are individuals—

(A) from the community in which the assistance is provided; and

(B) from communities or groups that are underrepresented in the home energy performance workforce, including religious and ethnic minorities, women, veterans, individuals with disabilities, and individuals who are socioeconomically disadvantaged.

**(b) Financial assistance**

The Secretary shall, to the extent funds are made available, award financial assistance, on an annual basis, through a competitive process to entities receiving funding from the Federal Government or from a State, tribal organization, or unit of general purpose local government through a weatherization program under section 6863 of this title or section 6864 of this title, or to nonprofit entities, to be used by such an entity—

(1) with respect to dwelling units that are occupied by low-income persons, to—

(A) implement measures to make such dwelling units weatherization-ready by addressing structural, plumbing, roofing, and electrical issues, environmental hazards, or other measures that the Secretary determines to be appropriate;

(B) install energy efficiency technologies, including home energy management systems, smart devices, and other technologies the Secretary determines to be appropriate;

(C) install renewable energy systems (as defined in section 6865(c)(6)(A) of this title); and

(D) implement measures to ensure healthy indoor environments by improving indoor air quality, accessibility, and other healthy homes measures as determined by the Secretary;

(2) to improve the capability of the entity—

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

(B) to replicate best practices for work performed pursuant to this section on a larger scale;

(C) to leverage additional funds to sustain the provision of weatherization assistance and other work performed pursuant to this section after financial assistance awarded under this section is expended; and

(D) to hire and retain employees who are individuals described<sup>1</sup> subsection (a)(5);

(3) for innovative outreach and education regarding the benefits and availability of weatherization assistance and other assistance available pursuant to this section;

(4) for quality control of work performed pursuant to this section;

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

(6) for program monitoring, oversight, evaluation, and reporting regarding such work;

(7) for labor, training, and technical assistance relating to such work;

(8) for planning, management, and administration (up to a maximum of 15 percent of the assistance provided); and

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

**(c) Award factors**

In awarding financial assistance under this section, the Secretary shall consider—

(1) the applicant's record of constructing, renovating, repairing, or making energy efficient single-family, multifamily, or manufactured homes that are occupied by low-income persons, either directly or through affiliates, chapters, or other partners (using the most recent year for which data are available);

(2) the number of dwelling units occupied by low-income persons that the applicant has built, renovated, repaired, weatherized, or made more energy efficient in the 5 years preceding the date of the application;

(3) the qualifications, experience, and past performance of the applicant, including experiencing successfully managing and administering Federal funds;

(4) the strength of an applicant's proposal to achieve one or more of the purposes under subsection (a);

(5) the extent to which such applicant will utilize partnerships and regional coordination to achieve one or more of the purposes under subsection (a);

(6) regional and climate zone diversity;

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

(8) such other factors as the Secretary determines to be appropriate.

**(d) Applications**

**(1) Administration**

To be eligible for an award of financial assistance under this section, an applicant shall submit to the Secretary an application in such manner and containing such information as the Secretary may require.

**(2) Awards**

Subject to the availability of appropriations, not later than 270 days after December 27, 2020, the Secretary shall make a first award of financial assistance under this section.

**(e) Maximum amount and term**

**(1) In general**

The total amount of financial assistance awarded to an entity under this section shall not exceed \$2,000,000.

**(2) Technical and training assistance**

The total amount of financial assistance awarded to an entity under this section shall

<sup>1</sup> So in original. Probably should be followed by "in".

be reduced by the cost of any technical and training assistance provided by the Secretary that relates to such financial assistance.

**(3) Term**

The term of an award of financial assistance under this section shall not exceed 3 years.

**(4) Relationship to formula grants**

An entity may use financial assistance awarded to such entity under this section in conjunction with other financial assistance provided to such entity under this part.

**(f) Requirements**

Not later than 90 days after December 27, 2020, the Secretary shall issue requirements to implement this section, including, for entities receiving financial assistance under this section—

- (1) standards for allowable expenditures;
- (2) a minimum saving-to-investment ratio; and
- (3) standards for—
  - (A) training programs;
  - (B) energy audits;
  - (C) the provision of technical assistance;
  - (D) monitoring activities carried out using such financial assistance;
  - (E) verification of energy and cost savings;
  - (F) liability insurance requirements; and
  - (G) recordkeeping and reporting requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each dwelling unit retrofitted or otherwise assisted pursuant to this section.

**(g) Compliance with State and local law**

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

**(h) Review and evaluation**

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

**(i) Annual report**

The Secretary shall submit to Congress an annual report that provides a description of—

- (1) actions taken under this section to achieve the purposes of this section; and
- (2) accomplishments as a result of such actions, including energy and cost savings achieved.

**(j) Funding**

**(1) Amounts**

**(A) In general**

For each of fiscal years 2021 through 2025, of the amount made available under section 6872 of this title for such fiscal year to carry out the weatherization program under this part (not including any of such amount made available for Department of Energy headquarters training or technical assistance), not more than—

- (i) 2 percent of such amount (if such amount is \$225,000,000 or more but less

than \$260,000,000) may be used to carry out this section;

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

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

**(B) Minimum**

For each of fiscal years 2021 through 2025, if the amount made available under section 6872 of this title (not including any of such amount made available for Department of Energy headquarters training or technical assistance) for such fiscal year is less than \$225,000,000, no funds shall be made available to carry out this section.

**(2) Limitation**

For any fiscal year, the Secretary may not use more than \$25,000,000 of the amount made available under section 6872 of this title to carry out this section.

**(k) Termination**

The Secretary may not award financial assistance under this section after September 30, 2025.

(Pub. L. 94-385, title IV, § 414D, as added Pub. L. 116-260, div. Z, title I, § 1011(e)(1), Dec. 27, 2020, 134 Stat. 2443.)

**§ 6864e. Hiring**

The Secretary may, as the Secretary determines appropriate, encourage entities receiving funding from the Federal Government or from a State through a weatherization program under section 6863 of this title or section 6864 of this title, to prioritize the hiring and retention of employees who are individuals described in section 6864d(a)(5) of this title.

(Pub. L. 94-385, title IV, § 414E, as added Pub. L. 116-260, div. Z, title I, § 1011(f)(1), Dec. 27, 2020, 134 Stat. 2446.)

**§ 6865. Limitations on financial assistance**

**(a) Purchase of materials and administration of projects**

(1) Not more than an amount equal to 15 percent of any grant made by the Secretary under this part may be used for administrative purposes in carrying out duties under this part, except that not more than one-half of such amount may be used by any State for such purposes, and a State may provide in the plan adopted pursuant to subsection (b) for recipients of grants of less than \$350,000 to use up to an additional 5 percent of such grant for administration if the State has determined that such recipient requires such additional amount to implement effectively the administrative requirements established by the Secretary pursuant to this part.

(2) The Secretary shall establish energy audit procedures and techniques which (i) meet standards established by the Secretary after consultation with the State Energy Advisory Board established under section 6325(g) of this title, (ii) establish priorities for selection of weatherization measures based on their cost and contribu-