

AMENDMENT NO._____

Calendar No._____

Purpose: To reauthorize the weatherization and State energy programs.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 2262

To promote energy savings in residential buildings and industry, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COONS

Viz:

1 At the end of the bill, add the following:

**2 DIVISION B—WEATHERIZATION
3 AND STATE ENERGY PROGRAMS**

4 SEC. 2001. SHORT TITLE.

5 This division may be cited as the “Weatherization
6 Enhancement and Local Energy Efficiency Investment
7 and Accountability Act”.

8 SEC. 2002. FINDINGS.

9 Congress finds that—

10 (1) the State energy program established under
11 part D of title III of the Energy Policy and Con-
12 servation Act (42 U.S.C. 6321 et seq.) (referred to

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

8 (2) the SEP and the WAP have been reauthorized
9 on a bipartisan basis over many years to ad-
10 dress changing national, regional, and State cir-
11 cumstances and needs, especially through—

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

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

16 (C) the State Energy Efficiency Programs
17 Improvement Act of 1990 (Public Law 101–
18 440; 104 Stat. 1006);

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

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

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

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

3 (A) was first created in 1975 to implement
4 a State-based, national program in support of
5 energy efficiency, renewable energy, economic
6 development, energy emergency preparedness,
7 and energy policy; and

8 (B) has come to operate in every sector of
9 the economy in support of the private sector to
10 improve productivity and has dramatically re-
11 duced the cost of government through energy
12 savings at the State and local levels;

17 (5) the WAP—

18 (A) was first created in 1976 to assist low-
19 income families in response to the first oil em-
20 bargo;

21 (B) has become the largest residential en-
22 ergy conservation program in the United
23 States, with more than 7,100,000 homes weather-
24 erized since the WAP was created;

1 (C) saves an estimated 35 percent of con-
2 sumption in the typical weatherized home, yield-
3 ing average annual savings of \$437 per year in
4 home energy costs;

5 (D) has created thousands of jobs in both
6 the construction sector and in the supply chain
7 of materials suppliers, vendors, and manufac-
8 turers who supply the WAP;

9 (E) returns \$2.51 in energy savings for
10 every Federal dollar spent in energy and non-
11 energy benefits over the life of weatherized
12 homes;

13 (F) serves as a foundation for residential
14 energy efficiency retrofit standards, technical
15 skills, and workforce training for the emerging
16 broader market and reduces residential and
17 power plant emissions of carbon dioxide by 2.65
18 metric tons each year per home; and

19 (G) has decreased national energy con-
20 sumption by the equivalent of 24,100,000 bar-
21 rels of oil annually;

22 (6) the WAP can be enhanced with the addition
23 of a targeted portion of the Federal funds through
24 an innovative program that supports projects per-
25 formed by qualified nonprofit organizations that

1 have a demonstrated capacity to build, renovate, re-
2 pair, or improve the energy efficiency of a significant
3 number of low-income homes, building on the suc-
4 cess of the existing program without replacing the
5 existing WAP network or creating a separate deliv-
6 ery mechanism for basic WAP services;

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

11 (8) improved monitoring and reporting of the
12 work product of the WAP has yielded benefits, and
13 expanding independent verification of efficiency work
14 will support the long-term goals of the WAP;

15 (9) reports of the Government Accountability
16 Office in 2011, Inspector General's of the Depart-
17 ment of Energy, and State auditors have identified
18 State-level deficiencies in monitoring efforts that can
19 be addressed in a manner that will ensure that WAP
20 funds are used more effectively;

21 (10) through the history of the WAP, the WAP
22 has evolved with improvements in efficiency tech-
23 nology, including, in the 1990s, many States adopt-
24 ing advanced home energy audits, which has led to
25 great returns on investment; and

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

TITLE XXI—WEATHERIZATION ASSISTANCE PROGRAM

7 SEC. 2101. REAUTHORIZATION OF WEATHERIZATION AS-
8 SISTANCE PROGRAM.

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

14 SEC. 2102. GRANTS FOR NEW, SELF-SUSTAINING LOW-IN-
15 COME, SINGLE-FAMILY AND MULTIFAMILY
16 HOUSING ENERGY RETROFIT MODEL PRO-
17 GRAMS TO ELIGIBLE MULTISTATE HOUSING
18 AND ENERGY NONPROFIT ORGANIZATIONS.

19 The Energy Conservation and Production Act is
20 amended by inserting after section 414B (42 U.S.C.
21 6864b) the following:

1 **“SEC. 414C. 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 "(a) PURPOSES.—The purposes of this section are—

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

10 “(2) to promote innovation and new models of
11 retrofitting low-income homes through new Federal
12 partnerships with covered organizations that lever-
13 age substantial donations, donated materials, volun-
14 teer labor, homeowner labor equity, and other pri-
15 vate sector resources;

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

24 "(b) DEFINITIONS.—In this section:

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

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

4 “(B) has an established record of con-
5 structing, renovating, repairing, or making en-
6 ergy efficient a total of not less than 250
7 owner-occupied, single-family or multifamily
8 homes per year for low-income households, ei-
9 ther directly or through affiliates, chapters, or
10 other direct partners (using the most recent
11 year for which data are available).

12 “(2) LOW-INCOME.—The term ‘low-income’
13 means an income level that is not more than 200
14 percent of the poverty level (as determined in ac-
15 cordance with criteria established by the Director of
16 the Office of Management and Budget) applicable to
17 a family of the size involved, except that the Sec-
18 retary may establish a higher or lower level if the
19 Secretary determines that a higher or lower level is
20 necessary to carry out this section.

21 “(3) WEATHERIZATION ASSISTANCE PROGRAM
22 FOR LOW-INCOME PERSONS.—The term ‘Weatheriza-
23 tion Assistance Program for Low-Income Persons’
24 means the program established under this part (in-

1 cluding part 440 of title 10, Code of Federal Regu-
2 lations).

3 “(c) COMPETITIVE GRANT PROGRAM.—The Sec-
4 retary shall make grants to covered organizations through
5 a national competitive process for use in accordance with
6 this section.

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

9 “(1) the number of low-income homes the appli-
10 cant—

11 “(A) has built, renovated, repaired, or
12 made more energy efficient as of the date of the
13 application; and

14 “(B) can reasonably be projected to build,
15 renovate, repair, or make energy efficient dur-
16 ing the 10-year period beginning on the date of
17 the application;

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

22 “(3) the number and diversity of States and cli-
23 mates in which the applicant works as of the date
24 of the application;

1 “(4) the amount of non-Federal funds, donated
2 or discounted materials, discounted or volunteer
3 skilled labor, volunteer unskilled labor, homeowner
4 labor equity, and other resources the applicant will
5 provide;

6 “(5) the extent to which the applicant could
7 successfully replicate the energy retrofit program of
8 the applicant and sustain the program after the
9 grant funds have been expended;

10 “(6) regional diversity;

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

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

14 “(e) APPLICATIONS.—

15 “(1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this section, the Sec-
17 retary shall request proposals from covered organiza-
18 tions.

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

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

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

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

9 “(2) energy efficiency materials and supplies;

10 “(3) organizational capacity—

11 “(A) to significantly increase the number
12 of energy retrofits;

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

15 “(C) to ensure that the program is self-
16 sustaining after the Federal grant funds are ex-
17 pended;

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

20 “(5) information to homeowners on proper
21 maintenance and energy savings behaviors;

22 “(6) quality control and improvement;

23 “(7) data collection, measurement, and
24 verification;

1 “(8) program monitoring, oversight, evaluation,
2 and reporting;

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

5 “(10) labor and training activities; and

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

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

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

13 “(2) if the amount made available to carry out
14 this section for a fiscal year is less than
15 \$225,000,000, \$1,500,000.

16 “(h) GUIDELINES.—

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

21 “(2) ADMINISTRATION.—The guidelines—

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

1 “(B) may rely on applicable provisions of
2 law governing the Weatherization Assistance
3 Program for Low-Income Persons to estab-
4 lish—

5 “(i) standards for allowable expendi-
6 tures;

7 “(ii) a minimum savings-to-investment
8 ratio;

9 “(iii) standards—

10 “(I) to carry out training pro-
11 grams;

12 “(II) to conduct energy audits
13 and program activities;

14 “(III) to provide technical assist-
15 ance;

16 “(IV) to monitor program activi-
17 ties; and

18 “(V) to verify energy and cost
19 savings;

20 “(iv) liability insurance requirements;

21 and

22 “(v) recordkeeping requirements,
23 which shall include reporting to the Office
24 of Weatherization and Intergovernmental

1 Programs of the Department of Energy
2 applicable data on each home retrofitted.

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

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

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

15 “(1) findings;

16 “(2) a description of energy and cost savings
17 achieved and actions taken under this section; and
18 “(3) any recommendations for further action.

19 “(l) FUNDING.—Of the amount of funds that are
20 made available to carry out the Weatherization Assistance
21 Program for each of fiscal years 2015 through 2019 under
22 section 422, the Secretary shall use to carry out this sec-
23 tion for each of fiscal years 2015 through 2019—

24 “(1) 2 percent of the amount if the amount is
25 less than \$225,000,000;

1 “(2) 5 percent of the amount if the amount is
2 \$225,000,000 or more but less than \$260,000,000;

3 “(3) 10 percent of the amount if the amount is
4 \$260,000,000 or more but less than \$400,000,000;
5 and

6 “(4) 20 percent of the amount if the amount is
7 \$400,000,000 or more.”.

8 **SEC. 2103. STANDARDS PROGRAM.**

9 Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended by adding at the
10 end the following:

12 “(f) STANDARDS PROGRAM.—

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

18 “(A) accredited by the Building Performance
19 Institute;

20 “(B) an Energy Smart Home Performance
21 Team accredited under the Residential Energy
22 Services Network; or

23 “(C) accredited by an equivalent accreditation
24 or program accreditation-based State certification
25 program approved by the Secretary.

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

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

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

9 “(ii) supervises the work performed
10 with grant funds.

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

18 “(C) TRAINING.—The Secretary shall use
19 training and technical assistance funds available
20 to the Secretary to assist covered organizations
21 under section 414C in providing training to ob-
22 tain certification required under this subsection,
23 including provisional or temporary certification.

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

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

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

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

TITLE XXII—STATE ENERGY PROGRAM

22 SEC. 2201. REAUTHORIZATION OF STATE ENERGY PRO-
23 GRAM.

24 Section 365(f) of the Energy Policy and Conservation
25 Act (42 U.S.C. 6325(f)) is amended by striking

1 “\$125,000,000 for each of fiscal years 2007 through
2 2012” and inserting “\$75,000,000 for each of fiscal years
3 2015 through 2019”.