

Pending

Purpose: To reauthorize LIHEAP, Weatherization assistance, and State Energy Programs.

AMENDMENT No. 840 SENATOR NO. 79
By Domenici-Bingaman
IN THE To: S. 14 1st Sess.

Page(s) 4
T

GPO: 2002 83-247(Mac)

25.

Amendment intended to be proposed by MR DOMENICI
for himself AND MR BINGAMAN

✓
✓

Viz:

1 At the appropriate place in the bill, insert the following new title:

2 **TITLE XII — STATE ENERGY PROGRAMS**

3 **SEC. 201. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.**

4 (a) HOME ENERGY GRANTS.—Section 2602(b) of the Low-Income Home Energy
5 Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking “each of fiscal years 2002
6 through 2004” and inserting “fiscal years 2002 and 2003, and \$3,400,000,000 for each of fiscal
7 years 2004 through 2006.”.

8 (b) STATE ALLOTMENTS.—Section 2604(e) of the Low-Income Home Energy Assistance
9 Act of 1981 (42 U.S.C. 8623(e)) is amended—

10 (1) by inserting after (e) “(1)”;

11 (2) striking “or any other program;” and

12 (3) adding at the end the following:

13 “(2) Notwithstanding any other provision of this subsection, the Governor of a
14 State may apply to the Secretary for certification of an emergency in that State and an
15 allotment of amounts appropriated pursuant to section 2602(e).

16 “(3) The Secretary shall, in consultation with the Department of Energy and
17 States, adopt by rule procedures for the equitable consideration of such applications. Such
18 procedures shall require—

1 “(A) consideration of each of the elements of the definition of
2 “emergency” in section 2603;

3 “(B) consideration of differences between geographic regions including
4 sources of energy supply for low-income households, relative price trends for
5 sources of home energy supply, and relevant weather-related factors including
6 drought; and

7 “(C) that the Secretary shall grant such applications within 30 days unless
8 the Secretary certifies in writing that none of the emergency conditions defined in
9 section 2603 have been demonstrated.”.

10 (c) REPORT ON METHODOLOGY.—

11 (1) Not later than 1 year after the date of enactment of this Act, the Secretary of
12 Health and Human Services shall prepare and submit to Congress a report that makes
13 recommendations regarding the methodology for allocating funds to States to carry out
14 the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

15 (2) In preparing the report, the Secretary of Health and Human Services shall—

16 (A) use the latest, best available statistical data and model to develop the
17 recommendations for the methodology; and

18 (B) recommend a methodology that—

19 (i) consists of a mechanism that uses estimates of expenditures for
20 energy consumption (measured in British thermal units) for low-income
21 households in each State, for each source of heating or cooling in
22 residential dwellings; and

23 (ii) employs the latest available annually updated heating and
24 cooling degree day and fuel price information available (for coal,
25 electricity, fuel oil, petroleum gas, and natural gas) at the State level.

26 (3) In preparing the report, the Secretary of Health and Human Services shall
27 consult with appropriate officials in each of the 50 States and the District of Columbia.

28 (4) There are authorized to be appropriated to carry out this subsection such sums
29 as may be necessary for each of fiscal years 2004 through 2006.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall transmit to Congress a report on the programmatic impacts of using the National Academy of Science’s poverty measure with difference equivalence scale, known as DES, to determine low-income households.

SEC. 202. WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended—

(1) in paragraph (7)(A), by striking “125” and inserting “150”, and

(2) in paragraph (7)(C), by striking “125” and inserting “150”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking the period at the end and inserting “, \$325,000,000 for fiscal year 2004, \$400,000,000 for fiscal year 2005, and \$500,000,000 for fiscal year 2006.”.

SEC. 203. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

“(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.”.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

“STATE ENERGY EFFICIENCY GOALS

“SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of this title shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim

1 goals.”.

2 (c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and
3 Conservation Act (42 U.S.C. 6325(f)) is amended by striking the period at the end and inserting
4 “, \$100,000,000 for each of fiscal years 2004 and 2005 and \$125,000,000 for fiscal year 2006.”.