

(b) Purpose

The purpose of the program shall be to assist eligible entities in implementing strategies—

- (1) to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities in a manner that—
 - (A) is environmentally sustainable; and
 - (B) to the maximum extent practicable, maximizes benefits for local and regional communities;
- (2) to reduce the total energy use of the eligible entities; and
- (3) to improve energy efficiency in—
 - (A) the transportation sector;
 - (B) the building sector; and
 - (C) other appropriate sectors.

(Pub. L. 110–140, title V, §542, Dec. 19, 2007, 121 Stat. 1668.)

§ 17153. Allocation of funds**(a) In general**

Of amounts made available to provide grants under this part for each fiscal year, the Secretary shall allocate—

- (1) 34 percent to eligible units of local government—alternative 1, in accordance with subsection (b);
- (2) 34 percent to eligible units of local government—alternative 2, in accordance with subsection (b);
- (3) 28 percent to States in accordance with subsection (c);
- (4) 2 percent to Indian tribes in accordance with subsection (d); and
- (5) 2 percent for competitive grants under section 17156 of this title.

(b) Eligible units of local government

Of amounts available for distribution to eligible units of local government under subsection (a)(1) or (2), the Secretary shall provide grants to eligible units of local government under this section based on a formula established by the Secretary according to—

- (1) the populations served by the eligible units of local government, according to the latest available decennial census; and
- (2) the daytime populations of the eligible units of local government and other similar factors (such as square footage of commercial, office, and industrial space), as determined by the Secretary.

(c) States

Of amounts available for distribution to States under subsection (a)(2), the Secretary shall provide—

- (1) not less than 1.25 percent to each State; and
- (2) the remainder among the States, based on a formula to be established by the Secretary that takes into account—
 - (A) the population of each State; and
 - (B) any other criteria that the Secretary determines to be appropriate.

(d) Indian tribes

Of amounts available for distribution to Indian tribes under subsection (a)(3), the Secretary shall establish a formula for allocation of

the amounts to Indian tribes, taking into account any factors that the Secretary determines to be appropriate.

(e) Publication of allocation formulas

Not later than 90 days before the beginning of each fiscal year for which grants are provided under this part, the Secretary shall publish in the Federal Register the formulas for allocation established under this section.

(f) State and local advisory committee

The Secretary shall establish a State and local advisory committee to advise the Secretary regarding administration, implementation, and evaluation of the program.

(Pub. L. 110–140, title V, §543, Dec. 19, 2007, 121 Stat. 1668; Pub. L. 111–5, div. A, title IV, §404(a), (b), Feb. 17, 2009, 123 Stat. 143.)

AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111–5, §404(a)(2), added par. (1) and struck out former par. (1) which read as follows: “68 percent to eligible units of local government in accordance with subsection (b);”.

Subsec. (a)(2) to (5). Pub. L. 111–5, §404(a), added par. (2) and redesignated former pars. (2) to (4) as (3) to (5), respectively.

Subsec. (b). Pub. L. 111–5, §404(b), substituted “subsection (a)(1) or (2)” for “subsection (a)(1)” in introductory provisions.

§ 17154. Use of funds

An eligible entity may use a grant received under this part to carry out activities to achieve the purposes of the program, including—

- (1) development and implementation of an energy efficiency and conservation strategy under section 17155(b) of this title;
- (2) retaining technical consultant services to assist the eligible entity in the development of such a strategy, including—
 - (A) formulation of energy efficiency, energy conservation, and energy usage goals;
 - (B) identification of strategies to achieve those goals—
 - (i) through efforts to increase energy efficiency and reduce energy consumption; and
 - (ii) by encouraging behavioral changes among the population served by the eligible entity;
 - (C) development of methods to measure progress in achieving the goals;
 - (D) development and publication of annual reports to the population served by the eligible entity describing—
 - (i) the strategies and goals; and
 - (ii) the progress made in achieving the strategies and goals during the preceding calendar year; and
 - (E) other services to assist in the implementation of the energy efficiency and conservation strategy;
- (3) conducting residential and commercial building energy audits;
- (4) establishment of financial incentive programs for energy efficiency improvements;
- (5) the provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;