

(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;

(6) development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, including—

(A) design and operation of the programs;

(B) identifying the most effective methods for achieving maximum participation and efficiency rates;

(C) public education;

(D) measurement and verification protocols; and

(E) identification of energy efficient technologies;

(7) development and implementation of programs to conserve energy used in transportation, including—

(A) use of flex time by employers;

(B) satellite work centers;

(C) development and promotion of zoning guidelines or requirements that promote energy efficient development;

(D) development of infrastructure, such as bike lanes and pathways and pedestrian walkways;

(E) synchronization of traffic signals; and

(F) other measures that increase energy efficiency and decrease energy consumption;

(8) development and implementation of building codes and inspection services to promote building energy efficiency;

(9) application and implementation of energy distribution technologies that significantly increase energy efficiency, including—

- (A) distributed resources; and
- (B) district heating and cooling systems;

(10) activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency;

(11) the purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;

(12) replacement of traffic signals and street lighting with energy efficient lighting technologies, including—

- (A) light emitting diodes; and
- (B) any other technology of equal or greater energy efficiency;

(13) development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—

- (A) solar energy;
- (B) wind energy;
- (C) fuel cells; and
- (D) biomass; and

(14) any other appropriate activity, as determined by the Secretary, in consultation with—

- (A) the Administrator of the Environmental Protection Agency;
- (B) the Secretary of Transportation; and
- (C) the Secretary of Housing and Urban Development.

(Pub. L. 110-140, title V, § 544, Dec. 19, 2007, 121 Stat. 1669.)

§ 17155. Requirements for eligible entities

(a) Construction requirement

(1) In general

To be eligible to receive a grant under the program, each eligible applicant shall submit to the Secretary a written assurance that all laborers and mechanics employed by any contractor or subcontractor of the eligible entity during any construction, alteration, or repair activity funded, in whole or in part, by the grant shall be paid wages at rates not less than the prevailing wages for similar construction activities in the locality, as determined by the Secretary of Labor, in accordance with sections 3141 through 3144, 3146, and 3147 of title 40.

(2) Secretary of Labor

With respect to the labor standards referred to in paragraph (1), the Secretary of Labor shall have the authority and functions described in—

- (A) Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 903 note);¹ and
- (B) section 3145 of title 40.

¹ See References in Text note below.

(b) Eligible units of local government and Indian tribes

(1) Proposed strategy

(A) In general

Not later than 1 year after the date on which an eligible unit of local government or Indian tribe receives a grant under this part, the eligible unit of local government or Indian tribe shall submit to the Secretary a proposed energy efficiency and conservation strategy in accordance with this paragraph.

(B) Inclusions

The proposed strategy under subparagraph (A) shall include—

- (i) a description of the goals of the eligible unit of local government or Indian tribe, in accordance with the purposes of this part, for increased energy efficiency and conservation in the jurisdiction of the eligible unit of local government or Indian tribe; and
- (ii) a plan for the use of the grant to assist the eligible unit of local government or Indian tribe in achieving those goals, in accordance with section 17154 of this title.

(C) Requirements for eligible units of local government

In developing the strategy under subparagraph (A), an eligible unit of local government shall—

- (i) take into account any plans for the use of funds by adjacent eligible units of local governments that receive grants under the program; and
- (ii) coordinate and share information with the State in which the eligible unit of local government is located regarding activities carried out using the grant to maximize the energy efficiency and conservation benefits under this part.

(2) Approval by Secretary

(A) In general

The Secretary shall approve or disapprove a proposed strategy under paragraph (1) by not later than 120 days after the date of submission of the proposed strategy.

(B) Disapproval

If the Secretary disapproves a proposed strategy under subparagraph (A)—

- (i) the Secretary shall provide to the eligible unit of local government or Indian tribe the reasons for the disapproval; and
- (ii) the eligible unit of local government or Indian tribe may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) Requirement

The Secretary shall not provide to an eligible unit of local government or Indian tribe any grant under the program until a proposed strategy of the eligible unit of local government or Indian tribe is approved by the Secretary under this paragraph.

(3) Limitations on use of funds

Of amounts provided to an eligible unit of local government or Indian tribe under the