

Trade, and section 2621 of Title 16, Conservation, and enacted provisions set out as a note under section 8259b of this title. For complete classification of title V to the Code, see Tables.

PART C—ENERGY EFFICIENCY AND
CONSERVATION BLOCK GRANTS

§ 17151. Definitions

In this part:

(1) Eligible entity

The term “eligible entity” means—

- (A) a State;
- (B) an eligible unit of local government; and
- (C) an Indian tribe.

(2) Eligible unit of local government

The term “eligible unit of local government” means—

- (A) an eligible unit of local government-alternative 1; and
- (B) an eligible unit of local government-alternative 2.

(3)(A) Eligible unit of local government-alternative 1

The term “eligible unit of local government-alternative 1” means—

- (i) a city with a population—
 - (I) of at least 35,000; or
 - (II) that causes the city to be 1 of the 10 highest-populated cities of the State in which the city is located; and
- (ii) a county with a population—
 - (I) of at least 200,000; or
 - (II) that causes the county to be 1 of the 10 highest-populated counties of the State in which the county is located.

(B) Eligible unit of local government-alternative 2

The term “eligible unit of local government-alternative 2” means—

- (i) a city with a population of at least 50,000; or
- (ii) a county with a population of at least 200,000.

(4) Indian tribe

The term “Indian tribe” has the meaning given the term in section 450b of title 25.

(5) Program

The term “program” means the Energy Efficiency and Conservation Block Grant Program established under section 17152(a) of this title.

(6) State

The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

(Pub. L. 110-140, title V, §541, Dec. 19, 2007, 121 Stat. 1667.)

§ 17152. Energy Efficiency and Conservation Block Grant Program

(a) Establishment

The Secretary shall establish a program, to be known as the “Energy Efficiency and Conserva-

tion Block Grant Program”, under which the Secretary shall provide grants to eligible entities in accordance with this part.

(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 Sec-

retary 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.