

program, an eligible unit of local government or Indian tribe may use—

(A) for administrative expenses, excluding the cost of meeting the reporting requirements of this part, an amount equal to the greater of—

- (i) 10 percent; and²
- (ii) \$75,000;

(B) for the establishment of revolving loan funds, an amount equal to the greater of—

- (i) 20 percent; and²
- (ii) \$250,000; and

(C) for the provision of subgrants to non-governmental organizations for the purpose of assisting in the implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe, an amount equal to the greater of—

- (i) 20 percent; and²
- (ii) \$250,000.

(4) Annual report

Not later than 2 years after the date on which funds are initially provided to an eligible unit of local government or Indian tribe under the program, and annually thereafter, the eligible unit of local government or Indian tribe shall submit to the Secretary a report describing—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe; and

(B) as practicable, an assessment of energy efficiency gains within the jurisdiction of the eligible unit of local government or Indian tribe.

(c) States

(1) Distribution of funds

(A) In general

A State that receives a grant under the program shall use not less than 60 percent of the amount received to provide subgrants to units of local government in the State that are not eligible units of local government.

(B) Deadline

The State shall provide the subgrants required under subparagraph (A) by not later than 180 days after the date on which the Secretary approves a proposed energy efficiency and conservation strategy of the State under paragraph (3).

(2) Revision of conservation plan; proposed strategy

Not later than 120 days after December 19, 2007, each State shall—

(A) modify the State energy conservation plan of the State under section 6322 of this title to establish additional goals for increased energy efficiency and conservation in the State; and

(B) submit to the Secretary a proposed energy efficiency and conservation strategy that—

- (i) establishes a process for providing subgrants as required under paragraph (1); and

(ii) includes a plan of the State for the use of funds received under the program to assist the State in achieving the goals established under subparagraph (A), in accordance with sections 17152(b) and 17154 of this title.

(3) Approval by Secretary

(A) In general

The Secretary shall approve or disapprove a proposed strategy under paragraph (2)(B) 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 State the reasons for the disapproval; and
- (ii) the State 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 a State any grant under the program until a proposed strategy of the State is approved by the Secretary under this paragraph.

(4) Limitations on use of funds

A State may use not more than 10 percent of amounts provided under the program for administrative expenses.

(5) Annual reports

Each State that receives a grant under the program shall submit to the Secretary an annual report that describes—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the State during the preceding calendar year;

(B) the status of the subgrant program of the State under paragraph (1);

(C) the energy efficiency gains achieved through the energy efficiency and conservation strategy of the State during the preceding calendar year; and

(D) specific energy efficiency and conservation goals of the State for subsequent calendar years.

(Pub. L. 110-140, title V, §545, Dec. 19, 2007, 121 Stat. 1670.)

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (a)(2)(A), is set out in the Appendix to Title 5, Government Organization and Employees. Section 903 of Title 5 relates to Presidential authority regarding reorganization plans.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 17156. Competitive grants

(a) In general

Of the total amount made available for each fiscal year to carry out this part, the Secretary

²So in original. Probably should be “or”.

shall use not less than 2 percent to provide grants under this section, on a competitive basis, to—

- (1) units of local government (including Indian tribes) that are not eligible entities; and
- (2) consortia of units of local government described in paragraph (1).

(b) Applications

To be eligible to receive a grant under this section, a unit of local government or consortia shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan of the unit of local government to carry out an activity described in section 17154 of this title.

(c) Priority

In providing grants under this section, the Secretary shall give priority to units of local government—

- (1) located in States with populations of less than 2,000,000; or
- (2) that plan to carry out projects that would result in significant energy efficiency improvements or reductions in fossil fuel use.

(Pub. L. 110-140, title V, §546, Dec. 19, 2007, 121 Stat. 1673.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 17157. Review and evaluation

(a) In general

The Secretary may review and evaluate the performance of any eligible entity that receives a grant under the program, including by conducting an audit, as the Secretary determines to be appropriate.

(b) Withholding of funds

The Secretary may withhold from an eligible entity any portion of a grant to be provided to the eligible entity under the program if the Secretary determines that the eligible entity has failed to achieve compliance with—

- (1) any applicable guideline or regulation of the Secretary relating to the program, including the misuse or misappropriation of funds provided under the program; or
- (2) the energy efficiency and conservation strategy of the eligible entity.

(Pub. L. 110-140, title V, §547, Dec. 19, 2007, 121 Stat. 1674.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 17158. Funding

(a) Authorization of appropriations

(1) Grants

There is authorized to be appropriated to the Secretary for the provision of grants under the

program \$2,000,000,000 for each of fiscal years 2008 through 2012.

(2) Administrative costs

There are authorized to be appropriated to the Secretary for administrative expenses of the program—

- (A) \$20,000,000 for each of fiscal years 2008 and 2009;
- (B) \$25,000,000 for each of fiscal years 2010 and 2011; and
- (C) \$30,000,000 for fiscal year 2012.

(b) Maintenance of funding

The funding provided under this section shall supplement (and not supplant) other Federal funding provided under—

- (1) a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or
- (2) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(Pub. L. 110-140, title V, §548, Dec. 19, 2007, 121 Stat. 1674; Pub. L. 111-5, div. A, title IV, §404(c), Feb. 17, 2009, 123 Stat. 143.)

Editorial Notes

REFERENCES IN TEXT

The Energy Policy and Conservation Act, referred to in subsec. (b)(1), is Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871. Part D of title III of the Act is classified generally to part B (§6321 et seq.) of subchapter III of chapter 77 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

The Energy Conservation and Production Act, referred to in subsec. (b)(2), is Pub. L. 94-385, Aug. 14, 1976, 90 Stat. 1125. Part A of title IV of the Act is classified generally to part A (§6861 et seq.) of subchapter III of chapter 81 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6801 of this title and Tables.

AMENDMENTS

2009—Subsec. (a)(1). Pub. L. 111-5 struck out “; provided that 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government-alternative 1 in section 17151(3)(A) of this title and 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government-alternative 2 in section 17151(3)(B) of this title” after “2012”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

SUBCHAPTER V—ACCELERATED RESEARCH AND DEVELOPMENT

PART A—SOLAR ENERGY

§ 17171. Thermal energy storage research and development program

(a) Establishment

The Secretary shall establish a program of research and development to provide lower cost