

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1938

To amend the Low-Income Home Energy Assistance Act of 1981 to authorize appropriations for fiscal years 1996 through 1999, remove impediments to the exercise of States discretion to shape their programs and to concentrate their resources on those with the greatest home energy needs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, FEBRUARY 22), 1994

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Low-Income Home Energy Assistance Act of 1981 to authorize appropriations for fiscal years 1996 through 1999, remove impediments to the exercise of States discretion to shape their programs and to concentrate their resources on those with the greatest home energy needs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Low-Income Home Energy Assistance Amendments of  
6 1994”.

1 (b) REFERENCES.—Except as otherwise expressly  
2 provided, whenever in this Act an amendment or repeal  
3 is expressed in terms of an amendment to, or repeal of,  
4 a section or other provision, the reference shall be consid-  
5 ered to be made to a section or other provision of the Low-  
6 Income Home Energy Assistance Act of 1981 (42 U.S.C.  
7 8621 et seq.).

8 **SEC. 2. STATEMENT OF PURPOSE.**

9 Subsection (a) of section 2602 (42 U.S.C. 8621(a))  
10 is amended to read as follows:

11 “(a) In order to assist low-income households, par-  
12 ticularly those that pay a high proportion of household in-  
13 come for home energy, both in meeting their immediate  
14 home energy needs, and in attaining the capacity to meet  
15 such needs independently in the future, the Secretary of  
16 Health and Human Services is authorized to make grants  
17 to States for programs and activities consistent with the  
18 provisions of this title.”.

19 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AMOUNTS AUTHORIZED.—

21 (1) IN GENERAL.—Section 2602(b) (42 U.S.C.  
22 8621(b)) is amended by striking “this title” and all  
23 that follows through the end of the first sentence  
24 and inserting “this title, such sums as may be nec-  
25 essary for each of fiscal years 1995 through 1999.”.

1           (2) INCENTIVE PROGRAM FOR LEVERAGING  
2           NON-FEDERAL SOURCES.—Subsection (d) of section  
3           2602 (42 U.S.C. 8621(d)) is amended to read as fol-  
4           lows:

5           “(d)(1) There are authorized to be appropriated to  
6           carry out section 2607A, \$50,000,000 for each of the fis-  
7           cal years 1995 and 1996, \$60,000,000 for fiscal year  
8           1997, \$70,000,000 for fiscal year 1998, and \$80,000,000  
9           for fiscal year 1999, except that if the amount appro-  
10          priated pursuant to subsection (b) does not exceed the  
11          amount specified in paragraph (2) for a fiscal year, the  
12          amount authorized to be appropriated to carry out section  
13          2607A for such fiscal year shall be \$50,000,000.

14          “(2) For purposes of paragraph (1), the amount  
15          specified is—

16                 “(A) for fiscal year 1997, the amount appro-  
17                 priated pursuant to subsection (b) for fiscal year  
18                 1996;

19                 “(B) for fiscal year 1998, the amount so appro-  
20                 priated for fiscal year 1997; and

21                 “(C) for fiscal year 1999, the amount so appro-  
22                 priated for fiscal year 1998,

23          or, if greater, the amount so appropriated for fiscal year  
24          1995.”.

1 (b) PERIOD FOR WHICH APPROPRIATION IS MADE;  
2 REPEAL OF PROGRAM YEAR.—Section 2602 (42 U.S.C.  
3 8621) is amended—

4 (1) by repealing subsection (c);

5 (2) by redesignating subsection (d) as sub-  
6 section (c); and

7 (3) in the second sentence of subsection (b), to  
8 read as follows: “Amounts appropriated pursuant to  
9 this subsection or subsection (c) for a fiscal year  
10 shall be available for carrying out this title in the  
11 following fiscal year.”.

12 **SEC. 4. EMERGENCY FUNDS.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
14 2602 (42 U.S.C. 8621) as amended by section 3, is fur-  
15 ther amended by adding at the end thereof the following  
16 new subsection:

17 “(d) There are authorized to be appropriated in any  
18 fiscal year for payments under this title, in addition to  
19 amounts appropriated for distribution to all the States in  
20 accordance with section 2604 (other than subsection (g)),  
21 such sums as may be necessary to meet the additional  
22 home energy assistance needs of one or more States aris-  
23 ing from a natural disaster or other emergency. Funds  
24 appropriated pursuant to this subsection are hereby des-  
25 igned to be emergency requirements pursuant to section

1 251(b)(2)(D) of the Balanced Budget and Emergency  
2 Deficit Control Act of 1985, except that such funds shall  
3 be made available only after the submission to Congress  
4 of a formal budget request by the President (for all or  
5 a part of the appropriation pursuant to this subsection)  
6 that includes a designation of the amount requested as  
7 an emergency requirement as defined in such Act.”.

8 (b) ALLOTMENT OF EMERGENCY FUNDS.—Section  
9 2604 (42 U.S.C. 8623) is amended by adding at the end  
10 thereof the following new subsection:

11 “(g) Notwithstanding subsections (a) through (f), the  
12 Secretary may allot amounts appropriated pursuant to  
13 section 2602(d) to one or more than one State. In deter-  
14 mining to which State or States additional funds may be  
15 allotted, the Secretary shall take into account the extent  
16 to which a State was affected by the emergency or disas-  
17 ter, the availability to an affected State of other resources  
18 under this or any other program, and such other factors  
19 as the Secretary determines relevant.”.

20 **SEC. 5. AUTHORIZED USES OF FUNDS.**

21 Paragraph (1) of section 2605(b) (42 U.S.C.  
22 8624(b)(1)) is amended to read as follows:

23 “(1) use the funds available under this title  
24 to—

1           “(A) conduct outreach activities and pro-  
2           vide assistance to low income households, par-  
3           ticularly those that pay a high proportion of  
4           household income for home energy;

5           “(B) intervene in energy crisis situations,  
6           and, to the extent determined appropriate by  
7           the State, to encourage and enable households  
8           to attain, to the maximum extent feasible, home  
9           energy self-sufficiency;

10          “(C) provide low-cost residential weather-  
11          ization and other cost-effective residential re-  
12          pairs or improvements related to energy use;

13          “(D) provide energy conservation edu-  
14          cation; and

15          “(E) plan, develop, and administer the  
16          State’s program under this title including  
17          leveraging programs,

18          and the State agrees not to use such funds for any  
19          purposes other than those specified in this title;”.

20   **SEC. 6. TARGETING OF ASSISTANCE TO HOUSEHOLDS WITH**  
21                   **HIGH HOME ENERGY BURDENS.**

22          (a) HOUSEHOLD INCOME.—Section 2605(b)(2)(B)  
23          (42 U.S.C. 8624(b)(2)(B)) is amended by striking the  
24          matter following clause (ii) and inserting the following:

1 “except that a State may not exclude a house-  
2 hold from eligibility in a fiscal year solely on  
3 the basis of household income if such income is  
4 less than 110 percent of the poverty level for  
5 such State, but the State may give priority to  
6 those households with the highest home energy  
7 costs or needs in relation to household in-  
8 come;”.

9 (b) OUTREACH ACTIVITIES.—Section 2605(b)(3) (42  
10 U.S.C. 8624(b)(3)) is amended by striking “are made  
11 aware” and inserting “and households with high home en-  
12 ergy burdens, are made aware”.

13 (c) ASSISTANCE LEVELS.—Section 2605(b)(5) (42  
14 U.S.C. 8624(b)(5)) is amended by inserting “or needs”  
15 after “highest energy costs”.

16 (d) STATE PLAN.—Section 2605(c)(1) (42 U.S.C.  
17 8624(c)(1)) is amended—

18 (1) by redesignating subparagraphs (E) and  
19 (F) as subparagraphs (F) and (H), respectively; and

20 (2) by inserting after subparagraph (D) the fol-  
21 lowing new subparagraph:

22 “(E) describes any steps that will be taken (in  
23 addition to those necessary to carry out the assur-  
24 ance contained in paragraph (5) of subsection (b))

1 to target assistance to households with high home  
2 energy burdens;”.

3 **SEC. 7. REMOVAL OF CONSTRAINT ON SECRETARIAL PRO-**  
4 **GRAM GUIDANCE.**

5 Section 2605(b) (42 U.S.C. 8624(b)) is amended by  
6 striking the first flush sentence immediately following  
7 paragraph (14).

8 **SEC. 8. CLARIFICATION OF AUDIT REQUIREMENT.**

9 Section 2605 (42 U.S.C. 8624) is amended—

10 (1) in subsection (b)(10), by striking “and pro-  
11 vide that” and all that follows and inserting “and  
12 provide that the State will comply with the provi-  
13 sions of chapter 75 of title 31, United States Code  
14 (commonly known as the ‘Single Audit Act’);”; and

15 (2) in subsection (e), by striking “at least every  
16 two years” and all that follows and inserting “in ac-  
17 cordance with chapter 75 of title 31, United States  
18 Code.”.

19 **SEC. 9. USE OF DEPARTMENT OF ENERGY WEATHERIZA-**  
20 **TION RULES TO ACHIEVE PROGRAM CON-**  
21 **SISTENCY.**

22 Section 2605(c)(1)(D) (42 U.S.C. 8624(c)(1)(D)) is  
23 amended by inserting before the semicolon at the end  
24 thereof the following: “, including any steps the State will  
25 take to address the weatherization and energy-related

1 home repair needs of households that have disproportion-  
2 ately high home energy costs or needs in relation to house-  
3 hold income, and describes the rules promulgated by the  
4 Department of Energy for administration of its Low In-  
5 come Weatherization Assistance Program which the State,  
6 to the extent permitted by the Secretary to increase con-  
7 sistency between federally assisted programs, will follow  
8 regarding the use of funds provided under this title by  
9 the State for such weatherization and energy-related home  
10 repairs and improvements”.

11 **SEC. 10. MATTERS TO BE DESCRIBED IN ANNUAL APPLICA-**  
12 **TION.**

13 Section 2605(c)(1) (42 U.S.C. 8624(c)(1)) is amend-  
14 ed—

15 (1) in subparagraph (F) (as so redesignated by  
16 section 6(d) of this Act)—

17 (A) by striking “and (13)” and inserting  
18 “(13), and (15)”; and

19 (B) by striking “and” at the end thereof;  
20 and

21 (2) by inserting after subparagraph (F) (as so  
22 redesignated by section 6(d) of this Act), the follow-  
23 ing new subparagraph:

24 “(G) states, with respect to the 12-month pe-  
25 riod specified by the Secretary, the number and in-

1       come levels of households assisted with funds pro-  
2       vided under this title, and the number of households  
3       so assisted with—

4               “(i) a member who had attained 60 years  
5               of age;

6               “(ii) a member who was disabled; and

7               “(iii) one or more young children; and”.

8       **SEC. 11. REPORT OF FUNDS AVAILABLE FOR OBLIGATION.**

9       Section 2607(a) (42 U.S.C. 8628(a)) is amended—

10           (1) by inserting “(1)” after the subsection des-  
11           ignation; and

12           (2) by adding at the end thereof the following  
13           new paragraph:

14           “(2) Each State shall notify the Secretary, not later  
15           than 2 months prior to the close of a fiscal year, of the  
16           amount (if any) of its allotment for such year that will  
17           not be obligated in such year, and, if such State elects  
18           to submit a request described in subsection (b)(2), such  
19           State shall submit such request at the same time. The Sec-  
20           retary shall make no payment under paragraph (1) to a  
21           State for a fiscal year unless the State has complied with  
22           this paragraph with respect to the prior fiscal year.”.

23       **SEC. 12. MISCELLANEOUS AND TECHNICAL AMENDMENTS.**

24           (a) IN GENERAL.—

1           (1) TREATMENT OF HOUSEHOLDS.—Section  
2 2605(b)(7) (42 U.S.C. 8624(b)(7) is amended—

3           (A) in subparagraph (B), by adding “and”  
4 at the end thereof;

5           (B) in subparagraph (C), to read as fol-  
6 lows:

7           “(C) assure that the home energy supplier  
8 will not treat households receiving assistance  
9 under this title less favorably than other house-  
10 holds to which it supplies home energy, and will  
11 comply with all provisions under or pursuant to  
12 State law prohibiting adverse or discriminatory  
13 treatment of such households;” and

14           (C) by striking subparagraph (D).

15           (2) INCENTIVE PROGRAM.—Section 2607A(e)  
16 (42 U.S.C. 8626a(e)) is amended by striking “July  
17 31, of each year” and inserting “2 months after the  
18 close of the fiscal year during which the State pro-  
19 vided leveraged resources to eligible households, as  
20 described in subsection (b)”.

21           (b) TECHNICAL AMENDMENTS.—

22           (1) Section 2602(b) (42 U.S.C. 8621(b)) is  
23 amended—

1 (A) by inserting “(other than section  
2 2607A)” after “to carry out the provisions of  
3 this title”; and

4 (B) by striking the second period at the  
5 end thereof.

6 (2) Section 2603(2) (42 U.S.C. 8622(2)) is  
7 amended—

8 (A) by striking “the” in paragraph (2) and  
9 inserting “The”; and

10 (B) by striking the semicolon at the end  
11 thereof and inserting a period.

12 (3) The sentence that immediately precedes  
13 paragraph (15) of section 2605(b) (42 U.S.C.  
14 8624(b)) is transferred so as to appear as a flush  
15 sentence immediately after paragraph (15).

16 (4) Section 2605(b)(3) (42 U.S.C. 8624(b)(3))  
17 is amended by striking “handicapped” and inserting  
18 “disabled”.

19 (5) Section 2607A(c)(2) (42 U.S.C.  
20 8626a(c)(2)) is amended by striking “.0008 per-  
21 cent” and inserting “0.08 percent”.

22 (6) Section 2610(a) (42 U.S.C. 8629(a)) is  
23 amended—

1 (A) in paragraph (2), by striking the semi-  
2 colon after “used” and inserting a semicolon  
3 after “title”; and

4 (B) in paragraph (5)—

5 (i) by striking “handicapped” and in-  
6 serting “disabled”; and

7 (ii) by inserting before the semicolon  
8 at the end thereof “or include young chil-  
9 dren”.

10 **SEC. 13. EFFECTIVE DATE.**

11 The amendments and repeals made by this Act shall  
12 become effective on October 1, 1994.

○