

103^D CONGRESS
2^D SESSION

H. R. 4085

To amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize 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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1994

Mr. MARTINEZ (for himself, Mr. SHARP, Mr. FORD of Michigan, and Mr. DINGELL) introduced the following bill; which was referred jointly to the Committees on Education and Labor and Energy and Commerce

A BILL

To amend the Low-Income Home Energy Assistance Act of 1981 to reauthorize 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 That this Act be cited as the "Low-Income Home Energy
- 4 Assistance Amendments of 1994".

1 **SEC. 2. STATEMENT OF PURPOSE.**

2 Section 2602(a) of the Low-Income Home Energy
3 Assistance Act of 1981 (hereafter referred to as the
4 “Act”) is amended to read as follows:

5 “SEC. 2602(a). In order to assist low-income house-
6 holds, particularly those that pay a high proportion of
7 their income for home energy, both in meeting their imme-
8 diate home energy needs, and in attaining the capacity to
9 meet such needs independently in the future, the Secretary
10 of Health and Human Services is authorized to make
11 grants to States for programs and activities consistent
12 with the provisions of this title.”.

13 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) AMOUNTS AUTHORIZED.—(1) Section 2602(b) of
15 the Act is amended by striking out all after “this title”
16 in the first sentence and inserting in lieu thereof “such
17 sums as may be necessary for each of fiscal years 1995,
18 1996, 1997, 1998, and 1999.”.

19 (2) Section 2602(d) of the Act is amended to read
20 as follows:

21 “(d)(1) There are authorized to be appropriated to
22 carry out section 2607A \$50,000,000 for each of fiscal
23 years 1995 and 1996, \$60,000,000 for fiscal year 1997,
24 \$70,000,000 for fiscal year 1998, and \$80,000,000 for fis-
25 cal year 1999, except that, if the amount appropriated
26 pursuant to subsection (b) does not exceed the amount

1 specified in paragraph (2) for a fiscal year, the amount
2 authorized to be appropriated to carry out section 2607A
3 for such fiscal year shall be \$50,000,000.

4 “(2) For purposes of paragraph (1), the amount
5 specified is—

6 “(A) for fiscal year 1997, the amount appro-
7 priated pursuant to subsection (b) for fiscal year
8 1996,

9 “(B) for fiscal year 1998, the amount so appro-
10 priated for fiscal year 1997, and

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

13 or, if greater, the amount so appropriated for fiscal year
14 1995.”.

15 (b) PERIOD FOR WHICH APPROPRIATION IS MADE;
16 REPEAL OF PROGRAM YEAR.—Section 2602 of the Act
17 is amended—

18 (1) by repealing subsection (c),

19 (2) by redesignating subsection (d) as sub-
20 section (c), and

21 (3) by amending the second sentence of sub-
22 section (b) to read as follows: “Amounts appro-
23 priated pursuant to this subsection or subsection (c)
24 in an appropriations Act for a fiscal year shall be

1 available for carrying out this title in the following
2 fiscal year.

3 **SEC. 4. EMERGENCY FUNDS.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
5 2602 of the Act is amended by adding at the end thereof
6 the following new subsection:

7 “(d) There are authorized to be appropriated in any
8 fiscal year for payments under this title, in addition to
9 amounts appropriated for distribution to all the States in
10 accordance with section 2604 (other than subsection (g)),
11 such sums as may be necessary to meet additional home
12 energy assistance needs of one or more States arising from
13 a natural disaster or other emergency. Funds appro-
14 priated pursuant to this authorization are hereby des-
15 ignated to be emergency requirements pursuant to section
16 251(b)(2)(D) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985, except that such funds shall
18 be made available only after submission to Congress of
19 a formal budget request by the President (for all or a part
20 of the appropriation pursuant to this subsection) that in-
21 cludes designation of the amount requested as an emer-
22 gency requirement as defined in such Act.”.

23 (b) ALLOTMENT OF EMERGENCY FUNDS.—Section
24 2604 of the Act is amended by adding at the end thereof
25 the following new subsection:

1 “(g) The Secretary may allot amounts appropriated
2 pursuant to section 2602(d) to one or more than one
3 State, and without regard to the preceding subsections
4 this section. The Secretary shall take into account, in de-
5 termining to which State or States additional funds will
6 be provided, the extent to which a State was affected by
7 the emergency or disaster, the availability to an affected
8 State of other resources under this or any other program,
9 and such other factors as the Secretary finds relevant.”.

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

11 Section 2605(b)(1) of the Act is amended to read as
12 follows:

13 “(1) use the funds available under this title to
14 conduct outreach activities and provide assistance to
15 low-income households, particularly those that pay a
16 high proportion of their income for home energy, to
17 intervene in energy crisis situations, and, to the ex-
18 tent found appropriate by the State, to encourage
19 and enable households to attain, to the maximum ex-
20 tent feasible, home energy self-sufficiency, to provide
21 low-cost residential weatherization and other cost-
22 effective residential repairs or improvements related
23 to energy use, to provide energy conservation edu-
24 cation, and to plan, develop, and administer the
25 State’s program under this title including leveraging

1 programs, and the State agrees not to use such
2 funds for any purposes other than those specified in
3 this title;”.

4 **SEC. 6. TARGETING OF ASSISTANCE TO HOUSEHOLDS WITH**
5 **HIGH HOME-ENERGY BURDENS.**

6 (a) Section 2605(b)(2)(B) of the Act is amended by
7 striking out “except that” and all that follows and insert-
8 ing in lieu thereof “except that a State may not exclude
9 a household from eligibility in a fiscal year solely on the
10 basis of its income if its income is less than 110 percent
11 of the poverty level for such State, but the State may give
12 priority to those households with the highest home energy
13 costs or needs in relation to income;”.

14 (b) Section 2605(b)(3) of the Act is amended by
15 striking out “are made aware” and inserting in lieu there-
16 of “and households with high home energy burdens, are
17 made aware”.

18 (c) Section 2605(b)(5) of the Act is amended by in-
19 serting “or needs” immediately after “highest energy
20 costs”.

21 (d) Section 2605(c)(1) of the Act is amended—

22 (1) by redesignating subparagraphs (E) and
23 (F) as subparagraphs (F) and (G), respectively, and

24 (2) by inserting after and below subparagraph
25 (D) the following:

1 “(E) describes any steps that will be taken (in
2 addition to those necessary to carry out the assur-
3 ance in clause (5) of subsection (b)) to target assist-
4 ance to households with high home energy bur-
5 dens;”.

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

8 The first sentence immediately following paragraph
9 (14) of section 2605(b) of the Act is repealed.

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

11 Section 2605 of the Act is amended—

12 (1) in subsection (b)(10) by striking out “and
13 provide that” and all that follows and inserting in
14 lieu thereof “and provide that the State will comply
15 with the provisions of chapter 75 of title 31 of the
16 United States Code (popularly known as the ‘Single
17 Audit Act’);”, and

18 (2) in subsection (e), by striking out “at least
19 every two years” and all that follows and inserting
20 in lieu thereof “in accordance with chapter 75 of
21 title 31 of the United States Code.”.

1 **SEC. 9. USE OF DEPARTMENT OF ENERGY WEATHERIZA-**
2 **TION RULES TO ACHIEVE PROGRAM CON-**
3 **SISTENCY.**

4 Section 2605(c)(1)(D) of the Act is amended by in-
5 serting before the semicolon at the end thereof “, including
6 any steps the State will take to address the weatherization
7 and energy-related home repair needs of households that
8 have disproportionately high home energy costs or needs
9 in relation to household income, and describes the rules
10 promulgated by the Department of Energy for administra-
11 tion of its Low Income Weatherization Assistance Pro-
12 gram which the State, to the extent permitted by the Sec-
13 retary to increase consistency between federally assisted
14 programs, will follow regarding the use of funds provided
15 under this title by the State for such weatherization and
16 energy-related home repairs and improvements”.

17 **SEC. 10. MATTERS TO BE DESCRIBED IN ANNUAL APPLICA-**
18 **TION.**

19 Section 2605(c)(1) is amended—

20 (1) by striking out “and (13)” in subparagraph
21 (E) and inserting in lieu thereof “(13), and (15)”,

22 (2) by striking out “and” after such subpara-
23 graph, and

24 (3) by redesignating subparagraph (F) as sub-
25 paragraph (G) and inserting after and below sub-
26 paragraph (E) the following new subparagraph:

1 “(F) states, with respect to the 12-month
2 period specified by the Secretary, the number
3 and income levels of households assisted with
4 funds provided under this title, and the number
5 of households so assisted with (i) a member
6 who had attained age 60, (ii) a member who
7 was disabled, and (iii) one or more young chil-
8 dren; and”.

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

10 Section 2607 of the Act is amended by redesignating
11 subsection (a) as subsection (a)(1) and by adding after
12 and below such subsection the following new paragraph:

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

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

24 (a) MINOR AMENDMENTS.—(1) Section 2605(b)(7)
25 of the Act is amended—

1 (A) by adding “and” after the semicolon after
2 subparagraph (B),

3 (B) by amending subparagraph (C) to read as
4 follows:

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

12 (C) by repealing subparagraph (D).

13 (2) Section 2607A(e) of the Act is amended by strik-
14 ing out “July 31, of each year” and inserting in lieu there-
15 of “two months after the close of the fiscal year during
16 which the State provided leveraged resources to eligible
17 households, as described in subsection (b)”.

18 (b) TECHNICAL AMENDMENTS.—(1) Section 2602(b)
19 of the Act is amended by inserting “(other than section
20 22607)” immediately after “to carry out the provisions of
21 this title”, and by striking out the second period at the
22 end thereof.

23 (2) Section 2603 of the Act is amended—

24 (A) by striking out “the” in paragraph (2) and
25 inserting in lieu thereof “The”, and

1 (B) by striking out the semicolon at the end of
2 such paragraph and inserting in lieu thereof a pe-
3 riod.

4 (3) Section 2605(b) of the Act is amended by placing
5 immediately after and below paragraph (15) the sentence
6 that immediately precedes such paragraph.

7 (4)(A) Section 2605(b)(3) of the Act is amended by
8 striking out “handicapped” and inserting in lieu thereof
9 “disabled”.

10 (B) Section 2610(a)(5) of the Act is amended—

11 (i) by striking out “handicapped” and inserting
12 in lieu thereof “disabled”; and

13 (ii) by inserting before the semicolon at the end
14 thereof “or include young children”.

15 (5) Section 2607A(c)(2) of the Act is amended by
16 striking out “.0008 percent” and inserting in lieu thereof
17 “0.08 percent”.

18 (6) Section 2610(a)(2) of Act is amended by striking
19 out the semicolon after “used” and inserting it after
20 “title”.

21 **SEC. 13. EFFECTIVE DATE.**

22 The amendments and repeals made by this Act shall
23 become effective October 1, 1994.

○