

108TH CONGRESS  
1ST SESSION

# S. 1761

To provide guidelines for the release of Low-Income Home Energy Assistance Program contingency funds.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2003

Ms. CANTWELL (for herself, Mr. SMITH, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide guidelines for the release of Low-Income Home Energy Assistance Program contingency funds.

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.**

4       This Act may be cited as the “LIHEAP Emergency  
5       Reform Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) The Low-Income Home Energy Assistance  
9       Program (LIHEAP) provides vital assistance to the

1 millions of Americans struggling to pay their energy  
2 bills.

3 (2) The LIHEAP contingency fund was created  
4 “to meet the additional home energy assistance  
5 needs of one or more States arising from a natural  
6 disaster or other emergency”.

7 (3) While a total of approximately  
8 \$2,670,000,000 in LIHEAP contingency funds have  
9 been distributed since 1990—in all cases, to help  
10 meet the needs of low-income families across the  
11 United States—widely varying eligibility rules have  
12 led to instances in which very real energy emer-  
13 gencies have been overlooked.

14 (4) The millions of Americans served by the  
15 Low-Income Home Energy Assistance Program, and  
16 States struggling to meet demand for the assistance  
17 this Program provides, would greatly benefit from  
18 the addition of transparency to the process by which  
19 LIHEAP contingency funds are distributed.

20 **SEC. 3. LIHEAP CONTINGENCY FUND REFORM.**

21 Section 2604(e) of the Low-Income Home Energy  
22 Assistance Act of 1981 (42 U.S.C. 8623(e)) is amended—

23 (1) by striking “(e) Notwithstanding” and in-  
24 serting “(e)(1) Notwithstanding”;

1           (2) in the second sentence, by striking “or any  
2       other program”; and

3           (3) by adding at the end the following:

4       “(2) Notwithstanding any other provision of this sub-  
5 section, the Governor of a State may apply to the Sec-  
6 retary for certification of an emergency in that State and  
7 an allotment of amounts appropriated pursuant to section  
8 2602(e).

9       “(3) The Secretary, in consultation with the Sec-  
10 retary of Energy and with the appropriate State officials,  
11 shall by rule adopt procedures for the equitable consider-  
12 ation of applications under paragraph (2). Such proce-  
13 dures shall require—

14           “(A) the consideration of each of the elements  
15       of the definition of ‘emergency’ in section 2603;

16           “(B) the consideration of the differences be-  
17       tween geographic regions including sources of energy  
18       supply for low-income households, relative price  
19       trends for sources of home energy supply, and rel-  
20       evant weather-related factors including drought; and

21           “(C) the Secretary to grant such applications  
22       within 30 days after submission unless the Secretary  
23       certifies in writing that none of the emergency con-

1        ditions defined in section 2603 have been dem-  
2        onstrated.”.

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