

110TH CONGRESS
1ST SESSION

H. R. 2447

To establish an Energy and Environment Block Grant Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2007

Mr. WYNN (for himself, Mr. TURNER, Mr. ENGEL, Mr. PALLONE, Mr. KENNEDY, Mr. INSLEE, Mr. BUTTERFIELD, Mr. WEINER, Mr. HASTINGS of Florida, and Mr. CARNAHAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish an Energy and Environment Block Grant Program, 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.**

4 This Act may be cited as the “Energy and Environ-
5 ment Block Grant Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Based on a recent United Nations report,
2 the world scientific community now agrees that glob-
3 al warming is caused by the emission of greenhouse
4 gases from human behavior and activity.

5 (2) The United States, while representing less
6 than 5 percent of the world's population, releases a
7 projected 25 percent of all greenhouse gases emitted
8 worldwide.

9 (3) Local governments are particularly well po-
10 sitioned to develop, implement, and promote energy
11 efficiency and greenhouse gas reduction strategies at
12 the community level, as part of a comprehensive na-
13 tional strategy to address global warming.

14 (4) The release of significant amounts of green-
15 house gases occurs as a result of energy consumed
16 by buildings and homes, and 39,300,000 new homes
17 and 20,000,000,000 square feet of commercial office
18 space are projected to be constructed between 2007
19 and 2031.

20 (5) Local governments, through revised building
21 codes, building inspection, and the promotion of en-
22 ergy efficient retrofits and conservation measures,
23 are uniquely positioned to work with their local busi-
24 ness communities to encourage energy efficiency and

1 greenhouse gas reduction strategies within the build-
2 ing construction and management sectors.

3 (6) The development of community-based con-
4 servation programs that reduce the usage of energy
5 in homes and transportation will yield immediate
6 and significant reductions of a jurisdiction’s overall
7 carbon emissions. Many cities have already signed
8 Climate Protection Agreements, including a goal of
9 all buildings being carbon neutral by 2030.

10 (7) Local governments control or influence land
11 use, transportation, and development planning that
12 directly impacts the design of a community, a major
13 factor in the amount of greenhouse gases emitted.

14 (8) The development of local energy and envi-
15 ronment comprehensive plans will provide local gov-
16 ernments the strategies they need to establish spe-
17 cific energy efficiency and greenhouse gas emission
18 reduction goals and milestones.

19 **SEC. 3. DEFINITIONS.**

20 For purposes of this Act—

21 (1) the term “eligible entity” means a State or
22 an eligible unit of local government within a State;

23 (2) the term “eligible unit of local government”
24 means—

1 (A) a city with a population of at least
2 50,000; and

3 (B) a county with a population of at least
4 200,000;

5 (3) the term “greenhouse gas” means—

6 (A) carbon dioxide;

7 (B) methane;

8 (C) nitrous oxide;

9 (D) hydrofluorocarbons;

10 (E) perfluorocarbons;

11 (F) sulfur hexafluoride; and

12 (G) any other anthropogenically-emitted
13 gas that is determined by the Secretary, after
14 notice and comment, to contribute to global
15 warming to a non-negligible degree;

16 (4) the term “Secretary” means the Secretary
17 of Energy; and

18 (5) the term “State” means one of the 50
19 States, the District of Columbia, the Commonwealth
20 of Puerto Rico, Guam, American Samoa, the United
21 States Virgin Islands, the Commonwealth of the
22 Northern Mariana Islands, and any other common-
23 wealth, territory, or possession of the United States.

1 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

2 The Secretary shall establish an Energy and Environ-
3 ment Block Grant Program to make block grants to eligi-
4 ble entities as provided in this Act.

5 **SEC. 5. ALLOCATIONS.**

6 (a) IN GENERAL.—Of the funds appropriated for
7 making grants under this Act for each fiscal year, the Sec-
8 retary shall allocate 70 percent to be provided to eligible
9 units of local government as provided in subsection (b)
10 and 30 percent to be provided to States as provided in
11 subsection (c).

12 (b) ELIGIBLE UNITS OF LOCAL GOVERNMENT.—The
13 Secretary shall provide grants to eligible units of local gov-
14 ernment according to a formula giving equal weight to—

15 (1) population, according to the most recent
16 available Census data; and

17 (2) daytime population, or another similar fac-
18 tor such as square footage of commercial, office, and
19 industrial space, as determined by the Secretary.

20 (c) STATES.—The Secretary shall provide grants to
21 States according to a formula based on population, accord-
22 ing to the most recent available Census data.

23 (d) PUBLICATION OF ALLOCATION FORMULAS.—Not
24 later than 90 days before the beginning of any fiscal year
25 in which grants are to be made under this Act, the Secretary

1 shall publish in the Federal Register the formulas for allo-
2 cation described in subsection (b)(1) and (b)(2).

3 **SEC. 6. ELIGIBLE ACTIVITIES.**

4 Funds provided through a grant under this Act may
5 be used for the following activities:

6 (1) Development and implementation of an En-
7 ergy Efficiency and Climate Protection Strategy
8 under section 8 or 9.

9 (2) Retaining technical consultant services to
10 assist an eligible entity in the development of such
11 Strategy, including—

12 (A) estimation of the 1990 levels of green-
13 house gas emissions within the jurisdiction of
14 the eligible entity;

15 (B) determination of baseline greenhouse
16 gas emissions for 2006 or the most recent year
17 for best available data;

18 (C) formulation of energy efficiency and
19 greenhouse gas emission reduction goals;

20 (D) identification of strategies to meet
21 such goals through major emitters of green-
22 house gases;

23 (E) identification of strategies to encour-
24 age behavioral changes among the populace
25 that will help achieve such goals;

1 (F) development of methods to measure
2 progress in achieving such goals;

3 (G) development and preparation of annual
4 reports to the citizenry of the eligible entity's
5 energy efficiency and greenhouse gas reduction
6 strategies and goals, and progress in achieving
7 them;

8 (H) analysis of potential mitigation strate-
9 gies to offset the negative environmental im-
10 pacts of global warming on the community; and

11 (I) other services to assist in the imple-
12 mentation of the Energy Efficiency and Climate
13 Protection Strategy.

14 (3) Conducting energy audits.

15 (4) Development and implementation of weath-
16 erization programs.

17 (5) Creation of financial incentive programs for
18 energy efficiency retrofits, including zero-interest or
19 low-interest revolving loan funds.

20 (6) Grants to nonprofit organizations and gov-
21 ernmental agencies for energy retrofits.

22 (7) Development and implementation of energy
23 efficiency programs and technologies for buildings
24 and facilities of nonprofit organizations and govern-
25 mental agencies.

1 (8) Development and implementation of build-
2 ing and home energy conservation programs, includ-
3 ing—

4 (A) design and operation of the programs;

5 (B) research on the most effective methods
6 for achieving maximum participation and effi-
7 ciency rates;

8 (C) public education;

9 (D) measurement protocols; and

10 (E) identification of energy efficient tech-
11 nologies.

12 (9) Development and implementation of trans-
13 portation fuel conservation programs, including—

14 (A) promotion of public transit ridership;

15 (B) car pooling;

16 (C) reduction of vehicle miles traveled;

17 (D) increase in trip efficiencies;

18 (E) use of flex time by employers;

19 (F) satellite work centers; and

20 (G) other measures that have the effect of
21 increasing fuel efficiencies and decreasing fuel
22 consumption.

23 (10) Development and implementation of alter-
24 native fuel technologies in public fleets that result in
25 significant greenhouse gas emission reductions, in-

cluding the retrofitting of diesel bus fleets with high technology exhaust filters and the purchase of zero-emission hydrogen fuel cell buses.

(11) Development and implementation of alternative fuel infrastructure that results in significant reductions in greenhouse gas emissions.

(12) Development and implementation of intelligent transportation systems designed to reduce congestion and related greenhouse gas emissions.

(13) Development and implementation of building codes and inspection services for public, commercial, industrial, and single and multifamily residential buildings to promote energy efficiency.

(14) Application and implementation of alternative energy and energy distribution technologies that significantly increase energy efficiency and reduce greenhouse gas emissions, including solar, wind, geothermal, district heating and cooling systems, and other renewable energy resources.

(15) Development and promotion of land use guidelines or requirements that result in energy efficiency and greenhouse gas emission reductions, including mixed use development, transit-oriented development, active living land use planning, and alternative transportation infrastructure such as bike

1 lanes and pathways, pedestrian-oriented transpor-
2 tation, and parking for alternative forms of trans-
3 portation.

4 (16) Promotion of greater participation and ef-
5 ficiency rates for material conservation programs, in-
6 cluding source reduction, recycling, and recycled
7 content procurement programs that lead to increases
8 in energy efficiency and reductions in greenhouse
9 gas emissions.

10 (17) Establishment of an office to assist in the
11 development and implementation of the Energy Effi-
12 ciency and Climate Protection Strategy.

13 **SEC. 7. INELIGIBLE ACTIVITIES.**

14 Funds provided through a grant under this Act may
15 be not used for the following activities:

16 (1) Purchase or leasing of equipment or vehi-
17 cles for the private sector.

18 (2) Purchase of pollution control equipment for
19 private electric utilities.

20 **SEC. 8. REQUIREMENTS FOR ELIGIBLE UNITS OF LOCAL**
21 **GOVERNMENT.**

22 (a) PROPOSED STRATEGY.—Not later than 1 year
23 after being awarded a grant under this Act, an eligible
24 unit of local government shall submit to the Secretary a
25 proposed Energy Efficiency and Climate Protection Strat-

1 egy which establishes goals for increased energy efficiency
2 and reduction of greenhouse gas emissions in the jurisdic-
3 tion of the eligible units of local government. The Strategy
4 shall include plans for the use of funds received under the
5 grant to assist the eligible unit of local government in the
6 achievement of such goals, consistent with sections 6 and
7 7. In developing such a Strategy, an eligible unit of local
8 government shall take into account any plans for the use
9 of funds by adjoining eligible units of local governments
10 funded under this Act.

11 (b) APPROVAL.—The Secretary shall approve or dis-
12 approve a proposed Strategy submitted under subsection
13 (a) not later than 90 days after receiving it. If the Sec-
14 retary disapproves a proposed Strategy, the Secretary
15 shall provide to the eligible unit of local government the
16 reasons for such disapproval. The eligible unit of local gov-
17 ernment may revise and resubmit the Strategy, as many
18 times as required, until approval is granted.

19 (c) FUNDING FOR PREPARATION OF STRATEGY.—

20 (1) IN GENERAL.—Until the Secretary has ap-
21 proved a proposed Energy Efficiency and Climate
22 Protection Strategy under subsection (b), the Sec-
23 retary shall only disburse to an eligible unit of local
24 government \$200,000 or 20 percent of the grant,

1 whichever is greater, which may be used only for
2 preparation of the Strategy.

3 (2) REMAINDER OF FUNDS.—The remainder of
4 an eligible unit of local government’s grant funds
5 awarded but not disbursed under paragraph (1)
6 shall remain available and shall be disbursed by the
7 Secretary upon approval of the Strategy.

8 (d) LIMITATIONS ON USE OF FUNDS.—Of the
9 amounts provided through a grant under this Act, an eligi-
10 ble unit of local government may use—

11 (1) not more than 10 percent, or \$75,000,
12 whichever is greater, for administrative expenses,
13 not including expenses needed to meet reporting re-
14 quirements under this Act;

15 (2) not more than 20 percent, or \$250,000,
16 whichever is greater, for the establishment of revolv-
17 ing loan funds; and

18 (3) not more than 20 percent, or \$250,000,
19 whichever is greater, for subgranting to nongovern-
20 mental organizations for the purpose of assisting in
21 the implementation of the Energy Efficiency and
22 Climate Protection Strategy.

23 (e) ANNUAL REPORT.—Not later than 2 years after
24 receipt of the first disbursement of funds from a grant
25 awarded under this Act, and annually thereafter, an eligi-

1 ble unit of local government shall submit a report to the
2 Secretary on the status of the Strategy's development and
3 implementation, and, where practicable, a best available
4 assessment of energy efficiency gains and greenhouse gas
5 reductions within the jurisdiction of the eligible unit of
6 local government.

7 **SEC. 9. REQUIREMENTS FOR STATES.**

8 (a) **ALLOCATION OF GRANT FUNDS.**—A State receiv-
9 ing a grant under this Act shall use at least 70 percent
10 of the funds received to provide subgrants to units of local
11 government in the State that are not eligible units of local
12 government. The State shall make such subgrant awards
13 not later than 6 months after approval of the State's
14 Strategy under subsection (c).

15 (b) **PROPOSED STRATEGY.**—Not later than 120 days
16 the date of enactment of this Act, each State shall submit
17 to the Secretary a proposed Energy Efficiency and Cli-
18 mate Protection Strategy which establishes a process for
19 making subgrants described in subsection (a), and estab-
20 lishes goals for increased energy efficiency and reduction
21 of greenhouse gas emissions in the jurisdiction of the
22 State. The Strategy shall include plans for the use of
23 funds received under a grant under this Act to assist the
24 State in the achievement of such goals, consistent with
25 sections 6 and 7.

1 (c) APPROVAL.—The Secretary shall approve or dis-
2 approve a proposed Strategy submitted under subsection
3 (b) not later than 90 days after receiving it. If the Sec-
4 retary disapproves a proposed Strategy, the Secretary
5 shall provide to the State the reasons for such disapproval.
6 The State may revise and resubmit the Strategy, as many
7 times as required, until approval is granted.

8 (d) FUNDING FOR PREPARATION OF STRATEGY.—

9 (1) IN GENERAL.—Until the Secretary has ap-
10 proved a proposed Energy Efficiency and Climate
11 Protection Strategy under subsection (b), the Sec-
12 retary shall only disburse to a State \$200,000 or 20
13 percent of the grant, whichever is greater, which
14 may be used only for preparation of the Strategy.

15 (2) REMAINDER OF FUNDS.—The remainder of
16 a State's grant funds awarded but not disbursed
17 under paragraph (1) shall remain available and shall
18 be disbursed by the Secretary upon approval of the
19 Strategy.

20 (e) LIMITATIONS ON USE OF FUNDS.—Of the
21 amounts provided through a grant under this Act, a State
22 may use not more than 10 percent for administrative ex-
23 penses.

1 (f) ANNUAL REPORTS.—A State shall annually re-
2 port to the Secretary on the development and implementa-
3 tion of its Strategy. Each such report shall include—

4 (1) a status report on the State’s subgrant pro-
5 gram described in subsection (a);

6 (2) a best available assessment of energy effi-
7 ciency gains and greenhouse gas reductions achieved
8 through the State’s Strategy; and

9 (3) specific energy efficiency and greenhouse
10 gas reduction goals for future years.

11 **SEC. 10. REVIEW AND EVALUATION.**

12 The Secretary may review and evaluate the perform-
13 ance of grant recipients, including by performing audits,
14 and may deny funding to such grant recipients for failure
15 to properly adhere to—

16 (1) the Secretary’s guidelines and regulations
17 relating to the program under this Act, including the
18 misuse or misappropriation of funds; or

19 (2) the grant recipient’s Strategy.

20 **SEC. 11. OFFICE OF ENERGY AND ENVIRONMENTAL BLOCK**
21 **GRANTS.**

22 (a) ESTABLISHMENT.—The Secretary shall establish
23 an Office of Energy and Environmental Block Grants to
24 administer the program under this Act. The Director of

1 the Office shall have the title of Assistant Secretary for
2 Energy Efficiency and Climate Protection.

3 (b) STATE AND LOCAL ADVISORY COMMITTEE.—The
4 Office shall establish a State and Local Advisory Com-
5 mittee to provide it advice regarding the administration,
6 direction, and evaluation of the program under this Act,
7 and to assist in developing priorities for the Research,
8 Technical Assistance, and Education Program established
9 under section 12.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary for ad-
12 ministrative expenses of the Office established under sub-
13 section (a)—

- 14 (1) \$20,000,000 for fiscal year 2008;
- 15 (2) \$20,000,000 for fiscal year 2009;
- 16 (3) \$25,000,000 for fiscal year 2010;
- 17 (4) \$25,000,000 for fiscal year 2011; and
- 18 (5) \$30,000,000 for fiscal year 2012.

19 **SEC. 12. RESEARCH, TECHNICAL ASSISTANCE, AND EDU-**
20 **CATION PROGRAM.**

21 (a) ESTABLISHMENT.—The Office of Energy and
22 Environmental Block Grants shall establish and carry out
23 a Research, Technical Assistance, and Education Program
24 to provide—

1 (1) technical assistance to State and local gov-
2 ernments;

3 (2) public education programs;

4 (3) demonstration of innovative energy effi-
5 ciency and greenhouse gas reduction systems, tech-
6 nologies, and practices; and

7 (4) research and development of effective meas-
8 urement methodologies, methods for changing or in-
9 fluencing public participation in energy efficiency
10 and greenhouse gas reduction programs, and other
11 methods to increase public awareness of, and action
12 on, the global warming crisis.

13 (b) ELIGIBLE RECIPIENTS.—Eligible recipients of as-
14 sistance under this section shall include State and local
15 governments, State and local government associations,
16 public and private nonprofit organizations, and colleges
17 and universities.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary for car-
20 rying out this section \$150,000,000 for each of the fiscal
21 years 2008 through 2012.

22 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the Sec-
24 retary for grants under this Act—

25 (1) \$4,000,000,000 for fiscal year 2008;

- 1 (2) \$4,000,000,000 for fiscal year 2009;
- 2 (3) \$5,000,000,000 for fiscal year 2010;
- 3 (4) \$5,000,000,000 for fiscal year 2011; and
- 4 (5) \$6,000,000,000 for fiscal year 2012.

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