

**(g) Review of plans**

The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.

(Pub. L. 94-163, title III, §362, Dec. 22, 1975, 89 Stat. 933; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288; Pub. L. 101-440, §§3(a), 4(a), (b), Oct. 18, 1990, 104 Stat. 1006-1008; Pub. L. 102-486, title I, §141(b), (c)(1), Oct. 24, 1992, 106 Stat. 2841; Pub. L. 105-244, title I, §102(a)(13)(E), Oct. 7, 1998, 112 Stat. 1620; Pub. L. 105-388, §5(a)(8), Nov. 13, 1998, 112 Stat. 3478; Pub. L. 109-58, title I, §123(a), Aug. 8, 2005, 119 Stat. 616; Pub. L. 117-58, div. D, title I, §§40104(b), 40109(a), (b), Nov. 15, 2021, 135 Stat. 932, 944.)

**Editorial Notes****AMENDMENTS**

2021—Subsec. (c)(7). Pub. L. 117-58, §40109(a), added par. (7).

Subsec. (d)(3). Pub. L. 117-58, §40109(b), added par. (3) and struck out former par. (3) which read as follows: “programs to increase transportation energy efficiency, including programs to accelerate the use of alternative transportation fuels for State government vehicles, fleet vehicles, taxies, mass transit, and privately owned vehicles.”.

Subsec. (d)(17), (18). Pub. L. 117-58, §40104(b), added par. (17) and redesignated former par. (17) as (18).

2005—Subsec. (g). Pub. L. 109-58 added subsec. (g).

1998—Subsec. (a)(1). Pub. L. 105-388, §5(a)(8)(A), inserted “of” after “of the implementation”.

Subsec. (d)(12). Pub. L. 105-388, §5(a)(8)(B), substituted “subsection (f)(2)” for “subsection (g)”.

Subsec. (f)(5)(A). Pub. L. 105-244 substituted “section 1001” for “section 1141(a)”.

1992—Subsec. (c)(5). Pub. L. 102-486, §141(c)(1), substituted “and to turn such vehicle left from a one-way street onto a one-way street at a red light after stopping; and” for “; and”.

Subsec. (d)(13) to (17). Pub. L. 102-486, §141(b), added pars. (13) to (16) and redesignated former par. (13) as (17).

1990—Subsec. (c)(6). Pub. L. 101-440, §3(a), added par. (6).

Subsec. (d)(3). Pub. L. 101-440, §4(a)(1), added par. (3) and struck out former par. (3) which read as follows: “transportation controls.”.

Subsec. (d)(5) to (13). Pub. L. 101-440, §4(a)(3), added pars. (5) to (13) and struck out former par. (5) which read as follows: “any other appropriate method or programs to conserve and to improve efficiency in the use of energy.”

Subsec. (f). Pub. L. 101-440, §4(b), added subsec. (f).

1978—Subsecs. (a), (b), (e). Pub. L. 95-619 substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, wherever appearing.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 1998 AMENDMENT**

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

**EFFECTIVE DATE OF 1992 AMENDMENT**

Pub. L. 102-486, title I, §141(c)(2), Oct. 24, 1992, 106 Stat. 2841, provided that: “The amendment made by

paragraph (1) [amending this section] shall take effect January 1, 1995.”

**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

**STUDY REGARDING IMPACT OF PERMITTING RIGHT AND LEFT TURNS ON RED LIGHTS**

Pub. L. 102-486, title I, §141(d), Oct. 24, 1992, 106 Stat. 2841, required the Administrator of the National Highway Traffic Safety Administration, in consultation with State agencies with jurisdiction over traffic safety issues, to conduct a study on the safety impact of the requirement specified in subsec. (c)(5) of this section, particularly with respect to the impact on pedestrian safety, and to report the findings of the study to Congress and the Secretary by not later than 2 years after Oct. 24, 1992.

**§ 6323. Federal assistance to States****(a) Information, technical assistance, and assistance in preparation of reports and development, implementation, or modification of energy conservation plan**

Upon request of the Governor of any State, the Secretary shall provide, subject to the availability of personnel and funds, information and technical assistance, including model State laws and proposed regulations relating to energy conservation, and other assistance in—

(1) the preparation of the reports described in section 6322 of this title, and

(2) the development, implementation, or modification of an energy conservation plan of such State submitted under section 6322(b) or (e) of this title.

**(b) Financial assistance to assist State in development, implementation, or modification of energy conservation plan; submission of plan to and approval of Secretary; considerations governing approval; amount of assistance**

(1) The Secretary may grant Federal financial assistance pursuant to this section for the purpose of assisting such State in the development of any such energy conservation plan or in the implementation or modification of a State energy conservation plan or part thereof which has been submitted to and approved by the Secretary pursuant to this part.

(2) In determining whether to approve a State energy conservation plan submitted under section 6322(b) or (e) of this title, the Secretary—

(A) shall take into account the impact of local economic, climatic, geographic, and other unique conditions and requirements of such State on the opportunity to conserve and to improve efficiency in the use of energy in such State; and

(B) may extend the period of time during which a State energy conservation feasibility report or State energy conservation plan may be submitted if the Secretary determines that participation by the State submitting such report or plan is likely to result in significant progress toward achieving the purposes of this chapter.

No such plan shall be disapproved without notice and an opportunity to present views.

(3) In determining the amount of Federal financial assistance to be provided to any State under this subsection, the Secretary shall consider—

(A) the contribution to energy conservation which can reasonably be expected,

(B) the number of people affected by such plan, and

(C) the consistency of such plan with the purposes of this chapter, and such other factors as the Secretary deems appropriate.

**(c) Records**

Each recipient of Federal financial assistance under subsection (b) shall keep such records as the Secretary shall require, including records which fully disclose the amount and disposition by each recipient of the proceeds of such assistance, the total cost of the plan, program, projects, measures, or systems for which such assistance was given or used, the source and amount of funds for such plan, program, projects, measures, or systems not supplied by the Secretary, and such other records as the Secretary determines necessary to facilitate an effective audit and performance evaluation. The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, at reasonable times and under reasonable conditions, to any pertinent books, documents, papers, and records of any recipient of Federal assistance under this part.

**(d) Assistance as supplementing and not supplanting State and local funds**

Each State receiving Federal financial assistance pursuant to this section shall provide reasonable assurance to the Secretary that it has established policies and procedures designed to assure that Federal financial assistance under this part and under part E of this subchapter will be used to supplement, and not to supplant, State and local funds, and to the extent practicable, to increase the amount of such funds that otherwise would be available, in the absence of such Federal financial assistance, for those programs set forth in the State energy conservation plan approved pursuant to subsection (b).

**(e) State buildings energy efficiency improvements incentive fund**

If the Secretary determines that a State has demonstrated a commitment to improving the energy efficiency of buildings within such State, the Secretary may, beginning in fiscal year 1994, provide up to \$1,000,000 to such State for deposit into a revolving fund established by such State for the purpose of financing energy efficiency improvements in State and local government buildings. In making such determination the Secretary shall consider whether—

(1) such State, or a majority of the units of local government with jurisdiction over building energy codes within such State, has adopted codes for energy efficiency in new buildings that are at least as stringent as American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1-1989 (with respect to commercial buildings) and Council of

American Building Officials Model Energy Code, 1992 (with respect to residential buildings);

(2) such State has established a program, including a revolving fund, to finance energy efficiency improvement projects in State and local government facilities and buildings; and

(3) such State has obtained funding from non-Federal sources, including but not limited to, oil overcharge funds, State or local government appropriations, or utility contributions (including rebates) equal to or greater than three times the amount provided by the Secretary under this subsection for deposit into such revolving fund.

(Pub. L. 94-163, title III, §363, Dec. 22, 1975, 89 Stat. 934; Pub. L. 94-385, title IV, §432(b), (c), Aug. 14, 1976, 90 Stat. 1162; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288; Pub. L. 101-440, §3(b), Oct. 18, 1990, 104 Stat. 1007; Pub. L. 102-486, title I, §141(a)(1), Oct. 24, 1992, 106 Stat. 2840; Pub. L. 117-58, div. D, title I, §40108(c)(2), Nov. 15, 2021, 135 Stat. 944.)

**Editorial Notes**

**REFERENCES IN TEXT**

This chapter, referred to in subsec. (b)(2)(B), (3)(C), was in the original “this Act”, meaning Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871, known as the Energy Policy and Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

**AMENDMENTS**

2021—Subsecs. (e), (f). Pub. L. 117-58 redesignated subsec. (f) as (e) and struck out former subsec. (e) which related to energy emergency planning program as prerequisite to assistance.

1992—Subsec. (f). Pub. L. 102-486 added subsec. (f).

1990—Subsecs. (d), (e). Pub. L. 101-440 added subsecs. (d) and (e).

1978—Pub. L. 95-619 substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, wherever appearing.

1976—Subsec. (b)(2). Pub. L. 94-385, §432(b), inserted provision requiring notice and opportunity to present views prior to disapproval of plans.

Subsec. (c). Pub. L. 94-385, §432(c), inserted references to plan, measures, or systems wherever appearing and required that examinations be at reasonable times and under reasonable conditions.

**Statutory Notes and Related Subsidiaries**

**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

**§ 6323a. Matching State contributions**

For the base State Energy Conservation Program (part D of the Energy Policy and Conservation Act, sections 361 through 366 [42 U.S.C. 6321-6326]), each State will hereafter match in cash or in kind not less than 20 percent of the Federal contribution.

(Pub. L. 98-473, title I, §101(c) [title II], Oct. 12, 1984, 98 Stat. 1837, 1861.)