

CHAPTER 94—LOW-INCOME ENERGY ASSISTANCE

SUBCHAPTER I—HOME ENERGY ASSISTANCE

Sec.
8601 to 8612. Repealed.

SUBCHAPTER II—LOW-INCOME HOME ENERGY ASSISTANCE

- 8621. Home energy grants.
- 8622. Definitions.
- 8623. State allotments.
- 8624. Applications and requirements.
- 8625. Nondiscrimination provisions.
- 8626. Payments to States; fiscal year requirements respecting availability, etc.
- 8626a. Incentive program for leveraging non-Federal resources.
- 8626b. Residential Energy Assistance Challenge option (R.E.A.Ch.).
- 8627. Withholding of funds.
- 8628. Limitation on use of grants for construction.
- 8628a. Technical assistance, training, and compliance reviews.
- 8629. Studies and reports.
- 8630. Renewable fuels.

SUBCHAPTER I—HOME ENERGY ASSISTANCE

§§ 8601 to 8612. Repealed. Pub. L. 97-35, title XXVI, § 2611, Aug. 13, 1981, 95 Stat. 902

Section 8601, Pub. L. 96-223, title III, § 302, Apr. 2, 1980, 94 Stat. 288, set forth Congressional findings and declaration of purpose for low-income energy assistance program.

Section 8602, Pub. L. 96-223, title III, § 303, Apr. 2, 1980, 94 Stat. 288, defined “household”, “home energy”, “lower living standard income level”, “Secretary”, and “State”.

Section 8603, Pub. L. 96-223, title III, § 304, Apr. 2, 1980, 94 Stat. 289, related to authorizations for home energy grants.

Section 8604, Pub. L. 96-223, title III, § 305, Apr. 2, 1980, 94 Stat. 289, set forth eligibility requirements for households.

Section 8605, Pub. L. 96-223, title III, § 306, Apr. 2, 1980, 94 Stat. 289, set forth provisions respecting allotments for grants.

Section 8606, Pub. L. 96-223, title III, § 307, Apr. 2, 1980, 94 Stat. 293, set forth limitations on uses of home energy grants for fiscal year 1981.

Section 8607, Pub. L. 96-223, title III, § 308, Apr. 2, 1980, 94 Stat. 294, set forth provisions respecting submission, contents, etc., for State plans.

Section 8608, Pub. L. 96-223, title III, § 309, Apr. 2, 1980, 94 Stat. 298, related to uniform collection data.

Section 8609, Pub. L. 96-223, title III, § 310, Apr. 2, 1980, 94 Stat. 298, related to amount and methods of payment.

Section 8610, Pub. L. 96-223, title III, § 311, Apr. 2, 1980, 94 Stat. 298, related to withholding of payments.

Section 8611, Pub. L. 96-223, title III, § 312, Apr. 2, 1980, 94 Stat. 298, set forth criminal penalties for violations of provisions.

Section 8612, Pub. L. 96-223, title III, § 313(a)-(c)(1), (d)-(g), Apr. 2, 1980, 94 Stat. 298, 299, related to administration and implementation of energy assistance programs.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Pub. L. 97-35, title XXVI, § 2611, Aug. 13, 1981, 95 Stat. 902, provided that the repeal made by that section is effective Oct. 1, 1981.

SHORT TITLE

Pub. L. 96-223, title III, § 301, Apr. 2, 1980, 94 Stat. 288, provided that title III of Pub. L. 96-223, which enacted

sections 8601 to 8612 of this title, and amended section 2014(d) of Title 7, Agriculture, was to be cited as the “Home Energy Assistance Act of 1980”, prior to repeal by Pub. L. 97-35, title XXVI, § 2611, Aug. 13, 1981, 95 Stat. 902.

SUBCHAPTER II—LOW-INCOME HOME ENERGY ASSISTANCE

§ 8621. Home energy grants

(a) Authorization

The Secretary is authorized to make grants, in accordance with the provisions of this subchapter, to States to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this subchapter (other than section 8626a of this title), \$2,000,000,000 for each of fiscal years 1995 through 1999, such sums as may be necessary for each of fiscal years 2000 and 2001, and \$5,100,000,000 for each of fiscal years 2005 through 2007. The authorizations of appropriations contained in this subsection are subject to the program year provisions of subsection (c).

(c) Availability of appropriations

Amounts appropriated under this section for any fiscal year for programs and activities under this subchapter shall be made available for obligation in the succeeding fiscal year.

(d) Authorization of appropriations for leveraged resources

(1) There is authorized to be appropriated to carry out section 8626a of this title, \$30,000,000 for each of fiscal years 1999 through 2004, except as provided in paragraph (2).

(2) For any of fiscal years 1999 through 2004 for which the amount appropriated under subsection (b) is not less than \$1,400,000,000, there is authorized to be appropriated \$50,000,000 to carry out section 8626a of this title.

(e) Emergency funds

There is authorized to be appropriated in each fiscal year for payments under this subchapter, in addition to amounts appropriated for distribution to all the States in accordance with section 8623 of this title (other than subsection (e) of such section), \$600,000,000 to meet the additional home energy assistance needs of one or more States arising from a natural disaster or other emergency. Funds appropriated pursuant to this subsection are hereby designated to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(b)(2)(D)], except that such funds shall be made available only after the submission to Congress of a formal budget request by the President (for all or a part of the appropriation pursuant to this subsection) that includes a designation of the amount requested as an emergency requirement as defined in such Act [2 U.S.C. 900 et seq.].

(Pub. L. 97-35, title XXVI, § 2602, Aug. 13, 1981, 95 Stat. 893; Pub. L. 98-558, title VI, § 601, Oct. 30,

1984, 98 Stat. 2889; Pub. L. 99-425, title V, § 501, Sept. 30, 1986, 100 Stat. 973; Pub. L. 101-501, title VII, §§ 701, 702, 707(b), Nov. 3, 1990, 104 Stat. 1258, 1261; Pub. L. 103-43, title XX, § 2011, June 10, 1993, 107 Stat. 214; Pub. L. 103-252, title III, §§ 302-304(a), 311(c)(1), May 18, 1994, 108 Stat. 657, 658, 661; Pub. L. 105-285, title III, § 302, Oct. 27, 1998, 112 Stat. 2756; Pub. L. 109-58, title I, § 121(a), Aug. 8, 2005, 119 Stat. 616.)

Editorial Notes

REFERENCES IN TEXT

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (e), is classified to section 901 of Title 2, The Congress. Section 251 was amended by Pub. L. 105-33, title X, § 10203(a)(4), Aug. 5, 1997, 111 Stat. 699, and by Pub. L. 112-25, title I, § 101, Aug. 2, 2011, 125 Stat. 241. As so amended, section 251(b)(2)(D) no longer refers to “emergency requirements”.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (e), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of this title, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of this title, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

AMENDMENTS

2005—Subsec. (b). Pub. L. 109-58 substituted “and \$5,100,000,000 for each of fiscal years 2005 through 2007” for “and \$2,000,000,000 for each of fiscal years 2002 through 2004”.

1998—Subsec. (b). Pub. L. 105-285, § 302(a), inserted “, such sums as may be necessary for each of fiscal years 2000 and 2001, and \$2,000,000,000 for each of fiscal years 2002 through 2004” after “1995 through 1999”.

Subsec. (c). Pub. L. 105-285, § 302(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(c)(1) In fiscal year 1993 and each fiscal year thereafter, amounts appropriated under this section for any fiscal year for programs and activities under this subchapter shall be made available for obligation only on the basis of a program year. The program year shall begin on October 1 of the fiscal year following the year in which the appropriation is made.

“(2) Amounts appropriated for fiscal year 1993 shall be available both to fund activities for the period between October 1, 1992, and July 1, 1993, and for the program year beginning July 1, 1993.

“(3) There are authorized to be appropriated such additional sums as may be necessary for the transition to carry out this subsection.”

Subsec. (d). Pub. L. 105-285, § 302(c), designated existing provisions as par. (1), substituted “There is authorized” for “There are authorized” and “\$30,000,000 for each of fiscal years 1999 through 2004, except as provided in paragraph (2)” for “\$50,000,000 for each of the fiscal years 1996 and 1997, and such sums as may be necessary for each of the fiscal years 1998 and 1999”, and added par. (2).

Subsec. (e). Pub. L. 105-285, § 302(d), substituted “There is authorized” for “There are authorized” and “(other than subsection (e) of such section)” for “(other than subsection (g))”.

1994—Subsec. (a). Pub. L. 103-252, § 302, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of Health and Human Services is authorized to make grants, in accordance with the provisions of this subchapter, to States to assist eligible households to meet the costs of home energy.”

Subsec. (b). Pub. L. 103-252, §§ 303(a)(1), 311(c)(1)(A), substituted “this subchapter (other than section 8626a of this title), \$2,000,000,000 for each of fiscal years 1995 through 1999” for “this subchapter (other than section 8626a of this title) \$2,307,000,000 for fiscal year 1990, \$2,150,000,000 for fiscal year 1991, \$2,230,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995” and struck out second period at end.

Subsec. (c)(1). Pub. L. 103-252, § 311(c)(1)(B), made technical amendment to reference to this subchapter to correct reference to corresponding provision of original act.

Pub. L. 103-252, § 303(a)(2), which directed the substitution of “October 1” for “July 1” and “following the year in which” for “for which” in last sentence of subsec. (c), was executed by making the substitutions in last sentence of subsec. (c)(1) to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 103-252, § 303(b), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “There are authorized to be appropriated to carry out section 8626a of this title, \$25,000,000 in fiscal year 1992, and \$50,000,000 for each of the fiscal years 1993, 1994, and 1995.”

Subsec. (e). Pub. L. 103-252, § 304(a), added subsec. (e). 1993—Subsec. (b). Pub. L. 103-43, § 2011(1), substituted “1993, 1994, and 1995” for “1993 and 1994”.

Subsec. (d). Pub. L. 103-43, § 2011(2), substituted “for each of the fiscal years 1993, 1994, and 1995” for “in each of the fiscal years 1993 and 1994”.

1990—Subsec. (b). Pub. L. 101-501, § 707(b)(1), which directed the amendment of this section by inserting “(other than section 8626a of this title)” after “subchapter”, was executed to subsec. (b) to reflect the probable intent of Congress.

Pub. L. 101-501, § 702, struck out “\$2,050,000,000 for fiscal year 1987, \$2,132,000,000 for fiscal year 1988, \$2,218,000,000 for fiscal year 1989, and” before “\$2,307,000,000” and inserted “, \$2,150,000,000 for fiscal year 1991, \$2,230,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994. The authorizations of appropriations contained in this subsection are subject to the program year provisions of subsection (c).” after “1990”.

Subsec. (c). Pub. L. 101-501, § 701, added subsec. (c). Subsec. (d). Pub. L. 101-501, § 707(b)(2), added subsec. (d).

1986—Subsec. (b). Pub. L. 99-425 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There is authorized to be appropriated to carry out the provisions of this subchapter \$2,140,000,000 for the fiscal year 1985, and \$2,275,000,000 for the fiscal year 1986.”

1984—Subsec. (b). Pub. L. 98-558 substituted “\$2,140,000,000 for fiscal year 1985, and \$2,275,000,000 for fiscal year 1986” for “\$1,875,000,000 for each of fiscal years 1982, 1983, and 1984”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-252, title III, § 314, May 18, 1994, 108 Stat. 666, provided that: “The amendments and repeals made by this title [see Short Title of 1994 Amendment note below] shall become effective on October 1, 1994.”

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-501, title X, § 1001, Nov. 3, 1990, 104 Stat. 1283, provided that:

“(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act [see Tables for classification] shall take effect on October 1, 1990.

“(b) SPECIAL EFFECTIVE DATES.—(1) The amendment made by section 207(b) [repealing a provision set out as a note preceding section 9861 of this title] shall take effect immediately before October 1, 1990.

“(2) Section 646(b) of the Head Start Act [section 9841(b) of this title], as added by section 115, shall take effect on April 1, 1990.”

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-425, title X, §1001, Sept. 30, 1986, 100 Stat. 978, provided that:

“(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act [enacting sections 8628a, 9812a, 9910b, and 10901 to 10905 of this title, amending this section, sections 8623, 8624, 8629, 9803, 9834, 9835, 9837, 9840, 9862, 9867, 9871, 9874, 9877, 9901 to 9904, 9905a, 9908 to 9910, and 9910a of this title and section 4033 of Title 20, Education, enacting provisions set out as notes under this section and sections 8623, 9801, and 10901 of this title, and amending provisions set out as notes under section 9861 of this title and section 1932 of Title 7, Agriculture] shall take effect on October 1, 1986, or the date of the enactment of this Act [Sept. 30, 1986], whichever occurs later.

“(b) EFFECTIVE DATE FOR ENERGY CRISIS INTERVENTION AMENDMENTS.—The amendments made by section 502(a) [amending section 8623 of this title and enacting provisions set out as a note under section 8623 of this title] shall take effect on December 1, 1986, or 60 days after the date of the enactment of this Act [Sept. 30, 1986], whichever occurs later.

“(c) APPLICATION OF CERTAIN OTHER AMENDMENTS RELATING TO ENERGY ASSISTANCE.—The amendments made by subsections (a), (b), (c), and (d) of section 504 [amending section 8624 of this title] shall not apply with respect to any fiscal year beginning in or before the 60-day period ending on the effective date of this Act [Oct. 1, 1986].”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-558, title VI, §609, Oct. 30, 1984, 98 Stat. 2893, provided that:

“(a) Except as provided in subsections (b), (c), and (d), the amendments made by this title [amending this section and sections 8622 to 8624, 8626, 8627, and 8629 of this title] shall take effect on the date of enactment of this Act [Oct. 30, 1984].

“(b) The amendments made by section 605 [amending section 8624 of this title] shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act [Oct. 30, 1984].

“(c) The amendments made by section 606 [amending section 8626 of this title] shall apply to amounts held available for fiscal years beginning after September 30, 1985.

“(d) The amendment made by section 607 [amending section 8629 of this title] shall apply to data collected and compiled after the date of the enactment of this Act [Oct. 30, 1984]. Section 2610 of the Act [section 8629 of this title] as in effect before the date of the enactment of this Act shall apply with respect to the report submitted under such section 2610 for fiscal year 1984.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-285, title III, §301, Oct. 27, 1998, 112 Stat. 2756, provided that: “This title [amending this section and sections 8622 to 8624, 8626, 8626b, and 8628a of this title and enacting provisions set out as a note under section 8626b of this title] may be cited as the ‘Low-Income Home Energy Assistance Amendments of 1998’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-252, title III, §301(a), May 18, 1994, 108 Stat. 657, provided that: “This title [enacting section 8626b of this title, amending this section and sections 8622 to 8624, 8626, 8626a, 8628a, and 8629 of this title, and enacting provisions set out above] may be cited as the ‘Low-Income Home Energy Assistance Amendments of 1994’.”

SHORT TITLE

Pub. L. 97-35, title XXVI, §2601, Aug. 13, 1981, 95 Stat. 893, provided that: “This title [enacting this subchapter and repealing subchapter I of this chapter] may be cited as the ‘Low-Income Home Energy Assistance Act of 1981’.”

§ 8622. Definitions

As used in this subchapter:

(1) The term “emergency” means—

(A) a natural disaster;

(B) a significant home energy supply shortage or disruption;

(C) a significant increase in the cost of home energy, as determined by the Secretary;

(D) a significant increase in home energy disconnections reported by a utility, a State regulatory agency, or another agency with necessary data;

(E) a significant increase in participation in a public benefit program such as the supplemental nutrition assistance program carried out under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the national program to provide supplemental security income carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or the State temporary assistance for needy families program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), as determined by the head of the appropriate Federal agency;

(F) a significant increase in unemployment, layoffs, or the number of households with an individual applying for unemployment benefits, as determined by the Secretary of Labor; or

(G) an event meeting such criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.

(2) The term “energy burden” means the expenditures of the household for home energy divided by the income of the household.

(3) The term “energy crisis” means weather-related and supply shortage emergencies and other household energy-related emergencies.

(4) The term “highest home energy needs” means the home energy requirements of a household determined by taking into account both the energy burden of such household and the unique situation of such household that results from having members of vulnerable populations, including very young children, individuals with disabilities, and frail older individuals.

(5) The term “household” means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(6) The term “home energy” means a source of heating or cooling in residential dwellings.

(7) The term “natural disaster” means a weather event (relating to cold or hot weather), flood, earthquake, tornado, hurricane, or ice storm, or an event meeting such other criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.

(8) The term “poverty level” means, with respect to a household in any State, the income poverty line as prescribed and revised at least annually pursuant to section 9902(2) of this title, as applicable to such State.

(9) The term “Secretary” means the Secretary of Health and Human Services.