

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1994, see section 314 of Pub. L. 103-252, set out as an Effective Date of 1994 Amendment note under section 8621 of this title.

EVALUATION AND REPORT ON RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION

Pub. L. 105-285, title III, §308(a), (b), Oct. 27, 1998, 112 Stat. 2758, provided that the Comptroller General of the United States would conduct an evaluation of the Residential Energy Assistance Challenge program described in this section, and, not later than 2 years after Oct. 27, 1998, submit to Congress a report containing the findings of the evaluation and the State evaluations described in paragraphs (1) and (2) of subsec. (b) of this section.

§ 8627. Withholding of funds**(a) Improper utilization of funds; response to complaints respecting improprieties**

(1) The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State which does not utilize its allotment substantially in accordance with the provisions of this subchapter and the assurances such State provided under section 8624 of this title.

(2) The Secretary shall respond in writing in no more than 60 days to matters raised in complaints of a substantial or serious nature that a State has failed to use funds in accordance with the provisions of this subchapter or the assurances provided by the State under section 8624 of this title. For purposes of this paragraph, a violation of any one of the assurances contained in section 8624(b) of this title that constitutes a disregard of such assurance shall be considered a serious complaint.

(b) Investigations; conduct, etc.

(1) The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this subchapter in order to evaluate compliance with the provisions of this subchapter.

(2) Whenever the Secretary determines that there is a pattern of complaints from any State in any fiscal year, the Secretary shall conduct an investigation of the use of funds received under this subchapter by such State in order to ensure compliance with the provisions of this subchapter.

(3) The Comptroller General of the United States may conduct an investigation of the use of funds received under this subchapter by a State in order to ensure compliance with the provisions of this subchapter.

(c) Inspection of books, documents, etc.

Pursuant to an investigation conducted under subsection (b) of this section, a State shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

(d) Request for information not readily available

In conducting any investigation under subsection (b), the Secretary may not request any

information not readily available to such State or require that any information be compiled, collected, or transmitted in any new form not already available.

(Pub. L. 97-35, title XXVI, §2608, Aug. 13, 1981, 95 Stat. 901; Pub. L. 98-558, title VI, §608, Oct. 30, 1984, 98 Stat. 2893; Pub. L. 101-501, title VII, §708, Nov. 3, 1990, 104 Stat. 1261.)

Editorial Notes

AMENDMENTS

1990—Subsec. (a)(2). Pub. L. 101-501 substituted “in writing in no more than 60 days to matters raised in” for “in an expeditious and speedy manner to”.

1984—Subsec. (b)(2). Pub. L. 98-558 substituted “the Secretary” for “he” before “shall conduct”.

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EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-558 effective Oct. 30, 1984, see section 609(a) of Pub. L. 98-558 set out as a note under section 8621 of this title.

§ 8628. Limitation on use of grants for construction

Grants made under this subchapter may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this subchapter, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.

(Pub. L. 97-35, title XXVI, §2609, Aug. 13, 1981, 95 Stat. 902.)

§ 8628a. Technical assistance, training, and compliance reviews

(a) Of the amounts appropriated under section 8621(b) of this title for any fiscal year, not more than \$300,000 of such amounts may be reserved by the Secretary—

(1) to—

(A) make grants to State and public agencies and private nonprofit organizations; or

(B) enter into contracts or jointly financed cooperative arrangements or interagency agreements with States and public agencies (including Federal agencies) and private nonprofit organizations;

to provide for training and technical assistance related to the purposes of this subchapter, including collection and dissemination of information about programs and projects assisted under this subchapter, and ongoing matters of regional or national significance that the Secretary finds would assist in the more effective provision of services under this subchapter; or

(2) to conduct onsite compliance reviews of programs supported under this subchapter.

(b) No provision of this section shall be construed to prevent the Secretary from making a

grant pursuant to subsection (a) to one or more private nonprofit organizations that apply jointly with a business concern to receive such grant.

(Pub. L. 97-35, title XXVI, § 2609A, as added Pub. L. 99-425, title V, § 505(a), Sept. 30, 1986, 100 Stat. 975; amended Pub. L. 103-252, title III, § 311(a)(3), May 18, 1994, 108 Stat. 661; Pub. L. 105-285, title III, § 309, Oct. 27, 1998, 112 Stat. 2759.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, the first and second time appearing in subsec. (a)(1), was in the original "this subtitle" which was translated as "this title", meaning title XXVI of Pub. L. 97-35, as the probable intent of Congress.

AMENDMENTS

1998—Pub. L. 105-285, § 309(b), substituted "Technical assistance, training, and compliance reviews" for "Technical assistance and training" as section catchline.

Subsec. (a). Pub. L. 105-285, § 309(a), substituted "\$300,000" for "\$250,000" in introductory provisions, designated existing provisions as par. (1) and inserted "to—", redesignated former par. (1) as subpar. (A), realigned margin, and substituted "make grants" for "to make grants", redesignated former par. (2) as subpar. (B), realigned margin, substituted "enter into" for "to enter into" and inserted "or interagency agreements" after "cooperative arrangements" and "(including Federal agencies)" after "public agencies", realigned margin of concluding provisions and substituted " ; or" for period at end, and added par. (2).

1994—Subsec. (a). Pub. L. 103-252 substituted "\$250,000" for "\$500,000" in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective Oct. 1, 1994, see section 314 of Pub. L. 103-252, set out as a note under section 8621 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as an Effective Date of 1986 Amendment note under section 8621 of this title.

§ 8629. Studies and reports

(a) The Secretary, after consultation with the Secretary of Energy, shall provide for the collection of data, including—

- (1) information concerning home energy consumption;
- (2) the amount, cost and type of fuels used for households eligible for assistance under this subchapter;
- (3) the type of fuel used by various income groups;
- (4) the number and income levels of households assisted by this subchapter;
- (5) the number of households which received such assistance and include one or more individuals who are 60 years or older or disabled or include young children; and
- (6) any other information which the Secretary determines to be reasonably necessary to carry out the provisions of this subchapter.

Nothing in this subsection may be construed to require the Secretary to collect data which has been collected and made available to the Sec-

retary by any other agency of the Federal Government.

(b) The Secretary shall, no later than June 30 of each fiscal year, submit a report to the Congress containing a detailed compilation of the data under subsection (a) with respect to the prior fiscal year, and a report that describes for the prior fiscal year—

- (1) the manner in which States carry out the requirements of clauses (2), (5), (8), and (15) of section 8624(b) of this title; and
- (2) the impact of each State's program on recipient and eligible households.

(Pub. L. 97-35, title XXVI, § 2610, Aug. 13, 1981, 95 Stat. 902; Pub. L. 98-558, title VI, § 607, Oct. 30, 1984, 98 Stat. 2893; Pub. L. 99-425, title V, § 506, Sept. 30, 1986, 100 Stat. 976; Pub. L. 103-252, title III, § 311(c)(7), May 18, 1994, 108 Stat. 662.)

Editorial Notes

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103-252, § 311(c)(7)(A), struck out semicolon after "used" and inserted semicolon after "subchapter".

Subsec. (a)(5). Pub. L. 103-252, § 311(c)(7)(B), substituted "disabled or include young children" for "handicapped".

1986—Subsec. (b). Pub. L. 99-425 inserted provisions relating to report describing for prior fiscal year the manner of carrying out requirements of clauses of section 8624 of this title and impact of State programs on recipient and eligible households.

1984—Subsec. (a). Pub. L. 98-558, § 607(c), inserted at end "Nothing in this subsection may be construed to require the Secretary to collect data which has been collected and made available to the Secretary by any other agency of the Federal Government."

Subsec. (a)(2). Pub. L. 98-558, § 607(a), inserted "amount," before "cost" and inserted at end "for households eligible for assistance under this subchapter".

Subsec. (a)(5), (6). Pub. L. 98-558, § 607(b), added par. (5) and redesignated former par. (5) as (6).

Subsec. (b). Pub. L. 98-558, § 607(d), in amending subsec. (b) generally, inserted "no later than June 30 of each fiscal year," and substituted "a detailed compilation of the data under subsection (a) with respect to the prior fiscal year" for "a summary of data collected under subsection (a)".

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EFFECTIVE DATE OF 1994 AMENDMENT

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EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-425 effective Oct. 1, 1986, see section 1001 of Pub. L. 99-425, set out as a note under section 8621 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-558 applicable to data collected and compiled after Oct. 30, 1984, and this section as in effect before Oct. 30, 1984, applicable with respect to the report submitted under this section for fiscal year 1984, see section 609(d) of Pub. L. 98-558, set out as a note under section 8621 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in