

Tsongas offer #1

AMENDMENT TO BE OFFERED BY _____

On Page 14, Line 23, delete Subsection (a) and insert the following in lieu thereof; and renumber the subsequent sections accordingly:

~~"(a) In order to encourage units of local government to adopt and implement community plans and programs designed to achieve significant energy savings and encourage the use of renewable energy resources within their jurisdictions, the Secretary shall within 90 days after the date of enactment of this Act make available to the Governor of each state his state's share of the 20 percentum of annual appropriations made available under this Act for this section and section 105. To the extent possible, such financial assistance shall be made available to the Governor of the state at the same time as other financial assistance provided under this Act.~~

"(b) All applications for financial assistance under this title shall be submitted for approval to the Governor of the State in accordance with sections 104 and 106.

Community Energy Strategy

"Sec. 111 "(a) No grant may be made under this title unless the applicant has submitted an application which includes a community energy strategy describing community energy needs and objectives. Such strategy shall be consistent with the related requirements of the state energy plan and shall consider ---

- (1) describing in detail community energy use;
- (2) providing an inventory of existing Federal grants and Federal, State, and local programs which can be used in conjunction with assistance, including a

- description of how energy conservation measures are being or will be incorporated into these programs;
- (3) financial or other assistance for energy conservation with respect to residential structures, particularly for the benefit of low- and moderate-income tenants and homeowners;
 - (4) providing for energy emergencies;
 - (5) scheduling implementation of each element provided for in the community energy conservation strategy;
 - (6) describing how such energy conservation strategy will be coordinated and administered;
 - (7) specifying the activities to be undertaken with the grant funds applied for in furtherance of the strategy, together with the estimated costs and general locations of such activities; and
 - (8) assuring that an opportunity has been provided to receive public comment, including an opportunity to receive the views of existing local citizen and neighborhood community groups, and that such comment has been considered in the development of local energy programs.

(b) No grant may be made to an applicant under this Title unless the applicant provides a twenty percentum in kind match.

(c) The Governor shall have sixty days after receipt of an application in which to consider such application for grant funds provided to urban counties and metropolitan cities under this section and section 104. If the Governor has not

approved such an application within the sixty day period, such application shall be forwarded to the Secretary, where ---

(1) Any application not acted on by the Governor shall be deemed approved upon the expiration of thirty days after the Secretary's receipt thereof unless, the Secretary disapproves the application and informs the applicant of specific reasons for disapproval. In reviewing such applications the Secretary shall disapprove an application only upon making a finding that the application is:

(A) not technically sound; or

(B) not in compliance with the related requirements of the State energy plan.

(2) Any application formally disapproved by the Governor, together with the reasons therefore, shall be reviewed by the Secretary within sixty days after receipt thereof. To overrule such a disapproval, the Secretary must act affirmatively; provided that, if at any point during such sixty days the applicant and respective Governor submit a memorandum of agreement with respect to such grant application, such agreement shall be deemed approved by the Secretary.

Allocation of Funds for Categories of Communities within a State

"Sec. 112 " (a) The Secretary shall allocate 20 percent of the funds available to each State under section 110 to each of the following three categories based on the respective population of each category within that State--

(1) metropolitan cities and urban counties in metro-

politan areas;

(2) units of local government within metropolitan areas (other than metropolitan cities and urban counties); and

(3) nonmetropolitan areas.

"(b)

(1) Metropolitan cities and urban counties in metropolitan areas shall be entitled to annual grants from the portion allocated to them under subsection (a)(1). The Secretary shall determine the amount of the grant to be made by the Governor of the State to each metropolitan city and urban county, and such grants shall be the greater of an amount that bears the same ratio to the total available funding for all metropolitan areas as either--

(A) the average of the ratios between--

(i) the population of that metropolitan city (or urban county) and the population of all metropolitan areas;

(ii) the extent of poverty in that metropolitan city (or urban county) and the extent of poverty in all metropolitan areas; and of

(iii) the extent of housing overcrowding in that metropolitan city (or urban county) and the extent of housing overcrowding in all metropolitan areas; or

(B) the average of the ratios between--

(i) the age of housing in that metropolitan

city (or urban county) and the age of housing in all metropolitan areas; and

(ii) the extent of poverty in that metropolitan city (or urban county) and the extent of poverty in all metropolitan areas.

In determining the average of the ratios under subparagraph (A) the ratio involving the population shall be counted twice, and the ratio involving housing overcrowding shall be counted once; and in determining the average of the ratios under subparagraph (B) the ratio involving extent of poverty shall be counted one and one-half times, and the ratio involving the age of the housing shall be counted two and one-half times.

(2) The Governor shall make grants to units of local government within metropolitan areas (other than metropolitan cities and urban counties) from the portion of funds allocated to them under subsection (a)(2) and to non-metropolitan areas from the portion of funds allocated to them under subsection (a)(3) through either an existing or newly developed process acceptable to both the Governor and the statewide organizations representing units of local government. The Governor shall, in consultation with the statewide organizations representing units of local government, develop selection criteria and a system for managing the solicitation, application, and selection process. Grants shall be made based on applications submitted to the Governor.

(3) The Secretary shall in order to compensate for the discrepancy between the total of the amounts to be allocated under paragraph (1) and the total of the amounts available, make a pro rata reduction of each amount allocated for the metropolitan cities (or urban counties) so that the metropolitan city (or urban county) in each State will be allocated an amount which represents the same percentage of the total amount available under paragraph (1) as the percentage which metropolitan cities (or urban counties) of the same State would have been allocated under such paragraph if the total amount available under this paragraph had equalled the total amount which was allocated under such paragraph.

(4) Any funds under this subchapter to which a metropolitan city or urban county in a metropolitan area is entitled, but which are not requested or disbursed, shall be made available to other eligible units of local government within that same metropolitan area. If no such recipients are available, then the funds shall be made available to the other metropolitan areas of the State under paragraph (2). If no such recipients are available in that State then the funds shall be made available to eligible recipients in other States.