



## NOTICE OF INTENT No. DE-FOA-0002882

### Notice of Intent to Issue Bipartisan Infrastructure Law (BIL), Section 40552(b): Administrative and Legal Requirements Document (ALRD) and Application Instructions for the Energy Efficiency and Conservation Block Grant (EECBG) Program

The U.S. Department of Energy (DOE) Office of State and Community Energy Programs (SCEP) intends to issue an Administrative and Legal Requirements Document (ALRD) for the “Energy Efficiency and Conservation Block Grant (EECBG) Program - section 40552(b) of the [Infrastructure Investment and Jobs Act \(IIJA\)](#) of 2021”.

#### BACKGROUND

On November 15, 2021, President Joseph R. Biden, Jr. signed the Infrastructure Investment and Jobs Act (Public Law 117-58), also known as the Bipartisan Infrastructure Law (BIL).<sup>1</sup> The BIL is a once-in-a-generation investment in infrastructure, designed to modernize and upgrade American infrastructure to enhance United States competitiveness, drive the creation of good-paying union jobs, tackle the climate crisis, and ensure stronger access to economic, environmental, and other benefits for disadvantaged communities.<sup>2</sup> The BIL appropriates more than \$62 billion to DOE<sup>3</sup> to invest in American manufacturing and workers; expand access to energy efficiency and clean energy; deliver reliable, clean and affordable power to more Americans; and demonstrate and deploy the technologies of tomorrow through clean energy demonstrations.

To support the goal of building a clean and equitable energy economy, the BIL-funded projects are expected to (1) support meaningful community and labor engagement; (2) invest in America’s workforce; (3) advance diversity, equity, inclusion, and accessibility; and (4) contribute to the

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<sup>1</sup> Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021). <https://www.congress.gov/bill/117th-congress/house-bill/3684>. This Notice uses the more common name “Bipartisan Infrastructure Law.”

<sup>2</sup> Pursuant to E.O. 14008 and the Office of Management and Budget’s Interim Justice40 Implementation Guidance M-21-28, DOE has developed a definition and tools to locate and identify disadvantaged communities. These resources can be located at <https://energyjustice.egs.anl.gov/>. DOE will also recognize disadvantaged communities as defined and identified by the White House Council on Environmental Quality’s Climate and Economic Justice Screening Tool (CEJST), which can be located at <https://screeningtool.geoplatform.gov/>.

<sup>3</sup> U.S. Department of Energy. November 2021. “DOE Fact Sheet: The Bipartisan Infrastructure Deal Will Deliver For American Workers, Families and Usher in the Clean Energy Future.” <https://www.energy.gov/articles/doe-fact-sheet-bipartisan-infrastructure-deal-will-deliver-american-workers-families-and-0>

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President’s goal that 40% of the overall benefits from certain federal investments flow to disadvantaged communities (the Justice40 Initiative<sup>4</sup>).

This Notice is issued so that interested parties are aware of SCEP’s intention to issue an ALRD in the near term. All the information contained in this Notice is subject to change. In addition, this Notice provides information on the EECBG Program, including draft funding allocations to states, local governments, and Indian tribes and the potential option for formula grant recipients to select a voucher in lieu of a formula grant. This Notice provides additional details on eligibility requirements and information on submission and registration requirements for formula grant recipients. The Notice includes the following supporting documents:

1. Draft Funding Allocations for the EECBG Program Formula Grants
  - a. Local Government Allocations
  - b. State Allocations
  - c. Tribal Allocations
2. [EECBG Program Optional Information Collection Form for Eligible Entities](#)

DOE anticipates issuing the ALRD in January 2023 and posting it to the following websites:

- [Energy Efficiency and Conservation Block Grant Program | Department of Energy](#)
- [Energy Efficiency and Conservation Block Grant Program – Bipartisan Infrastructure Law 2021 | Department of Energy](#)

### **EECBG PROGRAM OVERVIEW**

The EECBG Program provides federal grants to states, units of local government, and Indian tribes to assist eligible entities in implementing strategies to reduce fossil fuel emissions, to reduce total energy use, and to improve energy efficiency. The EECBG Program was authorized in Title V, Subtitle E of the Energy Independence and Security Act of 2007 (EISA), and signed into law ([Public Law 110-140](#)) on December 19, 2007. The EECBG Program initially received appropriations through the American Recovery and Reinvestment Act of 2009 (ARRA), [Public Law 111-5](#), which appropriated \$3.2 billion to the program.

### **ESTIMATED FUNDING**

Through section 40552(b) of IIJA, [Public Law 117-58](#), Congress authorized \$550 million to the EECBG Program for Fiscal Year 2022, to remain available until expended. Of the \$550 million IIJA

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<sup>4</sup> The Justice40 initiative, created by E.O. 14008, establishes a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities. The current Justice40 guidance provides a broad definition of disadvantaged communities (Pages 8-10): [Final DOE Justice40 General Guidance 072522.pdf \(energy.gov\)](#).

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appropriates for the EECBG Program, DOE intends to distribute \$440 million in formula and competitive EECBG Program grants to eligible units of local government, states, and Indian tribes. The estimated amounts available for formula grants are as follows:

- \$299,200,000 for formula grants to eligible units of local government
  - \$149,600,000 to eligible units of local government-alternative 1
  - \$149,600,000 to eligible units of local government-alternative 2
- \$123,200,000 for formula grants to states
  - Each state (except for those noted as exempt on page 14) is required to pass not less than 60% of its allocation through to cities and counties within the state that are ineligible for direct formula grants from DOE
- \$8,800,000 for formula grants to eligible Indian tribes

DOE also intends to allocate \$8.8 million for competitive grants available to units of local government (including Indian tribes) and consortia of units of local government that are not eligible to receive direct formula grants from DOE. Availability of competitive grants will be announced through a separate future Funding Opportunity Announcement (FOA).

Prior to distributing funding to eligible entities, DOE intends to utilize \$110 million to ensure delivery of an effective and efficient EECBG Program and to provide technical assistance to eligible entities throughout the lifetime of the EECBG Program.

Attachments 1a., 1b., and 1c. to this announcement provide the draft EECBG Program formula funding allocations for each of the 2,708 state, local, and Tribal governments that are eligible entities for EECBG Program formula grants.

### **ALLOCATION FORMULAS**

DOE will allocate the formula grant funding as prescribed in [section 543\(a\)](#) of the EECBG Program’s authorizing legislation, Title V, Subtitle E of the Energy Independence and Security Act of 2007 (EISA):

- 34% to eligible units of local government-alternative 1;
- 34% to eligible units of local government-alternative 2;
- 28% to states; and
- 2% to Indian tribes.<sup>5</sup>

A summary of the three allocation formulas DOE will use to distribute EECBG Program funds to eligible local governments, states, and Indian tribes is provided on the next page.

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<sup>5</sup> [42 U.S.C. 17153\(a\)](#).



For additional details, including the mathematical formulas and data sources used by DOE when developing the local government, state, and Tribal allocation formulas, please see the [Notice of Availability of State, Local, and Tribal Allocation Formulas for the Energy Efficiency and Conservation Block Grant Program](#), published in the *Federal Register* on June 29, 2022.<sup>6</sup>

### **Local Government Allocation Formulas**

[Section 543\(b\)](#) of EISA directs DOE to establish a formula to distribute grant funding to eligible units of local government according to the following factors: (1) the population served by the local government, according to the latest available decennial census; and (2) the daytime population of the local government, and other similar factors determined by DOE.<sup>7</sup> As utilized previously under the ARRA, [Public Law 111-5](#), the local government allocation formula established by DOE for the EECBG Program uses the following two weighted factors: the population served by the local government weighted at 70.25% and the daytime population of the local government weighted at 29.75%.<sup>8</sup>

#### *Local Government-Alternative 1 Formula*

The EECBG Program provides grants to local governments in two allocations as outlined in section [543\(a\)](#) of EISA. By law local governments eligible under the definition of Local Government-Alternative 1 receive 34% (\$149,600,000) of the available grant funding.<sup>9</sup> The Local Government-Alternative 1 formula sets a minimum level of funding at \$75,000. The formula allocates \$75,000 to each eligible local government and then distributes the remaining funds on a pro-rata basis via the weighted factors set in the formula.

#### *Local Government-Alternative 2 Formula*

By law another 34% (\$149,600,000) of the available grant funding is allocated to the subset of local governments that are eligible under the definition of Local Government-Alternative 2.<sup>10</sup> There is no minimum level of funding for the Local Government-Alternative 2 formula. All local governments eligible under the definition of Local Government-Alternative 2 receive at least the minimum allocation through the Local Government-Alternative 1 formula. The Local Government-Alternative 2 formula apportions the funding to each local government eligible under the definition of Local Government-Alternative 2 on a pro-rata basis via the weighted factors set in the formula. The total allocation for each local government eligible under the definition of Local Government-Alternative 2 is equal to its allocation from the Local

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<sup>6</sup> [87 FR 38732](#).

<sup>7</sup> [42 U.S.C. 17153\(b\)](#).

<sup>8</sup> [87 FR 38732](#).

<sup>9</sup> [42 U.S.C. 17153\(a\)\(1\)](#).

<sup>10</sup> [42 U.S.C. 17153\(a\)\(2\)](#).

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Government-Alternative 1 formula plus its allocation from the Local Government-Alternative 2 formula.

### **State Allocation Formula**

EISA directs that, of the amount allocated for states, DOE shall provide not less than 1.25% to each state and the remainder be distributed among the states based on an allocation formula established by DOE that takes into account the population of each state and any other criteria that DOE determines to be appropriate.<sup>11</sup> By law eligible states receive 28% of the available grant funding.<sup>12</sup> The state allocation formula established by DOE for the EECBG Program uses the following three equally weighted factors:

1. The total population for the state weighted at 33.33%;
2. The remaining population of the state after subtracting the populations of all eligible local governments within the state weighted at 33.33%; and
3. Total state energy consumption, except for consumption in the industrial sector, weighted at 33.33%.

The formula distributes the minimum amount of funding to each eligible state and then distributes the remaining funds pro rata via the three weighted factors set in the formula.

### **Tribal Allocation Formula**

Section [543\(d\)](#) of EISA directs DOE to establish a formula to distribute grant funding to eligible Indian tribes, taking into account any factors that DOE determines to be appropriate.<sup>13</sup> The Tribal allocation formula established by DOE for the EECBG Program uses a single factor: Tribal population, weighted at 100%. By law eligible Indian tribes receive 2% of the available grant funding.<sup>14</sup> The formula establishes a minimum level of funding at \$10,000 and allocates \$10,000 to each eligible Indian tribe. The formula then distributes the remaining funds via the weighted factor set in the formula on a pro-rata basis to all eligible Indian tribes.

Population data for Federally Recognized Indian tribes is collected and maintained by the Bureau of Indian Affairs (BIA) at the U.S. Department of Interior (self-certified enrollment data) in 2021. DOE utilized enrollment data from [the U.S. Department of Housing and Urban Development's 2022 Indian housing block grant program](#) for any Tribes that did not wish to disclose their self-certified enrollment data to BIA. Alaska Native Regional Corporations (ANRCs) and most Alaskan

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<sup>11</sup> [42 U.S.C. 17153\(c\)](#).

<sup>12</sup> [42 U.S.C. 17153\(a\)\(3\)](#).

<sup>13</sup> [42 U.S.C. 17153\(d\)](#).

<sup>14</sup> [42 U.S.C. 17153\(a\)\(4\)](#).

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Native Village Corporations (ANVCs) comprise one or more federally recognized Indian tribes through association or geographically by ANRC boundary. Therefore, ANRC and ANVC population estimates are equal to the sum of the self-certified enrollment data for the identified Tribes within each corporation. For ANVCs that are not associated with one or more federally recognized Tribes, the ANVC population was set at the population of its associated non-federally recognized Tribe.<sup>15</sup> Indian tribes with populations of “zero” are considered eligible and will receive the minimum funding allocation.

## **DEFINITION OF ELIGIBLE STATES, LOCAL GOVERNMENTS, AND INDIAN TRIBES**

### **State Government Eligibility**

For the purposes of the EECBG Program, there are 56 entities eligible for state formula grants. These are the 50 states, the District of Columbia, and the following five U.S. Territories: the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

### **Local Government Eligibility**

[Section 541\(2\)](#) of EISA divides eligible units of local government into two categories, defined as “eligible unit of local government-alternative 1” (“local government-alternative 1”) and “eligible unit of local government-alternative 2” (“local government-alternative 2”).<sup>16</sup> DOE determined that 1,878 local governments are eligible for EECBG Program formula grants.

#### *Local Government-Alternative 1*

There are 1,878 local governments eligible under the definition of Local Government-Alternative 1 and meet the following criteria outlined in [section 541\(3\)\(A\)](#) of EISA:

- cities that are one of the top 10 most populous cities within their state or that have a population of at least 35,000; and
- counties that are one of the 10 most populous counties within their state or that have a population of more than 200,000.<sup>17</sup>

#### *Local Government-Alternative 2*

There are 1,032 local governments eligible under the definition of the Local Government-Alternative 2 and meet the following criteria outlined in [section 541\(3\)\(B\)](#) of EISA:

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<sup>15</sup> DOE gathered this population data from a variety of sources (e.g., Tribal websites and third-party resources).

<sup>16</sup> [42 U.S.C. 17151\(2\)](#).

<sup>17</sup> [42 U.S.C. 17151\(3\)\(A\)](#).

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- cities with populations of at least 50,000; or
- counties with populations of at least 200,000.<sup>18</sup>

Local governments eligible for Local Government-Alternative 2 funding are also eligible for Local Government-Alternative 1 funding.

DOE used the U.S. Census Bureau’s 2020 Decennial Census Redistricting Data to determine the population of local governments. City and county governments that do not meet the eligibility requirements for direct formula grants from DOE are eligible for EECBG Program funds through the state in which they are located and can also apply for EECBG Program competitive grants from DOE. While EISA directs DOE to provide grants to cities and counties that qualify as eligible units of local government, EISA does not define “city” or “county.” DOE established the definitions of “city” and “county” in alignment with the eligibility criteria DOE used for the EECBG Program under the ARRA, to the extent practicable.<sup>19</sup>

#### **Definition of “City”**

For the purposes of the EECBG Program, DOE is defining “city” to include certain city-equivalent units of local government. Specifically, a city-equivalent unit of local government such as a town, village, or other municipality will be considered eligible if it is listed in the [2021 Census of Governments Survey](#) as a currently incorporated entity, has a governance structure consisting of an elected official and governing body, is capable of carrying out the activities outlined in EISA, and meets the required population thresholds outlined in EISA. DOE used the [2022 Boundary and Annexation Survey Code Lists](#) to identify eligible local governments within the Commonwealth of Puerto Rico. Additionally, a consolidated or unified city-county government in which a city and a county overlap geographically and govern as one consolidated government is considered a city by DOE.

DOE includes the following clarifications to the records used to calculate the universe of cities that are eligible for the EECBG Program:

- In the Commonwealth of Puerto Rico, Municipios are treated as cities. Though designated as counties by the [2020 Census: Redistricting File \(Public Law 94-171\) Dataset](#), governments of Municipios have the functionality of city governments.
- Towns, townships, and boroughs that are incorporated places are treated as cities. The governments of these places have the functionality of city governments.

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<sup>18</sup> [42 U.S.C. 17151\(3\)\(B\)](#).

<sup>19</sup> [71 FR 17461, 17462](#) (Apr. 15, 2009).

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- In the states of Connecticut, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin, minor civil divisions are treated as cities.<sup>20</sup>
- There are no eligible cities in the District of Columbia, U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

### **Definition of “County”**

For the purposes of the EECBG Program, a county will be considered eligible for direct formula grants if it is listed in the [2021 Census of Governments Survey](#) as a currently incorporated county, has a governance structure with an elected official and governing body, is capable of carrying out the activities outlined in EISA, and meets the required population thresholds outlined in EISA.

For counties, all population figures are adjusted to reflect only the balance of their population, excluding the populations of any eligible cities therein. This population is referred to as the “county balance population.” In determining county balance populations, DOE identified a number of cities with geographic boundaries that cross the borders of multiple counties. In calculating county balance populations for those counties that contain only a part of an eligible city, DOE subtracted the portion of the eligible city’s population living within that county.

DOE includes the following clarifications to the records used to calculate the universe of counties that are eligible for the EECBG Program:

- Counties that are not a part of the [2021 Census of Governments Survey](#) and are without governmental authority are not a part of the database and are thus not eligible for direct EECBG Program formula grants. This pertains to some counties in Alaska and Massachusetts, as well as all counties in Connecticut and Rhode Island.
- If one or more of the 10 most populated counties is ineligible or considered a city (i.e., a city-county consolidated government), the next largest county by population will be moved into the list of the 10 most populated counties for that state.
- Census areas in Alaska were not considered eligible counties because they have limited government functions.<sup>21</sup>
- There are no counties in the District of Columbia.

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<sup>20</sup> [United States Census Bureau Terms and Definitions – Minor Civil Divisions](#)

<sup>21</sup> [Guide to the State and Local Census Geography - Alaska](#)

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### Indian Tribe Eligibility

As defined by [section 541\(4\)](#) of EISA, the term “ ‘Indian tribe’ has the meaning given the term” in [section 4](#) of the Indian Self-Determination and Education Assistance Act.”<sup>22</sup> The Indian Self-Determination and Education Assistance Act states that the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to [the Alaska Native Claims Settlement Act \(ANCSA\)](#),<sup>23</sup> which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

There are 774 Indian tribes eligible for a formula grant through the EECBG Program including: [574 federally recognized Indian tribes listed by the BIA in the 2022 Federal Register Notice](#);<sup>24</sup> 6 additional Indian tribes because 8 bands of Indian tribes comprise two of the federally recognized Indian tribes, 12 ANRCs established under the [ANCSA](#),<sup>25</sup> and 182 currently active ANVCs, group corporations, and urban corporations. ANCSA defines “group corporation” and “urban corporation,” which are similar to village corporations except that they apply to established Native groups and urban communities of Alaska Native people. As such, “group corporations” and “urban corporations” are included in the definition of Indian tribes defined by DOE for the EECBG Program.

DOE includes the following clarifications to the records used to identify the Indian tribes that are eligible for the EECBG Program, in line with the BIA’s 2022 Federal Register Notice:

- Minnesota Chippewa is comprised of six separate bands of Indian tribes each eligible for a direct formula grant: Boise Forte Band, Fond Du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band.
- Capitan Grande Band of Diegueno Mission Indians of California is comprised of two separate bands of Indian tribes both eligible for a direct formula grant: Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation and Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation.
- The Passamaquoddy Tribe is made up of Pleasant Point and Indian Township. There will be one formula allocation made to the Passamaquoddy Tribe that will be split proportionally between the two parts upon the grant being awarded.

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<sup>22</sup> [42 U.S.C. 17151\(4\)](#), referencing [25 U.S.C. 5304\(e\)](#).

<sup>23</sup> [PUBLIC LAW 92-203, DEC. 18, 1971, 85 Stat. 688](#)

<sup>24</sup> [87 FR 4636](#) (Jan. 28, 2022)

<sup>25</sup> [33 U.S.C. 1602 et seq.](#)

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## **ELIGIBLE USES OF FUNDS**

Per [section 544](#) of EISA, an eligible entity may use a grant received to carry out activities to achieve the purposes of the program, including:

- (1) Development and implementation of an Energy Efficiency and Conservation Strategy;
- (2) Retaining technical consultant services to assist the eligible entity in the development of such a strategy, including—
  - (A) formulation of energy efficiency, energy conservation, and energy usage goals;
  - (B) identification of strategies to achieve those goals—
    - (i) through efforts to increase energy efficiency and reduce energy consumption; and
    - (ii) by encouraging behavioral changes among the population served by the eligible entity;
  - (C) development of methods to measure progress in achieving the goals;
  - (D) development and publication of annual reports to the population served by the eligible entity describing—
    - (i) the strategies and goals; and
    - (ii) the progress made in achieving the strategies and goals during the preceding calendar year; and
  - (E) other services to assist in the implementation of the energy efficiency and conservation strategy;
- (3) Conducting residential and commercial building energy audits;
- (4) Establishment of financial incentive programs for energy efficiency improvements;
- (5) The provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;
- (6) Development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, including—
  - (A) design and operation of the programs;
  - (B) identifying the most effective methods for achieving maximum participation and efficiency rates;
  - (C) public education;
  - (D) measurement and verification protocols; and
  - (E) identification of energy efficient technologies;

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(7) Development and implementation of programs to conserve energy used in transportation, including—

- (A) use of flex time by employers;
- (B) satellite work centers;
- (C) development and promotion of zoning guidelines or requirements that promote energy efficient development;
- (D) development of infrastructure, such as bike lanes and pathways and pedestrian walkways;
- (E) synchronization of traffic signals; and
- (F) other measures that increase energy efficiency and decrease energy consumption;

(8) Development and implementation of building codes and inspection services to promote building energy efficiency;

(9) Application and implementation of energy distribution technologies that significantly increase energy efficiency, including—

- (A) distributed resources; and
- (B) district heating and cooling systems;

(10) Activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency;

(11) The purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;

(12) Replacement of traffic signals and street lighting with energy efficient lighting technologies, including—

- (A) light emitting diodes; and
- (B) any other technology of equal or greater energy efficiency;

(13) Development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—

- (A) solar energy;
- (B) wind energy;

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- (C) fuel cells; and
- (D) biomass;

(14) Programs for financing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure), capital investments, projects, and programs, which may include loan programs and performance contracting programs, for leveraging of additional public and private sector funds, and programs that allow rebates, grants, or other incentives for the purchase and installation of energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) measures; and

(15) Any other appropriate activity, as determined by the Secretary, in consultation with—

- (A) the Administrator of the Environmental Protection Agency;
- (B) the Secretary of Transportation; and
- (C) the Secretary of Housing and Urban Development.<sup>26</sup>

#### **ENERGY EFFICIENCY AND CONSERVATION STRATEGY (EECS) REQUIREMENTS**

Per [section 545 of EISA](#), each eligible unit of government that receives a grant under this program must submit an Energy Efficiency and Conservation Strategy (EECS) for approval by DOE that meets the guidelines outlined below.

#### **Eligible Units of Local Governments and Indian Tribes: EECS Requirements**

Units of local government and Indian tribes must submit to DOE a proposed EECS. The proposed strategy shall include:

- a description of the goals of the eligible unit of local government or Indian tribe for increased energy efficiency and conservation in the relevant jurisdiction; and
- a plan for the use of the grant to assist the eligible unit of local government or Indian tribe in achieving those goals in accordance with the eligible use of funds outlined in [section 544 of EISA](#).<sup>27</sup>

#### **Eligible Units of Local Government: Additional EECS Requirements**

In developing the strategy, an eligible unit of local government shall:

- take into account any plans for the use of funds by adjacent eligible units of local governments that receive grants under the EECBG Program; and

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<sup>26</sup> [42 U.S.C. 17154.](#)

<sup>27</sup> [42 U.S.C. 17155\(b\)\(1\)\(B\).](#)

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- coordinate and share information with the State in which the eligible unit of local government is located to maximize the energy efficiency and conservation benefits.<sup>28</sup>

DOE intends to provide a template that local governments and Indian tribes may use when submitting their proposed EECS. DOE has a maximum of 120 days after receiving a proposed strategy to approve or disapprove it.<sup>29</sup> If DOE disapproves a proposed strategy, DOE shall provide to the grantee the reasons for the disapproval, and the grantee may revise and resubmit the proposed strategy as many times as necessary until DOE approves a proposed strategy.<sup>30</sup>

### **States and Territories: EECS Requirements**

States and territories must submit to DOE a proposed EECS that:

- 1) establishes a process for providing subgrants to units of local government that are not eligible for direct formula grants from DOE; and
- 2) includes a plan of the state for the use of funds received under the EECSBG Program to assist the state in achieving the goals established in EISA, in accordance with [sections 17152\(b\) and 17154](#).<sup>31</sup>

DOE intends to provide a template that states and territories may use when submitting their proposed EECS. DOE has a maximum of 120 days after receiving a proposed strategy to approve or disapprove it.<sup>32</sup> If DOE disapproves a proposed strategy, DOE shall provide to the state the reasons for the disapproval, and the state may revise and resubmit the proposed strategy as many times as necessary until DOE approves a proposed strategy.<sup>33</sup>

### **STATES AND TERRITORIES: DISTRIBUTION OF SUBGRANTS**

Each state that receives a grant under the program shall use not less than 60% of the amount received to provide subgrants to units of local government in the state that are not eligible for direct formula grants. The state shall provide the subgrants no later than 180 days after the date on which DOE approves the proposed energy efficiency and conservation strategy.<sup>34</sup>

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<sup>28</sup> [42 U.S.C. 17155\(b\)\(1\)\(C\)](#).

<sup>29</sup> [42 U.S.C. 17155\(b\)\(2\)\(A\)](#).

<sup>30</sup> [42 U.S.C. 17155\(b\)\(2\)\(B\)](#).

<sup>31</sup> [42 U.S.C. 17155\(c\)\(2\)\(B\)](#).

<sup>32</sup> [42 U.S.C. 17155\(c\)\(3\)\(A\)](#).

<sup>33</sup> [42 U.S.C. 17155\(c\)\(3\)\(B\)](#).

<sup>34</sup> [42 U.S.C. 17155\(c\)\(1\)](#).



States are required to develop a subgranting process that expeditiously allocates funding, prevents fraudulent spending, generates robust reporting, and promotes the EECBG Program principles outlined in law.

The District of Columbia is explicitly defined as a state, according to [section 541\(6\)\(B\)](#) of EISA.<sup>35</sup> Because the District of Columbia is a consolidated city-state government, it is not subject to the requirement applicable to states that not less than 60% of state funding must be subgranted to local units of government.

American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Hawaii, and the U.S. Virgin Islands have no ineligible entities; these entities are exempt from having to provide subgrants.

### **ADDITIONAL INFORMATION**

DOE is considering offering eligible entities the opportunity to select a voucher for technical assistance and/or an equipment rebate in lieu of a formula grant. The intent in offering this option to eligible entities is to: 1) reduce the administrative burden associated with applying for and managing a federal grant, and 2) provide additional resources and assistance needed to accomplish eligible entities' goals. If DOE decides to pursue this option, the ALRD will include additional information on the vouchers and associated requirements.

DOE is also considering developing a portfolio of project and program blueprints designed to leverage other BIL and Inflation Reduction Act (IRA) investments and streamline the application review and approval process for eligible entities, using proven practices from states, local governments, Indian tribes, and the private sector.

In addition, eligible entities may consider teaming up with other entities eligible for formula allocations to align efforts, leverage funding, and reduce administrative burdens. In this scenario, one eligible entity would assume the role of Prime Applicant/Grantee and the other entities would be subgrantees and receive their funding through the Prime as a pass through.

To expedite the administration of the EECBG Program, to provide feedback, and to indicate your interest in a voucher or blueprint, DOE is offering an opportunity to submit the "[EECBG Program Optional Information Collection Form for Eligible Entities](#)," which will help DOE to plan for the EECBG Program requirements.

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<sup>35</sup> [42 U.S.C. 17151\(6\)\(B\)](#).



DOE will not respond to questions concerning this Notice.

## **SUBMISSION AND REGISTRATION REQUIREMENTS FOR FULL GRANT APPLICATIONS**

In anticipation of the ALRD being released, eligible entities are advised to complete the following steps, which are **required** for application submission to receive a formula grant. ALRD formula grant applications will be submitted in the Performance and Accountability for Grants in Energy (PAGE) System at <https://www.page.energy.gov/default.aspx>.

***Note: These registration steps will only be required for entities that intend to accept a formula grant from the EECBG Program. Please allow at least 21 days to complete registrations.***

- Register with the System for Award Management (SAM) at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in SAM registration. Please update your SAM registration annually. Upon registration, SAM will automatically assign a Unique Entity ID (UEI).
- Unique Entity ID and System for Award Management (SAM)—Each applicant (unless the applicant is excepted from those requirements under 2 CFR 25.110) is required to: (1) be registered in the SAM at <https://www.sam.gov> before submitting its application, (2) provide a valid UEI number in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. DOE may not make a federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements, and, if an applicant has not fully complied with the requirements by the time DOE is ready to make a federal award, the DOE will determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

**NOTE: Due to the high demand of UEI requests and SAM registrations, entity legal business name and address validations are taking longer than expected to process. Entities should start the UEI and SAM registration process as soon as possible. If entities have technical difficulties with the UEI validation or SAM registration process, they should utilize the HELP feature on SAM.gov. SAM.gov will work on entity service tickets in the order in which they are received and asks that entities not create multiple service tickets for the same request or technical issue. Additional entity validation resources can be found here: [GSAFSD Tier 0 Knowledge Base - Validating your Entity](#).**

- Register in FedConnect at <https://www.fedconnect.net/>. To create an organization account,

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This is a Notice of Intent only. SCEP may issue an ALRD as described herein, may issue an ALRD that is significantly different than the ALRD described herein, or may not issue an ALRD at all.

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your organization's SAM MPIN is required. For more information about the SAM MPIN or other registration requirements, review the FedConnect Ready, Set, Go! Guide at [https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf).

**Optional – Not a Required Step:**

- Fill out the "[EECBG Program Optional Information Collection Form for Eligible Entities.](#)"

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