

104TH CONGRESS
1ST SESSION

H. R. 2109

To amend title 42, United States Code, and title 15, United States Code, to establish provisions to assist low income families and seniors in the event of severe heat emergencies.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 1995

Mr. GUTIERREZ introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 42, United States Code, and title 15, United States Code, to establish provisions to assist low income families and seniors in the event of severe heat emergencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONGRESSIONAL FINDINGS.**

4 The Congress finds that—

5 (1) an individual's ability to survive periods of
6 severe heat is based, in part on income, age, and
7 health risks;

1 (2) such a connection is well established and is
2 proven by recent tragic deaths in and around the
3 City of Chicago and Cook County, Illinois; and

4 (3) reports published by the Centers for Disease
5 Control indicate that the absence of air conditioning
6 is a major factor contributing to illness and death
7 during periods of extreme heat, especially among the
8 elderly.

9 **SEC. 2. DECLARATION AND NOTIFICATION OF A HEAT**
10 **EMERGENCY.**

11 Title 15, United States Code, is amended by adding
12 the following new section:

13 “SEC. 330. (a) The Director of the National Weather
14 Service shall notify the Secretary of Health and Human
15 Services whenever any State, county, municipality, or
16 other jurisdiction is subject to a heat emergency which
17 threatens the health of its residents.

18 “(b) Such notification shall be delivered to the Sec-
19 retary within one hour of the declaration being deter-
20 mined.”.

21 **SEC. 3. AUTHORIZATION OF A POOL OF EMERGENCY**
22 **FUNDS; EMERGENCY EXPANSION OF ENERGY**
23 **ASSISTANCE ELIGIBILITY.**

24 (a) ESTABLISHMENT OF AN “EMERGENCY COOLING
25 FUND”.—

1 (1) Section 8621 of title 42, United States
2 Code, is amended by adding at the end the following
3 new section:

4 “(e) There is authorized a pool of monies that shall
5 be added to the appropriations, referred to in this section;
6 such funds shall be designated for the expressed purpose
7 of providing assistance to low income recipients and sen-
8 iors for the duration of a declared heat emergency.”.

9 (2) Prior to authorization of the Fund referred
10 to in (a) of this section, the Secretary of Health and
11 Human Services shall research and report to Con-
12 gress on the amount of funds needed to fully com-
13 pensate public utilities for the delivery of energy nec-
14 essary to sufficiently cool the residencies of a
15 LIHEAP recipient in a manner that will alleviate
16 the likelihood of heat-related illness and prevent the
17 worsening of preexisting acute conditions.

18 (3) The Secretary shall take into account the
19 following when determining the amount of money
20 necessary to fund the “Emergency Cooling Fund”—

21 (A) the number of current LIHEAP recipi-
22 ents;

23 (B) the amount of energy needed to cool
24 the homes of LIHEAP recipients; and

1 (C) the number of days in the previous cal-
2 endar year in which the National Weather Serv-
3 ice declared a heat emergency in areas served
4 by LIHEAP.

5 (4) The pool of monies established by Congress
6 shall be no smaller than an amount equal to three
7 times the amount referred to in the Secretary's re-
8 port as being necessary to operate such a fund.

9 (b) ELIGIBILITY OF SENIORS FOR HEAT RELATED
10 ASSISTANCE.—Section 8642(b)(2) of title 42, United
11 States Code, is amended by adding the following: “or (C)
12 households with senior residents who, because of age and/
13 or medical condition, may be susceptible to heat related
14 illness.”.

15 **SEC. 4. USE OF ENERGY ASSISTANCE FUNDS DURING HEAT**
16 **EMERGENCY.**

17 (a) Immediately upon receiving a notification of a
18 heat emergency declaration referred to in section 2 of this
19 Act, the Secretary of Health and Human Services shall
20 direct the Governor of each State in which the emergency
21 was declared that a portion funds referred to in section
22 8622 of title 42, United States Code, commonly known
23 as “LIHEAP”, as augmented by the funds referred to in
24 section 3 of this Act, shall be designated by the State for
25 the express use of providing energy to cool the residencies

1 of current LIHEAP recipients, augmented by section 3
2 of this Act, during heat emergencies.

3 (b) The Secretary of Health and Human Services
4 shall, within five days of the passage of this Act, inform
5 the Governors of the States that compliance with this Act
6 is mandated.

7 (c) Within ten days of the passage of this Act, the
8 Governors of each State shall submit to the Secretary noti-
9 fication that provisions have been made, in conjunction
10 with public utilities responsible for the delivery of elec-
11 tricity in the State, to provide for compensation to eligible
12 LIHEAP recipients under this Act and such provisions
13 shall—

14 (1) provide for compensation to all LIHEAP re-
15 cipients to cover the full and total amount necessary
16 to operate not less than one appliance to cool the re-
17 cipient's residence; and

18 (2) such compensation shall be in effect during
19 the period in which a heat emergency is in effect in
20 the state, and for the twenty-four hour period imme-
21 diately following and immediately proceeding the
22 declaration of the heat emergency.

23 (d) No funds referred to in this Act shall be available
24 to any State not submitting such notification to the Sec-
25 retary within the allotted time.

1 (e) ENHANCEMENT OF FEDERAL OVERSIGHT OF
2 COMPLIANCE BY THE STATES.—Section 8624(b) of title
3 42, United States Code, is amended by striking the follow-
4 ing language: “The Secretary may not prescribe the man-
5 ner in which the States will comply with the provisions
6 of the subsection.”

7 **SEC. 5. EXPEDITED DISTRIBUTION OF AIR CONDITIONING**
8 **UNITS AND OTHER EQUIPMENT.**

9 (a) The Administrator of the General Services Ad-
10 ministration shall receive notification of any declaration
11 of a heat emergency as referenced in section 2 of this Act.

12 (b) Such notification shall cause the Administrator
13 to initiate procedures to locate any equipment, fixtures,
14 and appliances—including, but not limited to, air condi-
15 tioners and fans—that are currently available through the
16 Federal Supply Service or any other entity overseeing sur-
17 plus Federal property.

18 (c) The Administrator shall initiate expedited proce-
19 dures to distribute such property to representatives of
20 States and municipalities affected by the heat emergency,
21 and to social service agencies and individuals located in
22 those areas.

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