

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5019) TO PROVIDE  
FOR THE ESTABLISHMENT OF THE HOME STAR RETROFIT REBATE PRO-  
GRAM, AND FOR OTHER PURPOSES

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MAY 5, 2010.—Referred to the House Calendar and ordered to be printed

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Ms. MATSUI, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 1329]

The Committee on Rules, having had under consideration House Resolution 1329, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5019, the “Home Star Energy Retrofit Act of 2010,” under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution further makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments are waived except those arising under clause 9 or 10 of rule

XXI. The resolution provides one motion to recommit with or without instructions.

The resolution provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Energy and Commerce or a designee. Finally, the resolution provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill (except those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order. The waiver of all points of order is prophylactic.

The waiver of all points of order against the committee amendment in the nature of a substitute (except those arising under clause 10 of rule XXI) includes waivers of: (1) clause 5(a) of rule XXI (tax provisions not reported by the Committee on Ways and Means), and (2) clause 7 of rule XVI (germaneness).

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 411*

Date: May 5, 2010.

Measure: H.R. 5019.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Barton (TX), #25, which would redirect rebates issued by the Department of Energy to consumers instead of contractors.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

##### *Rules Committee record vote No. 412*

Date: May 05, 2010.

Measure: H.R. 5019.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Reichert (WA) and Rep. Lee (NY) and Rep. Davis (KY), #40, which would substitute for the text of the bill the text of H.R. 4226, the Expanding Building Efficiency Incentives Act.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

##### *Rules Committee record vote No. 413*

Date: May 5, 2010.

Measure: H.R. 5019.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bachmann (MN), #32, which would prohibit a Federal or State administrator of the Home Star program from having any financial interest in any product such administrator approves for rebates under the program.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 414*

Date: May 5, 2010.

Measure: H.R. 5019.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Latta (OH), #23, which would suspend the provisions in the bill if the bill adds to the deficit.

Results: Defeated 3–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 415*

Date: May 5, 2010.

Measure: H.R. 5019.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for the following amendments to be separately debatable for 10 minutes each: (1) an amendment by Rep. Herseth Sandlin (SD), #42, which would require that alternative accreditation standards approved by the Secretary of Energy include online and correspondence training; and (2) an amendment by Rep. Herseth Sandlin (SD), #43, which would modify the definition of “accredited contractor” to allow qualified contractors who have been certified through one of the workforce programs in section 2(4) of the bill to be eligible to perform the efficiency work under the Gold Star program.

Results: Defeated 3–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 416*

Date: May 5, 2010.

Measure: H.R. 5019.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bachmann (MN), #31, which would prohibit funds from being available until the Homeland Security Secretary certifies to Congress that all members of a certified workforce are verified under a basic pilot program in section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. No funds would be available to enter into a con-

tract with a person, employer, or other entity that does not participate in the program.

Results: Defeated 3–9.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

#### SUMMARY OF AMENDMENTS MADE IN ORDER

1. Waxman (CA): Would clarify that the rebate processing system will include information about quality assurance field inspections and Home Star loans related to any given home for which rebates were sought. Would allow a State to have confidential access to information concerning Home Star work performed in that State. Would provide for expedited appeals by contractors of determinations by quality assurance providers and dispute resolution. Would strike contracting and consultant hiring provisions in light of current law. Would clarify that Secretary is to conduct financial assistance program as well as quality assurance program in States where State declines to do so. Would allow a homeowner who has undertaken Silver Star measures for rebates to upgrade to Gold Star process, but solely for incremental improvements and with rebates capped at Gold Star maximum amount. Would promote coordination between Home Star and existing state energy efficiency programs. Would add separate categories and rebate amounts for highest-efficiency air conditioners and gas furnaces. Would provide a one-year deadline for homeowners to bring complaint related to completed Home Star project. Would strike Ways and Means jurisdictional provisions. Would clarify processes for determining and allocating State funds between State administrative functions and State financing support. Would clarify use of loan funds by striking paragraph on offering debt instruments to eligible participants. Would clarify that financing funds not loaned by States as of the sunset of program must be returned to the U.S. Treasury. Would strike unnecessary references to other federal programs in manufactured home rebate program. Would encourage States to engage community colleges in energy retrofit initiatives by incorporating colleges' educational and worker training infrastructure into the quality assurance framework. Would expand eligibility for a \$50 rebate in the bill to cover replacement and new storm windows and doors on all homes, regardless of their age. Would direct the Administrator of the EPA to develop a public education campaign to ensure outreach to seniors to describe the benefits of the programs and would promote lending to senior citizens living in older homes or living on fixed incomes. Would require that rebate aggregators and data storage be housed wholly within the United States, to the extent consistent with the international obligations of the United States. Would allow the Secretary to provide up to 0.2 percent of Gold Star funding for need-based scholarships to individuals to enable them to qualify as accredited contractors. Would expand the public information campaign established in the bill to require the Administrator of the EPA to coordinate with the Secretary of Veterans Affairs on how to implement an outreach strategy to veterans and veteran service organizations about the retrofit rebate programs in the bill. Would require the Secretary to approve or

deny alternative standards for accreditation not later than 30 days after such standards are submitted. Would explicitly state that insulated vinyl siding qualifies for the Gold Star Home Energy Retrofit Program. Would direct the Secretary to create two separate telephone hotline numbers: one for contractors and another one for homeowners. The hotlines would be available as a resource to ask questions about the Home Star program. Would also direct the Secretary to determine the feasibility and efficiency of establishing an online chat function for the website established for the Home Star program. Would modify the definition of “electric utility” in the bill to include entities engaged in selling electricity at wholesale, instead of including in the definition only those engaged in retail sales. Would provide for a study by the Secretary of Energy, in conjunction with the Secretary of Health and Human Services, to examine the effects of energy efficiency measures on noise reduction. Would add veteran-owned small businesses to the types of businesses that States should recruit when developing a quality assurance framework. Would allow owners of pre-1976 mobile homes to use rebates to purchase new Energy Star modular homes, in addition to new energy star manufactured homes. Would address windows at altitudes of over 5,000 feet. Would require the public information campaign to include information regarding financing options available to consumers and qualified financing entities under the Home Star Loan Program. (20 minutes)

2. Barton (TX): Would strike the provision that permits financing entities to use funds repaid by participants to provide assistance to additional participants. (10 minutes)

3. Nye (VA): Would add Armed Forces exchange services as qualified rebate aggregators. (10 minutes)

4. Burgess (TX): Would strike the public information campaign (section 109) from the bill and strike the campaign’s \$12 million authorization. (10 minutes)

5. Deutch (FL): Would require the Secretary to ensure that a home in a disaster area is not denied assistance under the Home Star program solely because there is no equipment or system to replace due to the disaster. (10 minutes)

6. Flake, Jeff (AZ): Would prohibit any of the funds authorized in the bill from being used for a Congressional earmark. (10 minutes)

7. Garrett (NJ): Would require a GAO study of how much money and energy has been saved by American consumers as a result of the increased energy efficiency measures undertaken in title I of the bill (the Silver Star and Gold Star programs), and whether the savings are greater than the cost of the implementation of title I of the bill. (10 minutes)

8. Bachmann (MN): Would require the Department of Energy’s Inspector General to submit a report to Congress identifying incidents of waste, fraud and abuse associated with the programs created by the bill. Would require the report to include recommendations to prevent additional waste, fraud and abuse. (10 minutes)

## TEXT OF AMENDMENTS TO BE MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WAXMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 3, lines 12 through 14, strike “under other standards approved by the Secretary, in consultation with the Administrator” and insert “under other standards that the Secretary shall approve or deny not later than 30 days after submittal, in consultation with the Administrator”.

Page 4, lines 21 through 23, strike “other standards approved by the Secretary, in consultation with the Secretary of Labor and the Administrator” and insert “other standards that the Secretary shall approve or deny not later than 30 days after submittal, in consultation with the Secretary of Labor and the Administrator”.

Page 5, line 8, insert “or wholesale” after “retail”.

Page 6, line 6, strike “111” and insert “110”.

Page 8, lines 11 through 13, strike “any other entity designated for such purpose by the Secretary, in consultation with the Administrator” and insert “any other entity that is accredited under standards that the Secretary shall approve or deny not later than 30 days after submittal, in consultation with the Administrator”.

Page 10, lines 5 through 9, amend subparagraph (A) to read as follows:

(A) establish a Federal Rebate Processing System which shall serve as a database and information technology system to allow—

(i) rebate aggregators to submit claims for reimbursement using standard data protocols;

(ii) quality assurance reports to be identified with the work for which rebates are claimed; and

(iii) any Home Star loans to be linked to the work for which they are made;

Page 10, line 15, strike “and”.

Page 10, line 16, redesignate subparagraph (C) as subparagraph (D).

Page 10, after line 15, insert the following new subparagraph:

(C) establish a means by which a State may obtain confidential access to records of work performed in that State from the database; and

Page 11, lines 1 through 3, strike “executes a Home” and all that follows through “affirming” and insert “affirms, in each Home Star rebate application submitted to a rebate aggregator,”.

Page 12, lines 8 and 12, redesignate paragraphs (6) and (7) as paragraphs (7) and (8), respectively.

Page 12, after line 7, insert the following new paragraph:

(6) agreeing to cooperate with and comply with the requirements of the quality assurance provider assigned to inspect any work done, subject to any appeals or dispute resolution process described in section 105(b)(4);

Page 12, line 16, strike “112” and insert “111”.

Page 13, strike lines 1 through 3, and insert “the Secretary may appoint and set basic rates of pay for such professional and administrative personnel as the Secretary considers necessary to carry out this title. Such authority shall not apply to positions in the Senior Executive Service. The number of personnel appointed

under this paragraph shall not exceed 30 full-time equivalent employees. The terms of appointment of all personnel appointed under this paragraph shall expire upon the termination of the programs established under this title.”

Page 13, lines 4 through 8, amend paragraph (2) to read as follows:

(2) RATE OF PAY.—The basic rate of pay for a person appointed under paragraph (1) shall not exceed the maximum rate of basic pay payable for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

Page 13, lines 9 through 21, strike paragraphs (3) and (4) (and redesignate the subsequent paragraphs accordingly).

Page 16, strike lines 8 through 10 and insert the following:

(5) EFFECTIVE PERIOD.—(A) Paragraph (1) shall be effective only until December 31, 2010, except with respect to personnel appointed to support the quality assurance and enforcement of the programs established under this title, for which appointments may be made under paragraph (1) until the termination of the programs established under this title pursuant to section 111(i).

(B) Paragraphs (3) and (4) shall be effective only until the date that is 2 years after the date of enactment of this Act, except with respect to regulations and information collection relating to the quality assurance and enforcement of the programs established under this title.

Page 18, lines 1, 3, 6, and 11, strike “section 105” and insert “section 105 or 110”.

Page 18, line 17, insert “unless the energy savings measures installed pursuant to section 103 are excluded from the calculations performed for purposes of section 104 and the total amount of rebates paid for the home does not exceed the maximum rebate available pursuant to section 104” after “the same home”.

Page 19, line 7, strike “section” and insert “title”.

Page 21, after line 10, insert the following new subsections:

(o) INFORMATION HOTLINES.—

(1) CONTRACTORS.—The Secretary shall establish and publicize a telephone hotline for contractors to call to obtain information about the programs under this Act.

(2) HOMEOWNERS.—The Secretary shall establish and publicize a telephone hotline for homeowners to call to obtain information about the programs under this Act.

(p) ONLINE CHAT FUNCTION.—The Secretary shall determine the feasibility and effectiveness of establishing an online chat function through the website established for the Home Star Retrofit Rebate Program, and may establish such a function as appropriate.

Page 21, line 20, insert “, in one or more particular States,” after “any rebate aggregator”.

Page 21, line 21, insert “The Secretary shall consult with States operating existing residential energy efficiency and retrofit programs on how best to coordinate the Home Star Retrofit Rebate Program with such existing programs, including the designation of rebate aggregators.” after “competent manner.”

Page 21, line 22, strike “30 days” and insert “60 days”.

Page 21, strike lines 24 and 25, and insert “a sufficient number of rebate aggregators in each State to ensure that rebate applications can be accepted from all qualified contractors.”

Page 22, line 10, insert “not later than 10 days after receipt of a complete rebate application,” after “(3)”.

Page 22, line 14, strike “30” and insert “10”.

Page 23, line 22 strike “and”.

Page 23, line 25, strike “would not disrupt” and insert “would facilitate coordination with, and not disrupt,”

Page 24, line 3, insert “and” after the semicolon.

Page 24, after line 3, insert the following new clause:

(iv) whose operational facilities, employees, electronic recordkeeping hardware and facilities, and conventional records used to carry out the responsibilities of a rebate aggregator are located wholly within the United States, to the extent consistent with the international obligations of the United States.

Page 25, line 18, insert “and to the availability of funding pursuant to section 111” after “subsection (d)(4)”.

Page 26, line 9, strike “polyurethane” and insert “insulating”.

Page 26, line 25, insert “, except that a State, with the approval of the Secretary, may designate climate zone subregions as a function of varying elevation” after “structural capacity”.

Page 27, line 6, strike “seal or replacement” and insert “sealing or replacement and sealing”.

Page 27, line 10, strike “, replaces” and insert “and sealing, replaces and seals”.

Page 27, line 17, insert “or adds at least R-10 of continuous insulation” after “thickness”.

Page 28, lines 10 through 21 amend paragraph (6) to read as follows:

(6) Window replacement that replaces at least 8 exterior windows, or 75 percent of the exterior windows in a home, whichever is less, with windows that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986 or, in areas above 5,000 feet elevation, have a U-factor of at least 0.35 when replacing windows that are single-glazed or double-glazed with an internal air space of  $\frac{1}{4}$  inch or less.

Page 28, lines 22 through 24, amend paragraph (7) to read as follows:

(7) Door or skylight replacement that replaces at least 1 exterior door or skylight with doors or skylights that comply with the 2010 Energy Star specification for doors or skylights.

Page 29, lines 1 through 3, amend clause (i) to read as follows:

(i) a natural gas or propane furnace with a furnace that has—

(I) an AFUE rating of 92 or greater; or

(II) an AFUE rating of 95 or greater;

Page 29, line 12, through page 30, line 17, amend clause (v) to read as follows:

(v) a wood or pellet furnace, boiler, or stove, if—

(I) the new system—



(aa) meets at least 75 percent of the heating demands of the home; and

(bb) in the case of a wood stove, but not a pellet stove, replaces an existing wood stove, but not a pellet stove, and is certified by the Administrator;

(II) the home has a distribution system (such as ducts, vents, blowers, or affixed fans) that allows heat to reach all or most parts of the home;

(III) in the case where an old wood stove is being replaced, a voucher is provided by the installer or other responsible party certifying that the old wood stove has been removed and rendered inoperable or recycled at an appropriate recycling facility; and

(IV) an accredited independent laboratory recognized by the Administrator certifies that the new system—

(aa) has thermal efficiency (lower heating value) of at least 75 percent for wood and pellet stoves, and at least 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 3.0 grams per hour for stoves, and less than 0.32 lbs/mmBTU for outdoor furnaces and boilers.

Page 30, line 23, strike “Air” and insert “Air-source air”.

Page 31, lines 4 and 5, amend clause (i) to read as follows:

(i) in the case of an air-source air conditioner—

(I) SEER 16 and EER 13; or

(II) SEER 18 and EER 15; and

Page 31, line 18, strike “or a” and insert “, or a natural gas or propane storage or tankless water heater with”.

Page 32, lines 9 through 11, amend subparagraph (F) to read as follows:

(F) an electric tankless water heater with an energy factor or thermal efficiency, as applicable, of .96 or more or a thermal efficiency of 96 percent or more, that operates on not greater than 25 kilowatts;

Page 32, lines 17 through 21, amend subparagraph (H) to read as follows:

(H) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (10) that provides domestic water heating through the use of—

(i) a desuperheater; or

(ii) year-round demand water heating capability.

Page 32, line 22, insert “or doors” after “Storm windows”.

Page 32, lines 23 through 25, strike “single-glazed windows that do not have storm windows;” and insert “doors or existing single-glazed windows; and”.

Page 33, lines 1 through 3, strike subparagraph (B).

Page 33, line 4, redesignate subparagraph (C) as subparagraph (B).

Page 33, line 5, insert “or doors” after “storm windows”.

Page 33, line 10, strike “less” and insert “more”.

Page 33, line 16, insert “for installations” after “at least 1.1”.

Page 34, line 18, strike “and”.

Page 34, line 20, strike the period and insert “; and”.

Page 34, after line 20, insert the following new subparagraph:

(C) an air-source air conditioner described in subsection (b)(9)(B)(i)(II).

Page 35, line 1, insert “and per skylight” after “per door”.

Page 35, line 2, insert “and 2 Energy Star skylights” after “Energy Star doors”.

Page 35, line 4, strike “\$250” and insert “\$400”.

Page 35, lines 7 through 15, redesignate subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively.

Page 35, after line 6, insert the following new subparagraph:

(C) \$750 for a water heater described in subsection (b)(11)(B);

Page 35, line 9, insert “or door” after “each storm window”.

Page 35, line 11, insert “or doors” after “storm windows”.

Page 35, line 14, strike “and”.

Page 35, line 16, strike the period and insert a semicolon.

Page 35, after line 16, insert the following new subparagraphs:

(H) \$750 for heating system replacement described in subsection (b)(8)(A)(i)(I);

(I) \$500 for a wood or pellet stove that has a heating capacity of at least 28,000 Btu per hour and meets all of the requirements of subsection (b)(8)(A)(v), except for the requirements of subclause (I)(aa) and subclause (II); and

(J) \$500 for a for a desuperheater as described in subsection (b)(11)(H)(i).

Page 38, line 4, strike “A” and insert “Not later than 1 year after the completion of a project for which rebates are sought, a”.

Page 38, line 7, strike “quality assurance requirements of this title has” and insert “required specifications for each measure or standards for installation have”.

Page 39, line 23, insert “as of the date of enactment of this Act” after “qualify”.

Page 39, line 25 through page 40, line 1, strike “, but with” and all that follows through “has been made”.

Page 40, line 4, strike “polyurethane” and insert “insulating”.

Page 42, line 5, insert “and the availability of funds pursuant to section 111” after “subsection (b)”.

Page 42, line 19, insert “energy-efficient wood products, insulated vinyl siding,” after “temperature controllers.”.

Page 45, line 2, strike “metered” and insert “verified”.

Page 46, line 3, strike “conducted in” and insert “and energy savings projections conducted with respect to”.

Page 47, line 12, strike “A” and insert “Not later than 1 year after completion of a project for which rebates are sought, a”.

Page 48, lines 10 through 19, amend subparagraph (A) to read as follows:

(A) If a field verification by an independent quality assurance provider finds that corrective work is needed, the accredited contractor will correct the work so the installed measures comply with manufacturer and applicable code standards, and reasonably determined energy savings projections indicate compliance with the specifications and

quality standards under this title. Such compliance shall be achieved not later than 14 days after the date of notification of a defect pursuant to a warranty, provided at no additional cost to the homeowner.

Page 50, after line 3, insert the following new subsection:

(g) ACCREDITATION SCHOLARSHIPS.—The Secretary may provide up to 0.3 percent of the funding available for carrying out this section for need-based scholarships to individuals to enable them to qualify as accredited contractors. In providing such scholarships, the Secretary shall factor in the number of accredited contractors in the State and their proportion to the State’s population.

Page 52, line 5, strike “minority and” and insert “minority, veteran, and”.

Page 53, after line 2, insert the following new subparagraph:

(F) to the extent practicable, a plan to incorporate existing clean energy and energy efficiency coursework, worker training programs, and worker certification programs at community colleges;

Page 53, line 3, strike “(F)” and insert “(G)”.

Page 53, line 7, strike “(G)” and insert “(H)”.

Page 53, line 16, strike “112” and insert “111”.

Page 55, after line 8, insert the following new paragraph:

(4) APPEALS AND DISPUTE RESOLUTION PROCESS.—A quality assurance program established under this subsection shall include an expedited and final appeals and dispute resolution process.

Page 57, lines 3 through 14, strike section 107 (and redesignate the subsequent sections accordingly).

Page 58, line 7, insert “(a) IN GENERAL.—” before “Not later than”.

Page 58, line 11, strike “and”.

Page 58, line 16, strike the period and insert a semicolon.

Page 58, after line 16, insert the following:

(3) the benefits of the programs under this title for senior citizens; and

(4) financing options as needed to inform consumers and qualified financing entities of the details of the Home Star Energy Efficiency Loan Program under section 110.

The public education campaign shall not include any distribution of gift or promotional items without direct educational value.

(b) VETERANS.—The Administrator shall coordinate with the Secretary of Veterans Affairs on how to implement an outreach strategy to veterans and veteran service organizations about retrofit rebate programs.

Page 60, line 2, strike “subsection (e)(1)” and insert “subsection (d)(1)”.

Page 60, line 8, strike “and”.

Page 60, line 14, strike the period and insert “; and”.

Page 60, after line 14, insert the following new subparagraph:

(C) limited to financing the homeowners’ portion of a Silver Star or Gold Star project undertaken pursuant to this title.

Page 60, line 17, insert “, subject to the availability of funding pursuant to section 111,” after “the Secretary”.

Page 61, line 22, strike “and”.

Page 62, line 4, strike the period and insert “; and”.

Page 62, after line 4, insert the following new paragraph:

(5) undertake particular efforts to make such loans available to senior citizens living in older homes or living on fixed incomes.

Page 62, lines 5 through 16, strike subsection (d) (and redesignate the subsequent subsections accordingly).

Page 63, lines 22 and 23, strike “manner, all information regarding” and insert “manner—

(A) to the rebate aggregator all information regarding each loan made with respect to a project for which the rebate aggregator accepted a rebate application; and

(B) information concerning”.

Page 64, line 4, insert “solely” after “may be used”.

Page 64, line 6, strike “to eligible participants, including” and insert “. The support for qualified loan program financing mechanisms may include”.

Page 64, line 10, insert “or” after the semicolon.

Page 64, line 12, strike “; or” and insert a period.

Page 64, lines 13 through 18, strike paragraph (4).

Page 64, line 20, strike “subsection (f)(3)” and insert “subsection (e)(3)”.

Page 64, line 25, insert “Any money that is repaid under a Gold Star or Silver Star loan into a State a revolving loan fund after a date 2 years from the date of enactment of this title may be retained by that State and utilized for purposes of providing additional loans for home energy retrofit purposes or to support a State home energy efficiency retrofit program. In the event that the Secretary is carrying out the Home Star Energy Efficiency Loan program in lieu of a State program, such repayments shall be returned to the Treasury.” after “with this section.”.

Page 65, line 19, strike “Subject to subsection (j), there” and insert “There”.

Page 66, line 8 through page 68, line 2, strike paragraphs (1) through (3) and insert the following:

(1) DISTRIBUTION TO STATES.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, of the amount provided under subsection (a), 3.6 percent is authorized to be appropriated to the Secretary for providing grants to States, to be used for—

- (i) administrative costs of carrying out this title;
- (ii) development and implementation of quality assurance frameworks;
- (iii) oversight of quality assurance programs;
- (iv) establishment and delivery of financing mechanisms, in accordance with paragraph (2); and
- (v) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star Retrofit Rebate Program.

(B) DISTRIBUTION.—

(i) PROVISION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the State energy offices, or such other State entities as are designated by the Governor, of States that are carrying out responsibilities under sec-

tion 105, 25 percent of the funds described in subparagraph (A).

(ii) ALLOCATION.—Funds described in clause (i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(iii) FUND ALLOCATION PROCESS.—The Secretary shall allocate the remaining 75 percent of the funds described in clause (i) in a manner that may vary from the formula described in clause (ii) as necessary to best support the objectives of achieving energy efficiency gains, employment of underemployed workers, and implementing quality assurance programs and frameworks in participating States.

(2) FINANCING.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, of the amount provided under subsection (a), 5.4 percent is authorized to be appropriated to the Secretary for carrying out section 110.

(B) DISTRIBUTION.—

(i) PROVISION OF FUNDS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall provide to the State energy offices, or such other State entities as are designated by the Governor, of States that are carrying out responsibilities under section 105, 75 percent of the funds described in subparagraph (A).

(ii) ALLOCATION.—Funds described in clause (i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(iii) FUND ALLOCATION PROCESS.—The Secretary shall allocate the remaining 25 percent of the funds described in clause (i) in a manner that may vary from the formula described in clause (ii) and reward those States that make the best progress in providing loans to low-income areas pursuant to section 110(c)(4).

Page 68, lines 3 and 9, redesignate paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Page 68, line 23, insert “AND REBATE AGGREGATION” after “QUALITY ASSURANCE”.

Page 69, line 4, strike “subsection (b)(3)(B)” and insert “subsection (b)(1)(B)(ii)”.

Page 69, line 5, insert “and rebate aggregators” after “assurance providers”.

Page 71, line 1, strike “(b), (d)” and insert “(b), (c), (d)”.

Page 71, line 13, strike “(b), (d)” and insert “(b), (c), (d)”.

Page 72, after line 6, insert the following new paragraph:

(3) HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.—If a State, or the Secretary acting in lieu of a State program, has not disbursed or provided in the form of loans all the funds available for such loans under the Home Star Energy Efficiency Loan Program by the date that is 2 years after the date

of enactment of this title, any undisbursed funds shall be returned to the Treasury.

Page 72, line 8, strike “107, 110, and 111” and insert “109 and 110”.

Page 72, after line 13, insert the following new section:

**SEC. 113. NOISE ABATEMENT STUDY.**

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a study of the effects of the energy savings measures made as a result of this Act on noise abatement.

Page 72, line 15, insert “**AND MODULAR**” after “**MANUFACTURED**”.

Page 72, line 16, insert “**AND MODULAR**” after “**MANUFACTURED**”.

Page 73, after line 3, insert the following new paragraphs:

(3) **MODULAR HOME.**—The term “modular home” means a structure that is—

(A) designed and manufactured to comply with applicable national, State, and local building codes and regulations;

(B) transportable in one or more sections;

(C) not constructed on a permanent chassis; and

(D) designed to be used as a dwelling on permanent foundations when connected to required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein.

(4) **ENERGY STAR QUALIFIED MODULAR HOME.**—The term “Energy Star qualified modular home” means a modular home that has been designed, produced, and installed in accordance with Energy Star’s guidelines.

Page 73, line 8, insert “or new Energy Star qualified modular homes” after “manufactured homes”.

Page 73, line 18, insert “or new Energy Star qualified modular homes” after “manufactured homes”.

Page 74, line 18, insert “or Energy Star qualified modular home” after “manufactured home”.

Page 75, line 13, insert “or new Energy Star qualified modular home” after “manufactured home”.

Page 75, line 18, insert “or modular home” after “manufactured home”.

Page 76, lines 3 through 21, amend paragraph (6) to read as follows:

(6) **STATE PROGRAMS.**—A State agency conducting a program that has the purpose of replacing manufactured homes constructed prior to 1976 with Energy Star qualified manufactured homes or Energy Star qualified modular homes may use funds provided under this section to support such a program, provided such funding does not exceed the funding limitation amount under paragraph (4).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARTON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 64, lines 19 through 25, strike subsection (g) (and redesignate the subsequent subsection accordingly).

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NYE OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 23, lines 13 and 16, redesignate subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively.

Page 23, after line 12, insert the following new subparagraph:

(D) an Armed Forces exchange service in the United States that offers for sale energy savings measures described in section 103;

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURGESS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 6, strike “111” and insert “110”.

Page 12, line 16, strike “112” and insert “111”.

Page 53, line 16, strike “112” and insert “111”.

Page 58, lines 6 through 16, strike section 109 (and redesignate the subsequent sections accordingly).

Page 65, line 19, strike “subsection (j)” and insert “subsection (i)”.

Page 67, line 3, strike “111” and insert “110”.

Page 70, lines 17 through 21, strike subsection (e) (and redesignate the subsequent subsections accordingly).

Page 71, line 1, strike “subsections (b), (d), and (e)” and insert “subsections (b) and (d)”.

Page 71, lines 13 and 14, strike “subsections (b), (d), and (e)” and insert “subsections (b) and (d)”.

Page 72, line 8, strike “, 110, and 111” and insert “and 110”.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEUTCH OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 21, after line 10, insert the following new subsection:

(o) DISASTER AREAS.—The Secretary shall ensure that a home in an area declared affected by a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is not denied assistance under the Home Star Retrofit Rebate Program solely because there is no equipment or system to replace due to the disaster.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 65, line 19, strike “subsection (j)” and insert “subsections (i) and (j)”.

Page 72, after line 13, insert the following new subsection:

(j) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to this section may be used for a Congressional earmark

as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

Page 78, after line 4, insert the following new paragraph:

(3) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to this subsection may be used for a Congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 57, after line 2, insert the following new subsection:

(d) COMPTROLLER GENERAL STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of a study of—

(1) how much money can reasonably be estimated to be saved by American consumers as a result of the energy efficiency measures undertaken pursuant to this title;

(2) how much energy can reasonably be estimated to be saved as a result of the energy efficiency measures undertaken pursuant to this title: and

(3) whether the savings from the energy efficiency measures undertaken pursuant to this title are greater than the cost of the implementation of this title.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BACHMANN OF MINNESOTA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new title:

### **TITLE III—WASTE, FRAUD, AND ABUSE**

#### **SEC. 301. REPORT.**

The Department of Energy's Inspector General shall submit a report to Congress measuring the amount of waste, fraud, and abuse occurring in programs created by this Act, which shall include recommendations to prevent additional waste, fraud, and abuse. This report shall be submitted before July 1, 2012.