

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5019

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## AN ACT

To provide for the establishment of the Home Star Retrofit  
Rebate Program, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Home Star Energy  
3 Retrofit Act of 2010”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) ACCREDITED CONTRACTOR.—The term “ac-  
7 credited contractor” means a qualified contractor—

8 (A) that is accredited—

9 (i) by the BPI; or

10 (ii) under other standards that the  
11 Secretary shall approve or deny not later  
12 than 30 days after submittal, in consulta-  
13 tion with the Administrator; and

14 (B) effective 1 year after the date of enact-  
15 ment of this Act, that uses a certified work-  
16 force.

17 (2) ADMINISTRATOR.—The term “Adminis-  
18 trator” means the Administrator of the Environ-  
19 mental Protection Agency.

20 (3) BPI.—The term “BPI” means the Building  
21 Performance Institute.

22 (4) CERTIFIED WORKFORCE.—The term “cer-  
23 tified workforce” means a residential energy effi-  
24 ciency construction workforce in which all employees  
25 performing installation work are certified in the ap-  
26 propriate job skills under—

1 (A) an applicable third party skills stand-  
2 ard established by—

3 (i) BPI;

4 (ii) North American Technician Excel-  
5 lence;

6 (iii) the Laborers' International Union  
7 of North America;

8 (B) an applicable third party skills stand-  
9 ard established in the State in which the work  
10 is to be performed, pursuant to a program oper-  
11 ated by the Home Builders Institute in connec-  
12 tion with Ferris State University, to be effective  
13 30 days after notice is provided by those orga-  
14 nizations to the Secretary that such program  
15 has been established in such State, except to  
16 the extent that the Secretary determines within  
17 30 days of such notice that the standard or cer-  
18 tification is incomplete; or

19 (C) other standards that the Secretary  
20 shall approve or deny not later than 30 days  
21 after submittal, in consultation with the Sec-  
22 retary of Labor and the Administrator.

23 (5) **CONDITIONED SPACE.**—The term “condi-  
24 tioned space” means the area of a home that is—

25 (A) intended for habitation; and

1 (B) intentionally heated or cooled.

2 (6) DOE.—The term “DOE” means the De-  
3 partment of Energy.

4 (7) ELECTRIC UTILITY.—The term “electric  
5 utility” means any person, State agency, rural elec-  
6 tric cooperative, municipality, or other governmental  
7 entity that delivers or sells electric energy at retail  
8 or wholesale, including nonregulated utilities and  
9 utilities that are subject to State regulation and  
10 Federal power marketing administrations.

11 (8) EPA.—The term “EPA” means the Envi-  
12 ronmental Protection Agency.

13 (9) FEDERAL REBATE PROCESSING SYSTEM.—  
14 The term “Federal Rebate Processing System”  
15 means the Federal Rebate Processing System estab-  
16 lished under section 101(b).

17 (10) GOLD STAR HOME ENERGY RETROFIT PRO-  
18 GRAM.—The term “Gold Star Home Energy Retrofit  
19 Program” means the Gold Star Home Energy Ret-  
20 rofit Program established under section 104.

21 (11) HOME.—The term “home” means a prin-  
22 cipal residential dwelling unit in a building with no  
23 more than 4 dwelling units that—

24 (A) is located in the United States; and

1 (B) was constructed before the date of en-  
2 actment of this Act.

3 (12) INDIAN TRIBE.—The term “Indian tribe”  
4 has the meaning given the term in section 4 of the  
5 Indian Self-Determination and Education Assistance  
6 Act (25 U.S.C. 450b).

7 (13) NATIONAL HOME PERFORMANCE COUN-  
8 CIL.—The term “National Home Performance Coun-  
9 cil” means the National Home Performance Council,  
10 Inc.

11 (14) NATURAL GAS UTILITY.—The term “nat-  
12 ural gas utility” means any person or State agency  
13 that transports, distributes, or sells natural gas at  
14 retail, including nonregulated utilities and utilities  
15 that are subject to State regulation.

16 (15) QUALIFIED CONTRACTOR.—The term  
17 “qualified contractor” means a residential energy ef-  
18 ficiency contractor meeting minimum applicable re-  
19 quirements as determined under section 101(c).

20 (16) QUALITY ASSURANCE FRAMEWORK.—The  
21 term “quality assurance framework” means a policy  
22 structure adopted by a State to develop high stand-  
23 ards for ensuring quality in ongoing energy effi-  
24 ciency retrofit activities in which the State has a  
25 role, including operation of the quality assurance

1 program, while creating significant employment op-  
2 portunities, in particular for targeted workers.

3 (17) QUALITY ASSURANCE PROGRAM.—

4 (A) IN GENERAL.—The term “quality as-  
5 surance program” means a program authorized  
6 under this Act to oversee the delivery of home  
7 efficiency retrofit programs to ensure that work  
8 is performed in accordance with standards and  
9 criteria established under this Act.

10 (B) INCLUSIONS.—For purposes of sub-  
11 paragraph (A), delivery of retrofit programs in-  
12 cludes field inspections required under this Act,  
13 with the consent of participating consumers and  
14 without delaying rebate payments to partici-  
15 pating contractors and vendors.

16 (18) QUALITY ASSURANCE PROVIDER.—

17 (A) IN GENERAL.—The term “quality as-  
18 surance provider” means any entity that is au-  
19 thorized pursuant to this Act to perform field  
20 inspections and other measures required to con-  
21 firm the compliance of retrofit work with the  
22 requirements of this Act.

23 (B) CERTIFICATION REQUIREMENT.—To  
24 be considered a quality assurance provider

1 under this paragraph, an entity shall be cer-  
2 tified through—

3 (i) the International Code Council;

4 (ii) the BPI;

5 (iii) the RESNET;

6 (iv) a State;

7 (v) a State-approved residential en-  
8 ergy efficiency retrofit program; or

9 (vi) any other entity that is accredited  
10 under standards that the Secretary shall  
11 approve or deny not later than 30 days  
12 after submittal, in consultation with the  
13 Administrator.

14 (19) REBATE AGGREGATOR.—The term “rebate  
15 aggregator” means an entity that meets the require-  
16 ments of section 102.

17 (20) RESNET.—The term “RESNET” means  
18 the Residential Energy Services Network.

19 (21) SECRETARY.—The term “Secretary”  
20 means the Secretary of Energy.

21 (22) SILVER STAR HOME ENERGY RETROFIT  
22 PROGRAM.—The term “Silver Star Home Energy  
23 Retrofit Program” means the Silver Star Home En-  
24 ergy Retrofit Program established under section  
25 103.

1           (23) STATE.—The term “State” means—  
2           (A) a State;  
3           (B) the District of Columbia;  
4           (C) the Commonwealth of Puerto Rico;  
5           (D) Guam;  
6           (E) American Samoa;  
7           (F) the United States Virgin Islands;  
8           (G) the Northern Mariana Islands; and  
9           (H) any other commonwealth, territory, or  
10          possession of the United States.

11          (24) TARGETED WORKER.—The term “targeted  
12          worker” means an individual who is unemployed or  
13          underemployed and of an employable age and a resi-  
14          dent of an area with high or chronic unemployment  
15          and low median household incomes, as defined by  
16          the Secretary in consultation with the Secretary of  
17          Labor.

18          (25) WATER UTILITY.—The term “water util-  
19          ity” means any State or local agency that delivers  
20          or sells water at wholesale or retail through an engi-  
21          neered distribution system.



1 **TITLE I—HOME STAR RETROFIT**  
2 **REBATE PROGRAM**

3 **SEC. 101. HOME STAR RETROFIT REBATE PROGRAM.**

4 (a) IN GENERAL.—The Secretary shall establish the  
5 Home Star Retrofit Rebate Program.

6 (b) FEDERAL REBATE PROCESSING SYSTEM.—

7 (1) IN GENERAL.—Not later than 30 days after  
8 the date of enactment of this Act, the Secretary, in  
9 consultation with the Secretary of the Treasury and  
10 the Administrator, shall—

11 (A) establish a Federal Rebate Processing  
12 System which shall serve as a database and in-  
13 formation technology system to allow—

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

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

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

22 (B) establish a national retrofit website  
23 that provides information on the Home Star  
24 Retrofit Rebate Program, including how to de-  
25 termine whether particular energy efficiency

1           measures are eligible for rebate and how to par-  
2           ticipate in the program;

3           (C) establish a means by which a State  
4           may obtain confidential access to records of  
5           work performed in that State from the data-  
6           base; and

7           (D) publish model forms and data proto-  
8           cols for use by contractors, vendors, and quality  
9           assurance providers to comply with the require-  
10          ments of this title.

11          (2) MODEL CERTIFICATION FORMS.—In car-  
12          rying out this section, the Secretary shall consider  
13          the model certification forms developed by the Na-  
14          tional Home Performance Council.

15          (c) QUALIFIED CONTRACTOR REQUIREMENTS.—A  
16          qualified contractor may perform retrofit work for which  
17          rebates are authorized under this title only if it affirms,  
18          in each Home Star rebate application submitted to a re-  
19          bate aggregator, that it meets applicable requirements, in-  
20          cluding—

21               (1) all applicable State contractor licensing re-  
22               quirements or, with respect to a State that has no  
23               such requirements, any appropriate comparable re-  
24               quirements established under paragraph (6);

1           (2) insurance coverage of at least \$1,000,000  
2           for general liability, and for such other purposes and  
3           in such other amounts as may be required by the  
4           State;

5           (3) agreeing to provide warranties to home-  
6           owners that completed work will—

7                   (A) be free of significant defects;

8                   (B) be installed in accordance with the  
9                   specifications of the manufacturer; and

10                   (C) perform properly for a period of at  
11           least 1 year after the date of completion of the  
12           work;

13           (4) agreeing to pass through to the owner of a  
14           home, through a discount, the full economic value of  
15           all rebates received under this title with respect to  
16           the home;

17           (5) agreeing to provide to the homeowner a no-  
18           tice of the amount of the rebate the contractor in-  
19           tends to apply for on the homeowner's behalf with  
20           respect to the eligible work under this title, before  
21           a contract is executed between the contractor and a  
22           homeowner covering the eligible work;

23           (6) agreeing to cooperate with and comply with  
24           the requirements of the quality assurance provider  
25           assigned to inspect any work done, subject to any

1 appeals or dispute resolution process described in  
2 section 105(b)(4);

3 (7) certifying that no employee has been con-  
4 victed of, or pleaded guilty to, a crime of child mo-  
5 lestation, rape, or any other form of sexual assault;

6 (8) all requirements of an applicable State qual-  
7 ity assurance framework by and after the date that  
8 is 1 year after the date of enactment of this Act;  
9 and

10 (9) any other appropriate requirements as de-  
11 termined by the Secretary, in consultation with the  
12 Administrator.

13 (d) ADMINISTRATIVE AND TECHNICAL SUPPORT.—  
14 Subject to section 109(b) and (c), beginning not later than  
15 30 days after the date of enactment of this Act, the Sec-  
16 retary shall provide such administrative and technical sup-  
17 port to rebate aggregators and States as is necessary to  
18 carry out this title.

19 (e) ADMINISTRATION.—

20 (1) APPOINTMENT OF PERSONNEL.—Notwith-  
21 standing the provisions of title 5, United States  
22 Code, governing appointments in the competitive  
23 service and General Schedule classifications and pay  
24 rates, the Secretary may appoint and set basic rates  
25 of pay for such professional and administrative per-

1       sonnel as the Secretary considers necessary to carry  
2       out this title. Such authority shall not apply to posi-  
3       tions in the Senior Executive Service. The number  
4       of personnel appointed under this paragraph shall  
5       not exceed 30 full-time equivalent employees. The  
6       terms of appointment of all personnel appointed  
7       under this paragraph shall expire upon the termi-  
8       nation of the programs established under this title.

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

14               (3) REGULATIONS.—

15                       (A) IN GENERAL.—Notwithstanding sec-  
16       tion 553 of title 5, United States Code, the Sec-  
17       retary may issue regulations that the Secretary,  
18       in the sole discretion of the Secretary, deter-  
19       mines necessary to—

20                               (i) establish;

21                               (ii) achieve full operational status  
22       within 60 days after the date of enactment  
23       of this Act for; or

24                               (iii) carry out,

25       the Home Star Retrofit Rebate Program.

1 (B) TIMING.—If the Secretary determines  
2 that regulations described in subparagraph (A)  
3 are necessary, the regulations shall be issued  
4 not later than 60 days after such determina-  
5 tion.

6 (C) EXCEPTION.—(i) The Secretary shall  
7 not utilize the authority provided under this  
8 paragraph to—

9 (I) develop, adopt, or implement a  
10 public labeling system that rates and com-  
11 pares the energy performance of one home  
12 with another; or

13 (II) require the public disclosure of an  
14 energy performance evaluation or rating  
15 developed for any specific home.

16 (ii) Nothing in this subparagraph shall  
17 preclude—

18 (I) the computation, collection, or use,  
19 by the Secretary, rebate aggregators, qual-  
20 ity assurance providers, or States for the  
21 purposes of carrying out sections 104 and  
22 105, of information on the rating and com-  
23 parison of the energy performance of  
24 homes with and without energy efficiency

1 features or on energy performance evalua-  
2 tion or rating;

3 (II) the use and publication of aggre-  
4 gate data (without identifying individual  
5 homes or participants) based on informa-  
6 tion referred to in subclause (I) to deter-  
7 mine or demonstrate the performance of  
8 the Home Star program; or

9 (III) the provision of information re-  
10 ferred to in subclause (I) with respect to a  
11 specific home—

12 (aa) to the State, homeowner,  
13 quality assurance provider, rebate  
14 aggregator, or contractor performing  
15 retrofit work on that home, or an en-  
16 tity providing Home Star services, as  
17 necessary to enable carrying out this  
18 title; or

19 (bb) for purposes of prosecuting  
20 fraud and abuse.

21 (4) INFORMATION COLLECTION.—Chapter 35 of  
22 title 44, United States Code, shall not apply to any  
23 information collection requirement necessary for the  
24 implementation of the Home Star Retrofit Rebate  
25 Program.

1           (5) EFFECTIVE PERIOD.—(A) Paragraph (1)  
2 shall be effective only until December 31, 2010, ex-  
3 cept with respect to personnel appointed to support  
4 the quality assurance and enforcement of the pro-  
5 grams established under this title, for which appoint-  
6 ments may be made under paragraph (1) until the  
7 termination of the programs established under this  
8 title pursuant to section 111(i).

9           (B) Paragraphs (3) and (4) shall be effective  
10 only until the date that is 2 years after the date of  
11 enactment of this Act, except with respect to regula-  
12 tions and information collection relating to the qual-  
13 ity assurance and enforcement of the programs es-  
14 tablished under this title.

15          (f) PROGRAM REVIEW.—Not later than 180 days  
16 after the date of enactment of this Act, the Secretary shall  
17 prepare and transmit to Congress a State-by-State anal-  
18 ysis and review the distribution of Home Star retrofit re-  
19 bates under this title.

20          (g) ADJUSTMENT OF REBATE AMOUNTS.—Effective  
21 beginning on the date that is 180 days after the date of  
22 enactment of this Act, the Secretary may, after not less  
23 than 30 days public notice, prospectively adjust the rebate  
24 amounts provided for under this title as necessary to opti-  
25 mize the overall energy efficiency resulting from the Silver



1 Star Home Energy Retrofit Program and the Gold Star  
2 Home Energy Retrofit Program.

3 (h) INDIAN TRIBE PARTICIPATION.—

4 (1) IN GENERAL.—An Indian tribe, within 30  
5 days after the date of enactment of this Act, may in-  
6 dicate to the Secretary its intention to act in place  
7 of a State for purposes of carrying out the respon-  
8 sibilities of the State under this title with respect to  
9 its tribal lands. If the Indian tribe so indicates, the  
10 Secretary shall treat the Indian tribe as the State  
11 for purposes of carrying out this title with respect  
12 to those tribal lands.

13 (2) TRANSITION OF RESPONSIBILITIES.—The  
14 Secretary may permit an Indian tribe, after the expi-  
15 ration of 30 days after the date of enactment of this  
16 Act, to assume the responsibilities of a State under  
17 this title with respect to its tribal lands if the Sec-  
18 retary finds that such assumption of responsibilities  
19 will not disrupt the ongoing administration of the  
20 program under this title.

21 (3) COOPERATION.—An Indian tribe may co-  
22 operate with a State or the Secretary to ensure that  
23 all of the requirements of this title are carried out  
24 with respect to the tribal lands.

25 (i) IMPLEMENTATION BY SECRETARY.—

1           (1) IN GENERAL.—If a State has not indicated  
2           to the Secretary within 30 days after the date of en-  
3           actment of this Act that it is prepared to carry out  
4           section 105 or 108, or if at any later time the Sec-  
5           retary determines that a State is no longer prepared  
6           to carry out section 105 or 108, to the extent that  
7           no Indian tribe assumes such responsibilities under  
8           subsection (h) the Secretary shall assume the re-  
9           sponsibilities of that State with respect to carrying  
10          out section 105 or 108.

11          (2) TRANSITION OF RESPONSIBILITIES.—The  
12          Secretary may permit a State, after the Secretary  
13          has assumed the responsibilities of that State under  
14          paragraph (1), to assume the responsibilities as-  
15          signed to States under section 105 or 108 with re-  
16          spect to that State if the Secretary finds that such  
17          assumption of responsibilities will not disrupt the  
18          ongoing administration of the program under this  
19          title.

20          (j) LIMITATION.—Rebates may not be provided under  
21          both section 103 and section 104 with respect to the same  
22          home unless the energy savings measures installed pursu-  
23          ant to section 103 are excluded from the calculations per-  
24          formed for purposes of section 104 and the total amount

1 of rebates paid for the home does not exceed the maximum  
2 rebate available pursuant to section 104.

3 (k) FORMS FOR CERTIFICATION AND QUALITY AS-  
4 SURANCE.—

5 (1) IN GENERAL.—Not later than 30 days after  
6 the date of enactment of this Act, the Secretary  
7 shall make available on the website established  
8 under subsection (b)(1)(B), model certification  
9 forms for compliance with quality assurance require-  
10 ments under this title, to be submitted by—

11 (A) each qualified contractor, accredited  
12 contractor, and quality assurance provider on  
13 completion of an eligible home energy retrofit;  
14 and

15 (B) each quality assurance provider on  
16 completion of field verification required under  
17 this title.

18 (2) NATIONAL HOME PERFORMANCE COUN-  
19 CIL.—The Secretary, States, and Indian tribes shall  
20 consider and may use model certification forms de-  
21 veloped by the National Home Performance Council  
22 to ensure compliance with quality assurance require-  
23 ments under this title.

24 (l) PUBLIC-PRIVATE PARTNERSHIPS.—A State that  
25 receives a grant under this title is encouraged to form

1 partnerships with utilities, energy service companies, and  
2 other entities—

3 (1) to assist in marketing the Home Star Ret-  
4 rofit Rebate Program;

5 (2) to facilitate consumer financing;

6 (3) to assist in implementation of the Silver  
7 Star Home Energy Retrofit Program and the Gold  
8 Star Home Energy Retrofit Program, including in-  
9 stallation of qualified energy retrofit measures; and

10 (4) to assist in implementing quality assurance  
11 programs.

12 (m) COORDINATION OF REBATE AND EXISTING  
13 STATE-SPONSORED PROGRAMS.—

14 (1) IN GENERAL.—A State shall, to the max-  
15 imum extent practicable, prevent duplication through  
16 coordination of a program authorized under this title  
17 with—

18 (A) the Energy Star appliance rebates pro-  
19 gram authorized under section 124 of the En-  
20 ergy Policy Act of 2005 (42 U.S.C. 15821),  
21 and any other Federal programs that provide  
22 funds to States for home or appliance energy  
23 efficiency purposes; and

24 (B) comparable programs planned or oper-  
25 ated by States, political subdivisions, electric

1           and natural gas utilities, Federal power mar-  
2           keting administrations, and Indian tribes.

3           (2) EXISTING PROGRAMS.—In carrying out this  
4           subsection, a State shall—

5                   (A) give priority to—

6                           (i) comprehensive retrofit programs in  
7                           existence on the date of enactment of this  
8                           Act, including programs under the super-  
9                           vision of State utility regulators; and

10                           (ii) using funds made available under  
11                           this title to enhance and extend existing  
12                           programs; and

13                   (B) seek to enhance and extend existing  
14           programs by coordinating with administrators  
15           of the programs.

16           (n) HEALTH AND SAFETY REQUIREMENTS.—Noth-  
17           ing in this title shall relieve any contractor from the obli-  
18           gation to comply with applicable Federal, State, and local  
19           health and safety code requirements.

20           (o) INFORMATION HOTLINES.—

21                   (1) CONTRACTORS.—The Secretary shall estab-  
22           lish and publicize a telephone hotline for contractors  
23           to call to obtain information about the programs  
24           under this Act.

1           (2) HOMEOWNERS.—The Secretary shall estab-  
2           lish and publicize a telephone hotline for home-  
3           owners to call to obtain information about the pro-  
4           grams under this Act.

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

10          (q) DISASTER AREAS.—The Secretary shall ensure  
11          that a home in an area declared affected by a major dis-  
12          aster declared by the President under section 401 of the  
13          Robert T. Stafford Disaster Relief and Emergency Assist-  
14          ance Act (42 U.S.C. 5170) is not denied assistance under  
15          the Home Star Retrofit Rebate Program solely because  
16          there is no equipment or system to replace due to the dis-  
17          aster.

18          (r) INCOME THRESHOLD.—Homeowners with a gross  
19          annual household income of more than \$250,000 shall not  
20          be eligible for a rebate under this title.

21       **SEC. 102. REBATE AGGREGATORS.**

22          (a) IN GENERAL.—The Secretary shall develop a net-  
23          work of rebate aggregators that can facilitate the delivery  
24          of rebates to homeowners to reimburse the homeowners  
25          for work provided by participating contractors and ven-

1 dors for energy efficiency retrofit work. The Secretary  
2 shall approve or deny an application from a person seeking  
3 to become a rebate aggregator not later than 30 days after  
4 receiving such application. The Secretary may disqualify  
5 any rebate aggregator, in one or more particular States,  
6 that fails to meet its obligations under this title in a timely  
7 and competent manner. The Secretary shall consult with  
8 States operating existing residential energy efficiency and  
9 retrofit programs on how best to coordinate the Home  
10 Star Retrofit Rebate Program with such existing pro-  
11 grams, including the designation of rebate aggregators.

12 (b) AVAILABILITY.—Not later than 60 days after the  
13 date of enactment of this Act, the Secretary shall identify  
14 a sufficient number of rebate aggregators in each State  
15 to ensure that rebate applications can be accepted from  
16 all qualified contractors. Not later than 90 days after such  
17 date of enactment, the Secretary shall ensure that rebate  
18 aggregation services are available to all homeowners in the  
19 United States at the lowest reasonable cost.

20 (c) RESPONSIBILITIES.—Rebate aggregators shall—

21 (1) review each proposed rebate application for  
22 completeness and accuracy;

23 (2) review all measures for which rebates are  
24 sought for eligibility in accordance with this title;

1           (3) not later than 10 days after receipt of a  
2 complete rebate application, provide data to the Sec-  
3 retary for inclusion in the database maintained  
4 through the Federal Rebate Processing System, con-  
5 sistent with data protocols established by the Sec-  
6 retary;

7           (4) not later than 10 days after the date of re-  
8 ceipt, distribute funds received from the Secretary to  
9 contractors, vendors, or other persons in accordance  
10 with approved claims for reimbursement made to the  
11 Federal Rebate Processing System;

12           (5) maintain appropriate accounting for rebate  
13 applications processed, and their disposition;

14           (6) review contractor qualifications and accredi-  
15 tation and retain documentation of such qualifica-  
16 tion and accreditation, as required for contractors to  
17 be authorized to perform residential energy effi-  
18 ciency retrofit work under this title; and

19           (7) maintain information regarding contractors'  
20 fulfillment of the requirements of section 101(c).

21           (d) ELIGIBILITY.—To be eligible to apply to the Sec-  
22 retary for approval as a rebate aggregator, an entity—

23           (1) shall be—

24                   (A) a Home Performance with Energy  
25 Star partner;



1 (B) an entity administering a residential  
2 energy efficiency retrofit program established or  
3 approved by a State;

4 (C) a Federal power marketing administra-  
5 tion or the Tennessee Valley Authority;

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

9 (E) an electric utility, natural gas utility,  
10 or water utility administering or offering a resi-  
11 dential energy efficiency retrofit program; or

12 (F) an entity—

13 (i) with corporate status or status as  
14 a State or local government;

15 (ii) who can demonstrate adequate fi-  
16 nancial capability to manage a rebate  
17 aggregator program, as evidenced by au-  
18 dited financial records;

19 (iii) whose participation in the pro-  
20 gram, in the judgment of the Secretary,  
21 would facilitate coordination with, and not  
22 disrupt, existing residential retrofit pro-  
23 grams in the States that are carrying out  
24 the Home Star Retrofit Rebate Program  
25 under this title; and

1 (iv) whose operational facilities, em-  
2 ployees, electronic recordkeeping hardware  
3 and facilities, and conventional records  
4 used to carry out the responsibilities of a  
5 rebate aggregator are located wholly within  
6 the United States, to the extent consistent  
7 with the international obligations of the  
8 United States.

9 (2) must be able to demonstrate—

10 (A) a relationship with 1 or more inde-  
11 pendent quality assurance providers that is suf-  
12 ficient to meet the volume of contracting serv-  
13 ices delivered;

14 (B) the capability to provide such elec-  
15 tronic data as is required by the Secretary to  
16 the Federal Rebate Processing System; and

17 (C) a financial system that is capable of  
18 tracking the distribution of rebates to partici-  
19 pating contractors and vendors; and

20 (3) shall include in its application the amount  
21 it proposes to charge for the review and processing  
22 of a rebate under this title.

23 (e) PROMPT PROCESSING OF REBATES.—Within 10  
24 days after receiving an application for a rebate consistent  
25 with this title, a rebate aggregator shall submit a claim

1 for that rebate to the Federal Rebate Processing System.  
2 Within 10 days after the Federal Rebate Processing Sys-  
3 tem receives such a submission from a rebate aggregator,  
4 the Secretary shall provide the funds to the rebate  
5 aggregator necessary to pay such rebates to the qualified  
6 contractor or vendor who applied for them and to com-  
7 pensate the rebate aggregator for its services in accord-  
8 ance with this title. Within 10 days of being provided such  
9 funds, the rebate aggregator shall pay the rebates to the  
10 rebate applicant.

11 (f) PUBLIC UTILITY COMMISSION EFFICIENCY TAR-  
12 GETS.—The Secretary shall—

13 (1) develop guidelines for States to use to allow  
14 utilities participating as rebate aggregators to count  
15 the energy savings from their participation toward  
16 State-level energy savings targets; and

17 (2) work with States to assist in the adoption  
18 of these guidelines for the purposes and duration of  
19 the Home Star Retrofit Rebate Program.

20 **SEC. 103. SILVER STAR HOME ENERGY RETROFIT PRO-**  
21 **GRAM.**

22 (a) IN GENERAL.—During the first year after the  
23 date of enactment of this Act, a Silver Star Home Energy  
24 Retrofit Program rebate shall be awarded, subject to the  
25 maximum amount limitations under subsection (d)(4) and

1 to the availability of funding pursuant to section 109, to  
2 homeowners to reimburse the homeowners for work pro-  
3 vided by participating contractors and vendors, for the in-  
4 stallation of energy savings measures—

5 (1) selected from the list of energy savings  
6 measures described in subsection (b);

7 (2) installed after the date of enactment of this  
8 Act in the home by a qualified contractor; and

9 (3) carried out in compliance with this section.

10 (b) ENERGY SAVINGS MEASURES.—Subject to sub-  
11 section (c), a rebate shall be awarded under subsection  
12 (a) for the installation of the following energy savings  
13 measures for a home energy retrofit that meet technical  
14 standards established under this section:

15 (1) Whole house air sealing measures, including  
16 interior and exterior measures, utilizing sealants,  
17 caulks, insulating foams, gaskets, weather-stripping,  
18 mastics, and other building materials in accordance  
19 with BPI standards or other procedures approved by  
20 the Secretary.

21 (2) Attic insulation measures that—

22 (A) include sealing of air leakage between  
23 the attic and the conditioned space, in accord-  
24 ance with BPI standards or the attic portions

1 of the DOE or EPA thermal bypass checklist or  
2 other procedures approved by the Secretary;

3 (B) add at least R-19 insulation to exist-  
4 ing insulation;

5 (C) result in at least R-38 insulation in  
6 DOE climate zones 1 through 4 and at least R-  
7 49 insulation in DOE climate zones 5 through  
8 8, including existing insulation, within the lim-  
9 its of structural capacity, except that a State,  
10 with the approval of the Secretary, may des-  
11 ignate climate zone subregions as a function of  
12 varying elevation; and

13 (D) cover at least—

14 (i) 100 percent of an accessible attic;

15 or

16 (ii) 75 percent of the total conditioned  
17 footprint of the house.

18 (3) Duct sealing or replacement and sealing  
19 that—

20 (A) is installed in accordance with BPI  
21 standards or other procedures approved by the  
22 Secretary; and

23 (B) in the case of duct replacement and  
24 sealing, replaces and seals at least 50 percent  
25 of a distribution system of the home.

1 (4) Wall insulation that—

2 (A) is installed in accordance with BPI  
3 standards or other procedures approved by the  
4 Secretary;

5 (B) is to full-stud thickness or adds at  
6 least R-10 of continuous insulation; and

7 (C) covers at least 75 percent of the total  
8 external wall area of the home.

9 (5) Crawl space insulation or basement wall  
10 and rim joist insulation that is installed in accord-  
11 ance with BPI standards or other procedures ap-  
12 proved by the Secretary and—

13 (A) covers at least 500 square feet of crawl  
14 space or basement wall and adds at least—

15 (i) R-19 of cavity insulation or R-15  
16 of continuous insulation to existing crawl  
17 space insulation; or

18 (ii) R-13 of cavity insulation or R-10  
19 of continuous insulation to basement walls;  
20 and

21 (B) fully covers the rim joist with at least  
22 R-10 of new continuous or R-13 of cavity insu-  
23 lation.

24 (6) Window replacement that replaces at least  
25 8 exterior windows, or 75 percent of the exterior

1 windows in a home, whichever is less, with windows  
2 that—

3 (A) are certified by the National Fenestra-  
4 tion Rating Council; and

5 (B) comply with criteria applicable to win-  
6 dows under section 25(c) of the Internal Rev-  
7 enue Code of 1986 or, in areas above 5,000 feet  
8 elevation, have a U-factor of at least 0.35 when  
9 replacing windows that are single-glazed or dou-  
10 ble-glazed with an internal air space of  $\frac{1}{4}$  inch  
11 or less.

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

16 (8)(A) Heating system replacement of—

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

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

20 or

21 (II) an AFUE rating of 95 or greater;

22 (ii) a natural gas or propane boiler with a  
23 boiler that has an AFUE rating of 90 or great-  
24 er;

1 (iii) an oil furnace with a furnace that has  
2 an AFUE rating of 86 or greater and that uses  
3 an electrically commutated blower motor;

4 (iv) an oil boiler with a boiler that has an  
5 AFUE rating of 86 or greater and that has  
6 temperature reset or thermal purge controls; or

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

9 (I) the new system—

10 (aa) meets at least 75 per-  
11 cent of the heating demands of  
12 the home; and

13 (bb) in the case of a wood  
14 stove, but not a pellet stove, re-  
15 places an existing wood stove,  
16 but not a pellet stove, and is cer-  
17 tified by the Administrator;

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

22 (III) in the case where an old  
23 wood stove is being replaced, a vouch-  
24 er is provided by the installer or other  
25 responsible party certifying that the



1 old wood stove has been removed and  
2 rendered inoperable or recycled at an  
3 appropriate recycling facility; and

4 (IV) an accredited independent  
5 laboratory recognized by the Adminis-  
6 trator certifies that the new system—

7 (aa) has thermal efficiency  
8 (lower heating value) of at least  
9 75 percent for wood and pellet  
10 stoves, and at least 80 percent  
11 for furnaces and boilers; and

12 (bb) has particulate emis-  
13 sions of less than 3.0 grams per  
14 hour for stoves, and less than  
15 0.32 lbs/mmBTU for outdoor  
16 furnaces and boilers.

17 (B) A rebate may be provided under this sec-  
18 tion for the replacement of a furnace or boiler de-  
19 scribed in clauses (i) through (iv) of subparagraph  
20 (A) only if the new furnace or boiler is installed in  
21 accordance with ANSI/ACCA Standard 5 QI-2007.

22 (9) Air-source air conditioner or air-source heat  
23 pump replacement with a new unit that—

24 (A) is installed in accordance with ANSI/  
25 ACCA Standard 5 QI-2007; and

1 (B) meets or exceeds—

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

4 (I) SEER 16 and EER 13; or

5 (II) SEER 18 and EER 15; and

6 (ii) in the case of an air-source heat  
7 pump, SEER 15, EER 12.5, and HSPF  
8 8.5.

9 (10) Heating or cooling system replacement  
10 with an Energy Star qualified geothermal heat pump  
11 that meets Tier 2 efficiency requirements and that  
12 is installed in accordance with ANSI/ACCA Stand-  
13 ard 5 QI–2007.

14 (11) Replacement of a natural gas, propane, or  
15 electric water heater with—

16 (A) a natural gas or propane condensing  
17 storage water heater with an energy factor of  
18 0.80 or more, or a natural gas or propane stor-  
19 age or tankless water heater with thermal effi-  
20 ciency of 90 percent or more;

21 (B) a tankless natural gas or propane  
22 water heater with an energy factor of at least  
23 .82;

24 (C) a natural gas or propane storage water  
25 heater with an energy factor of at least .67;

1 (D) an indirect water heater with an insu-  
2 lated storage tank that—

3 (i) has a storage capacity of at least  
4 30 gallons and is insulated to at least R-  
5 16; and

6 (ii) is installed in conjunction with a  
7 qualifying boiler described in paragraph  
8 (8);

9 (E) an electric water heater with an energy  
10 factor of 2.0 or more;

11 (F) an electric tankless water heater with  
12 an energy factor or thermal efficiency, as appli-  
13 cable, of .96 or more or a thermal efficiency of  
14 96 percent or more, that operates on not great-  
15 er than 25 kilowatts;

16 (G) a solar hot water system that—

17 (i) is certified by the Solar Rating and  
18 Certification Corporation; or

19 (ii) meets technical standards estab-  
20 lished by the State of Hawaii; or

21 (H) a water heater installed in conjunction  
22 with a qualifying geothermal heat pump de-  
23 scribed in paragraph (10) that provides domes-  
24 tic water heating through the use of—

25 (i) a desuperheater; or

1 (ii) year-round demand water heating  
2 capability.

3 (12) Storm windows or doors that—

4 (A) are installed on at least 5 existing  
5 doors or existing single-glazed windows; and

6 (B) comply with any procedures that the  
7 Secretary may set for storm windows or doors  
8 and their installation.

9 (13) Window film that is installed on at least  
10 8 exterior windows, doors, or skylights, or 75 per-  
11 cent of the total exterior square footage of glass in  
12 a home, whichever is more, with window films that—

13 (A) are certified by the National Fenestra-  
14 tion Rating Council; and

15 (B) have—

16 (i) a solar heat gain coefficient of  
17 0.43 or less with a visible light-to-solar  
18 heat gain coefficient of at least 1.1 for in-  
19 stallations in 2009 International Energy  
20 Conservation Code climate zones 1–3; or

21 (ii) a solar heat gain coefficient of  
22 0.43 or less with a visible light light-to-  
23 solar heat gain coefficient of at least 1.1  
24 and a U-factor of 0.40 or less as installed

1                   in 2009 International Energy Conservation  
2                   Code climate zones 4–8.

3           (c) **INSTALLATION COSTS.**—Measures described in  
4 paragraphs (1) through (13) of subsection (b) shall in-  
5 clude expenditures for labor and other installation-related  
6 costs, including venting system modification and conden-  
7 sate disposal, properly allocable to the onsite preparation,  
8 assembly, or original installation of the component.

9           (d) **AMOUNT OF REBATE.**—

10           (1) **IN GENERAL.**—Except as provided in para-  
11 graphs (2) through (4), the amount of a rebate pro-  
12 vided under subsection (a) shall be \$1,000 per meas-  
13 ure for the installation of energy savings measures  
14 described in subsection (b).

15           (2) **HIGHER REBATE AMOUNT.**—Except as pro-  
16 vided in paragraph (4), the amount of a rebate pro-  
17 vided under subsection (a) shall be \$1,500 per meas-  
18 ure for—

19                   (A) attic insulation and air sealing de-  
20 scribed in subsection (b)(1) or (2);

21                   (B) wall insulation described in subsection  
22 (b)(4); and

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

1           (3) LOWER REBATE AMOUNT.—Except as pro-  
2           vided in paragraph (4), the amount of a rebate pro-  
3           vided under subsection (a) shall be—

4                   (A) \$125 per door and per skylight for the  
5                   installation of up to a maximum of 2 Energy  
6                   Star doors and 2 Energy Star skylights de-  
7                   scribed in subsection (b)(7) for each home;

8                   (B) \$400 for a maximum of 1 natural gas  
9                   or propane storage water heater described in  
10                  subsection (b)(11)(C) for each home;

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

13                  (D) \$250 for rim joist insulation described  
14                  in subsection (b)(5)(B);

15                  (E) \$50 for each storm window or door de-  
16                  scribed in subsection (b)(12), with a minimum  
17                  of 5 storm windows or doors and a maximum  
18                  of 12;

19                  (F) \$250 each for a maximum of 4 electric  
20                  tankless water heaters described in subsection  
21                  (b)(11)(F) for each home;

22                  (G) \$500 for window film described in sub-  
23                  section (b)(13);

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

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

7 (J) \$500 for a for a desuperheater as de-  
8 scribed in subsection (b)(11)(H)(i).

9 (4) MAXIMUM AMOUNT.—The total amount of  
10 rebates provided for a home under this section shall  
11 not exceed the lower of—

12 (A) \$3,000;

13 (B) 50 percent of the total cost of the in-  
14 stalled measures; or

15 (C) if the Secretary finds that the net  
16 value to the homeowner of the rebates is less  
17 than the amount of the rebates, the actual net  
18 value to the homeowner.

19 (e) VERIFICATION AND CORRECTION OF WORK.—

20 (1) REIMBURSEMENT.—On submission of a  
21 claim by a rebate aggregator to the Federal Rebate  
22 Processing System, the Secretary shall provide reim-  
23 bursement to the rebate aggregator for energy-effi-  
24 ciency measures installed in a home, subject to para-  
25 graphs (2) and (3).

1 (2) VERIFICATION.—

2 (A) PERCENTAGE OF RETROFITS  
3 VERIFIED.—

4 (i) IN GENERAL.—Except as provided  
5 in clause (ii), not less than—

6 (I) 20 percent of the retrofits  
7 performed by each qualified con-  
8 tractor under this section with respect  
9 to a rebate described in subsection (a)  
10 shall be randomly subject to field  
11 verification by an independent quality  
12 assurance provider of all work associ-  
13 ated with the retrofit; and

14 (II) in the case of a qualified  
15 contractor that uses a certified work-  
16 force, 10 percent of the retrofits per-  
17 formed by that contractor under this  
18 section with respect to a rebate de-  
19 scribed in subsection (a) shall be ran-  
20 domly subject to field verification by  
21 an independent quality assurance pro-  
22 vider of all work associated with the  
23 retrofit.



1 (ii) EXCEPTIONS.—In the case of a  
2 qualified contractor whose previous retrofit  
3 work—

4 (I) the Secretary has found to  
5 fail to comply with the requirements  
6 of this section, the Secretary may es-  
7 tablish a higher percentage of the ret-  
8 rofits performed by that contractor  
9 under this section with respect to a  
10 rebate described in subsection (a) to  
11 be subject to field verification by an  
12 independent quality assurance pro-  
13 vider; and

14 (II) the Secretary has found to  
15 successfully comply with the require-  
16 ments of this section, the Secretary  
17 may establish a lower percentage of  
18 the retrofits performed by that con-  
19 tractor under this section with respect  
20 to a rebate described in subsection (a)  
21 to be subject to field verification by an  
22 independent quality assurance pro-  
23 vider.

24 (B) HOMEOWNER COMPLAINT.—Not later  
25 than 1 year after the completion of a project for

1           which rebates are sought, a homeowner may  
2           make a complaint under the quality assurance  
3           program that compliance with the required  
4           specifications for each measure or standards for  
5           installation have not been achieved. The quality  
6           assurance program shall provide that, upon re-  
7           ceiving such a complaint, an independent qual-  
8           ity assurance provider shall conduct field  
9           verification on the retrofit work performed by  
10          the contractor. Verifications under this sub-  
11          paragraph shall be in addition to those con-  
12          ducted under subparagraph (A), and shall be  
13          corrected in accordance with paragraph (3).

14          (3) CORRECTION.—Rebates under subsection  
15          (a) shall be made subject to the following conditions:

16                  (A) The installed measures will comply  
17                  with the specifications and quality standards  
18                  under this section if a field verification by a  
19                  quality assurance provider finds that corrective  
20                  work is needed. Such compliance shall be  
21                  achieved by the installing accredited contractor  
22                  not later than 14 days after the date of notifi-  
23                  cation of a defect pursuant to a warranty, pro-  
24                  vided at no additional cost to the homeowner.

1           (B) A subsequent quality assurance visit  
2           shall be conducted to evaluate the remedy not  
3           later than 7 days after notification that the de-  
4           fect has been corrected.

5           (C) The quality assurance provider shall  
6           notify the contractor of the disposition of such  
7           visit not later than 7 days after the date of the  
8           visit.

9           (4) ACCESS TO HOME.—In order to be eligible  
10          for a rebate, a homeowner shall agree to permit such  
11          access to the home, upon reasonable notice and at  
12          a mutually convenient time, as is necessary to verify  
13          and correct retrofit work.

14          (f) PRODUCTS PURCHASED WITHOUT INSTALLATION  
15          SERVICES.—

16               (1) IN GENERAL.—A Silver Star Home Energy  
17          Retrofit Program rebate shall be awarded for attic,  
18          wall, and crawl space insulation and air-sealing  
19          products that—

20                       (A)(i) in the case of insulation, qualify as  
21                       of the date of enactment of this Act for a tax  
22                       credit under section 25C of the Internal Rev-  
23                       enue Code of 1986; and

24                       (ii) in the case of air sealing products, are  
25                       sealants, caulks, insulating foams, gaskets,

1 weather-stripping, mastics, or other air sealing  
2 products described in subsection (b)(1);

3 (B) are purchased by a homeowner for in-  
4 stallation by the homeowner in a home identi-  
5 fied by its address by the homeowner;

6 (C) are accompanied by educational mate-  
7 rials on proper installation of the products, in-  
8 cluding materials emphasizing the importance  
9 of air sealing when insulating; and

10 (D) are identified and attributed to that  
11 home in a rebate submission by the vendor to  
12 a rebate aggregator.

13 (2) LIMITATION.—No rebate may be provided  
14 under this subsection with respect to insulation or  
15 products that are employed in energy-efficiency  
16 measures with respect to which a rebate is provided  
17 under this section or section 104.

18 (3) AMOUNT OF REBATE.—A rebate under this  
19 subsection shall be awarded for 50 percent of the  
20 total cost of the products described in paragraph  
21 (1), not to exceed \$250 per home.

22 (g) REVIEW.—

23 (1) IN GENERAL.—The Secretary shall deter-  
24 mine whether information submitted to the Federal  
25 Rebate Processing System with respect to a rebate

1 was complete, and on the basis of that information  
2 and other information available to the Secretary,  
3 shall determine whether the requirements of this sec-  
4 tion were met in all respects.

5 (2) INCORRECT PAYMENT.—On a determination  
6 of the Secretary under paragraph (1) that a pay-  
7 ment was made incorrectly to a party, or that suffi-  
8 cient information was not submitted to the Federal  
9 Rebate Processing System to enable such determina-  
10 tion, the Secretary—

11 (A) may—

12 (i) recoup the amount of the incorrect  
13 payment; or

14 (ii) withhold the amount of the incor-  
15 rect payment from a payment made to the  
16 party pursuant to a subsequent request;  
17 and

18 (B) shall, to the extent the Secretary de-  
19 termines the benefit of the rebate was not  
20 passed through to the homeowner through a  
21 discount on the price of the retrofit work, order  
22 the contractor or vendor to pay the amount of  
23 rebate benefit not previously passed through to  
24 the homeowner.

1 **SEC. 104. GOLD STAR HOME ENERGY RETROFIT PROGRAM.**

2 (a) IN GENERAL.—A Gold Star Home Energy Ret-  
3 rofit Program rebate shall be awarded, subject to sub-  
4 section (b) and the availability of funds pursuant to sec-  
5 tion 109, to homeowners to reimburse the homeowners for  
6 work provided by participating accredited contractors and  
7 vendors for retrofits that achieve whole home energy sav-  
8 ings carried out after the date of enactment of this Act  
9 in accordance with this section.

10 (b) ELIGIBLE MEASURES.—Rebates may be provided  
11 under this section for—

12 (1) any measure listed as eligible for Silver Star  
13 rebates in section 103; and

14 (2) any other energy-saving measure, such as  
15 home energy management systems, high-efficiency  
16 appliances, highly reflective roofing, awnings, can-  
17 opies, and similar external fenestration attachments,  
18 automatic boiler water temperature controllers, en-  
19 ergy-efficient wood products, insulated vinyl siding,  
20 and mechanical air circulation and heat exchangers  
21 in a passive-solar home—

22 (A) that can be demonstrated, when in-  
23 stalled and operated as intended, to improve en-  
24 ergy efficiency; and

25 (B) for which an energy efficiency con-  
26 tribution can be determined with confidence.

1 (c) ENERGY SAVINGS.—

2 (1) IN GENERAL.—Reductions in whole home  
3 energy consumption under this section shall be de-  
4 termined by a comparison of the simulated energy  
5 consumption of the home before and after the ret-  
6 rofit of the home.

7 (2) DOCUMENTATION.—The percent improve-  
8 ment in energy consumption of a home under this  
9 section shall be documented through—

10 (A)(i) the use of a whole home simulation  
11 software program that has been approved under  
12 the Weatherization Assistance Program for  
13 Low-Income Persons established under part A  
14 of title IV of the Energy Conservation and Pro-  
15 duction Act (42 U.S.C. 6861 et seq.); or

16 (ii) a equivalent performance test estab-  
17 lished by the Secretary, in consultation with the  
18 Administrator; or

19 (B)(i) the use of a whole home simulation  
20 software program that has been approved under  
21 RESNET Publication No. 06–001 (or a suc-  
22 cessor publication approved by the Secretary);

23 (ii) an equivalent performance test estab-  
24 lished by the Secretary, in consultation with the  
25 Administrator;

1 (iii) a State-certified equivalent rating net-  
2 work, as specified by IRS Notice 2008–35; or

3 (iv) a HERS rating system approved or re-  
4 quired by the law of the State in which the  
5 home is located.

6 (3) MONITORING.—The Secretary—

7 (A) shall continuously monitor the software  
8 programs used for determining rebates under  
9 this section; and

10 (B) may disallow the use of software pro-  
11 grams that improperly assess energy savings.

12 (4) ASSUMPTIONS AND TESTING.—The Sec-  
13 retary may—

14 (A) establish simulation software program  
15 assumptions for carrying out paragraph (2);

16 (B) require compliance with software pro-  
17 gram performance tests covering—

18 (i) mechanical system performance;

19 (ii) duct distribution system efficiency;

20 (iii) hot water performance; or

21 (iv) other measures; and

22 (C) require the simulation of pre-retrofit  
23 energy usage to be determined by verified pre-  
24 retrofit energy usage.



1           (5) RECOMMENDED MEASURES.—Software pro-  
2           grams used under this subsection shall have the abil-  
3           ity at a minimum to assess the savings associated  
4           with all the measures for which rebates are specifi-  
5           cally provided under the Silver Star Home Energy  
6           Retrofit Program.

7           (d) AMOUNT OF REBATE.—Subject to subsection  
8           (e)(2), the amount of a rebate provided under this section  
9           shall be—

10           (1) \$3,000 for a 20-percent reduction in whole  
11           home energy consumption; and

12           (2) an additional \$1,000 for each additional 5-  
13           percent reduction up to the lower of—

14                   (A) \$8,000; or

15                   (B) 50 percent of the total retrofit cost.

16           (e) VERIFICATION AND CORRECTION OF WORK.—

17           (1) REIMBURSEMENT.—On submission of a  
18           claim by a rebate aggregator to the Federal Rebate  
19           Processing System, the Secretary shall provide reim-  
20           bursement to the rebate aggregator for energy-effi-  
21           ciency measures installed in a home, subject to para-  
22           graphs (2) and (3).

23           (2) VERIFICATION.—

24                   (A) IN GENERAL.—Subject to subpara-  
25           graph (B), all work and energy savings projec-

1 tions conducted with respect to a home as part  
2 of a whole-home retrofit by an accredited con-  
3 tractor under this section shall be subject to  
4 random field verification by an independent  
5 quality assurance provider at a rate of—

6 (i) 15 percent; or

7 (ii) in the case of work performed by  
8 an accredited contractor using a certified  
9 workforce, 10 percent.

10 (B) VERIFICATION NOT REQUIRED.—A  
11 home shall not be subject to field verification  
12 under subparagraph (A) if—

13 (i) a post-retrofit home energy rating  
14 is conducted by an entity that is an eligible  
15 certifier in accordance with—

16 (I) RESNET Publication No.  
17 06–001 (or a successor publication  
18 approved by the Secretary);

19 (II) a State-certified equivalent  
20 rating network, as specified in IRS  
21 Notice 2008–35; or

22 (III) a HERS rating system re-  
23 quired by the law of the State in  
24 which the home is located;

1                   (ii) the eligible certifier is independent  
2                   of the accredited contractor in accordance  
3                   with RESNET Publication No. 06–001 (or  
4                   a successor publication approved by the  
5                   Secretary); and

6                   (iii) the rating includes field  
7                   verification of all measures for which re-  
8                   bates are being provided.

9                   (C) HOMEOWNER COMPLAINT.—Not later  
10                  than 1 year after completion of a project for  
11                  which rebates are sought, a homeowner may  
12                  make a complaint under the quality assurance  
13                  program that compliance with the quality assur-  
14                  ance requirements of this title has not been  
15                  achieved. The quality assurance program shall  
16                  provide that, upon receiving such a complaint,  
17                  an independent quality assurance provider shall  
18                  conduct field verification on the retrofit work  
19                  performed by the contractor. Verifications  
20                  under this subparagraph shall be in addition to  
21                  those conducted under subparagraph (A), and  
22                  shall be corrected in accordance with paragraph  
23                  (3).

24                  (D) ACCESS TO HOME.—In order to be eli-  
25                  gible for a rebate, a homeowner shall agree to

1 permit such access to the home, upon reason-  
2 able notice and at a mutually convenient time,  
3 as is necessary to verify and correct retrofit  
4 work.

5 (3) CORRECTION.—Rebates under this section  
6 shall be made subject to the following conditions:

7 (A) If a field verification by an inde-  
8 pendent quality assurance provider finds that  
9 corrective work is needed, the accredited con-  
10 tractor will correct the work so the installed  
11 measures comply with manufacturer and appli-  
12 cable code standards, and reasonably deter-  
13 mined energy savings projections indicate com-  
14 pliance with the specifications and quality  
15 standards under this title. Such compliance  
16 shall be achieved not later than 14 days after  
17 the date of notification of a defect pursuant to  
18 a warranty, provided at no additional cost to  
19 the homeowner.

20 (B) A subsequent quality assurance visit  
21 shall be conducted to evaluate the remedy not  
22 later than 7 days after notification that the de-  
23 fect has been corrected.

24 (C) The quality assurance provider shall  
25 notify the contractor of the disposition of such

1 visit not later than 7 days after the date of the  
2 visit.

3 (f) REVIEW.—

4 (1) IN GENERAL.—The Secretary shall deter-  
5 mine whether information submitted to the Federal  
6 Rebate Processing System with respect to a rebate  
7 was complete, and on the basis of that information  
8 and other information available to the Secretary,  
9 shall determine whether the requirements of this sec-  
10 tion were met in all respects.

11 (2) INCORRECT PAYMENT.—On a determination  
12 of the Secretary under paragraph (1) that a pay-  
13 ment was made incorrectly to a party, or that suffi-  
14 cient information was not submitted to the Federal  
15 Rebate Processing System to enable such determina-  
16 tion, the Secretary may—

17 (A) recoup the amount of the incorrect  
18 payment; or

19 (B) withhold the amount of the incorrect  
20 payment from a payment made to the party  
21 pursuant to a subsequent request.

22 (g) ACCREDITATION SCHOLARSHIPS.—The Secretary  
23 may provide up to 0.3 percent of the funding available  
24 for carrying out this section for need-based scholarships  
25 to individuals to enable them to qualify as accredited con-

1 tractors. In providing such scholarships, the Secretary  
2 shall factor in the number of accredited contractors in the  
3 State and their proportion to the State's population.

4 (h) EXCLUSION.—For purposes of this section, en-  
5 ergy savings measures shall not include the installation or  
6 replacement of pool heaters.

7 **SEC. 105. QUALITY ASSURANCE.**

8 (a) QUALITY ASSURANCE FRAMEWORK.—

9 (1) IN GENERAL.—States that elect to carry  
10 out a quality assurance program pursuant to sub-  
11 section (b) shall plan, develop, and implement a  
12 quality assurance framework. The Secretary shall  
13 promptly solicit the submission of model State qual-  
14 ity assurance framework plans consistent with the  
15 requirements of this section and, not later than 60  
16 days after the date of enactment of this Act, shall  
17 approve one or more such model plans that incor-  
18 porate nationally consistent high standards for op-  
19 tional use by States. Not later than 180 days after  
20 the date of enactment of this Act, each State elect-  
21 ing to develop a quality assurance framework shall  
22 submit its plan to the Secretary, who shall then ap-  
23 prove or reject such plan within 30 days, providing  
24 a detailed statement of deficiencies if the plan is re-

1 jected. If a State’s plan is rejected, that State may  
2 resubmit its plan within 30 days.

3 (2) IMPLEMENTATION.—A State shall—

4 (A) develop a quality assurance framework  
5 in consultation with industry stakeholders, in-  
6 cluding representatives of efficiency program  
7 managers, contractors, community and work-  
8 force organizations, and environmental, energy  
9 efficiency, and labor organizations; and

10 (B) implement the quality assurance  
11 framework not later than 1 year after the date  
12 of enactment of this Act.

13 (3) COMPONENTS.—The quality assurance  
14 framework established under this subsection shall in-  
15 clude—

16 (A) minimum standards for accredited con-  
17 tractors, including—

18 (i) compliance with applicable Fed-  
19 eral, State, and local laws;

20 (ii) use of a certified workforce;

21 (iii) maintenance of records needed to  
22 verify compliance; and

23 (iv) use of independent contractors  
24 only when appropriately classified as such  
25 pursuant to Revenue ruling 87–41 and sec-

1                   tion 530(d) of the Revenue Act of 1978  
2                   and relevant State law;

3                   (B) maintenance of a list of accredited  
4                   contractors;

5                   (C) requirements for maintenance and de-  
6                   livery to the Federal Rebate Processing System  
7                   of information needed to verify compliance and  
8                   ensure appropriate compensation for quality as-  
9                   surance providers;

10                  (D) targets and realistic plans for—

11                   (i) the recruitment of minority, vet-  
12                   eran, and women-owned small business en-  
13                   terprises;

14                   (ii) the employment of graduates of  
15                   training programs that primarily serve tar-  
16                   geted workers; and

17                   (iii) the employment of targeted work-  
18                   ers;

19                   (E) a plan to link workforce training for  
20                   energy efficiency retrofits with training for the  
21                   broader range of skills and occupations in con-  
22                   struction or emerging clean energy industries;

23                   (F) to the extent practicable, a plan to in-  
24                   corporate existing clean energy and energy effi-  
25                   ciency coursework, worker training programs,



1 and worker certification programs at commu-  
2 nity colleges;

3 (G) quarterly reports to the Secretary on  
4 the progress of implementation of the quality  
5 assurance framework and its success in meeting  
6 its targets and plans; and

7 (H) maintenance of a list of qualified qual-  
8 ity assurance providers and minimum standards  
9 for such quality assurance providers.

10 (4) NONCOMPLIANCE.—If the Secretary deter-  
11 mines that a State that has elected to implement a  
12 quality assurance program, but has failed to plan,  
13 develop, or implement a quality assurance frame-  
14 work in accordance with this section, the Secretary  
15 shall suspend further grants for State administra-  
16 tion pursuant to section 109(b)(1).

17 (b) QUALITY ASSURANCE PROGRAMS.—

18 (1) IN GENERAL.—A State may carry out a  
19 quality assurance program—

20 (A) as part of a State energy conservation  
21 plan established under part D of title III of the  
22 Energy Policy and Conservation Act (42 U.S.C.  
23 6321 et seq.);

24 (B) to be managed by the office or the des-  
25 ignee of the office—

1 (i) that is responsible for the develop-  
2 ment of the plan under section 362 of that  
3 Act (42 U.S.C. 6322); and

4 (ii) to the maximum extent prac-  
5 ticable, that is conducting an existing en-  
6 ergy efficiency program; and

7 (C) in the case of a grant made to an In-  
8 dian tribe, to be managed by an entity des-  
9 igned by the Indian tribe to carry out a qual-  
10 ity assurance program or a national quality as-  
11 surance program manager.

12 (2) NONCOMPLIANCE.—If the Secretary deter-  
13 mines that a State has not provided or cannot pro-  
14 vide adequate oversight over a quality assurance pro-  
15 gram to ensure compliance with this title, the Sec-  
16 retary may—

17 (A) withhold further quality assurance  
18 funds from the State; and

19 (B) require that quality assurance pro-  
20 viders operating in the State be overseen by a  
21 national quality assurance program manager se-  
22 lected by the Secretary.

23 (3) IMPLEMENTATION.—A State that receives a  
24 grant under this title may implement a quality as-  
25 surance program through the State or an inde-

1       pendent quality assurance provider designated by  
2       the State, including—

3               (A) an energy service company;

4               (B) an electric utility;

5               (C) a natural gas utility;

6               (D) an independent administrator des-  
7       ignated by the State; or

8               (E) a unit of local government.

9               (4) APPEALS AND DISPUTE RESOLUTION PROC-  
10       ESS.—A quality assurance program established  
11       under this subsection shall include an expedited and  
12       final appeals and dispute resolution process.

13   **SEC. 106. REPORTS.**

14       (a) IN GENERAL.—The Secretary shall submit to the  
15       Committee on Energy and Natural Resources of the Sen-  
16       ate and the Committee on Energy and Commerce of the  
17       House of Representatives a report on this title—

18               (1) not later than 1 year after the date of en-  
19       actment of this Act; and

20               (2) not later than the earlier of—

21                       (A) 2 years after the date of enactment of  
22       this Act; or

23                       (B) December 31, 2012.

24       (b) CONTENTS.—The report shall include a descrip-  
25       tion of—

1           (1) the energy savings produced as a result of  
2 this title;

3           (2) the direct and indirect employment created  
4 as a result of the programs supported under this  
5 title;

6           (3) the specific entities implementing the en-  
7 ergy efficiency programs;

8           (4) the beneficiaries who received the efficiency  
9 improvements;

10          (5) the manner in which funds provided under  
11 this title were used;

12          (6) the sources (such as mortgage lenders, util-  
13 ity companies, and local governments) and types of  
14 financing used by the beneficiaries to finance the  
15 retrofit expenses that were not covered by rebates  
16 provided under this title;

17          (7) the results of verification requirements; and

18          (8) any other information the Secretary con-  
19 siders appropriate.

20       (c) REQUIRED INFORMATION.—

21           (1) REQUIREMENT.—Rebate aggregators and  
22 States participating in the Home Star Retrofit Re-  
23 bate Program shall provide to the Secretary such in-  
24 formation as the Secretary requires to prepare the  
25 report required under this section.

1           (2) NONCOMPLIANCE.—If the Secretary deter-  
2           mines that a rebate aggregator or State has not pro-  
3           vided the information required under paragraph (1),  
4           the Secretary shall provide to the rebate aggregator  
5           or State a period of at least 90 days to provide the  
6           necessary information, subject to withholding of  
7           funds or reduction of future grant amounts.

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

12                (1) how much money can reasonably be esti-  
13                mated to be saved by American consumers as a re-  
14                sult of the energy efficiency measures undertaken  
15                pursuant to this title;

16                (2) how much energy can reasonably be esti-  
17                mated to be saved as a result of the energy effi-  
18                ciency measures undertaken pursuant to this title;  
19                and

20                (3) whether the savings from the energy effi-  
21                ciency measures undertaken pursuant to this title  
22                are greater than the cost of the implementation of  
23                this title.

1 **SEC. 107. HEATING AND COOLING EFFICIENCY STUDY.**

2 (a) IN GENERAL.—The Secretary shall submit to the  
3 Committee on Energy and Natural Resources of the Sen-  
4 ate and the Committee on Energy and Commerce of the  
5 House of Representatives a study not later than 1 year  
6 after the date of enactment of this Act.

7 (b) CONTENTS.—The study shall include a descrip-  
8 tion of—

9 (1) the efficiency through the life-cycle of air  
10 conditioning and heat pump products eligible under  
11 section 103; and

12 (2) a comparison of the efficiency through the  
13 life-cycle of air conditioning and heat pump products  
14 eligible under section 103 to the efficiency through  
15 the life-cycle of air conditioning and heat pump  
16 products not eligible under section 103.

17 **SEC. 108. PENALTIES.**

18 (a) IN GENERAL.—The Secretary may—

19 (1) assess and compromise a civil penalty  
20 against a person who violates this title (or any regu-  
21 lation issued under this title); and

22 (2) require from any entity the records and in-  
23 spections necessary to enforce this title.

24 (b) CIVIL PENALTY.—A civil penalty assessed under  
25 subsection (a) shall be in an amount not greater than the  
26 higher of—

- 1           (1) \$15,000 for each violation; or  
2           (2) 3 times the value of any associated rebate  
3       under this title.

4 **SEC. 109. FUNDING.**

5       (a) AUTHORIZATION OF APPROPRIATIONS.—

6           (1) IN GENERAL.—Subject to subsection (i),  
7       there are authorized to be appropriated to carry out  
8       this title \$6,000,000,000 for the period of fiscal  
9       years 2010 and 2011, to remain available until ex-  
10      pended.

11          (2) MAINTENANCE OF FUNDING.—Funds pro-  
12      vided under this section shall supplement and not  
13      supplant any prior or planned Federal and State  
14      funding provided to carry out energy efficiency pro-  
15      grams. To the extent the Secretary finds that a  
16      State has supplanted other such programs with  
17      funding under this section, the Secretary may with-  
18      hold an equivalent amount of funding from alloca-  
19      tions for the State under this title.

20       (b) GRANTS TO STATES.—

21           (1) DISTRIBUTION TO STATES.—

22           (A) IN GENERAL.—Except as otherwise  
23      provided in this subsection, of the amount pro-  
24      vided under subsection (a), 3.6 percent is au-

1           thorized to be appropriated to the Secretary for  
2           providing grants to States, to be used for—

3                   (i) administrative costs of carrying  
4                   out this title;

5                   (ii) development and implementation  
6                   of quality assurance frameworks;

7                   (iii) oversight of quality assurance  
8                   programs;

9                   (iv) establishment and delivery of fi-  
10                  nancing mechanisms, in accordance with  
11                  paragraph (2); and

12                  (v) coordination with existing residen-  
13                  tial retrofit programs and infrastructure  
14                  development to assist deployment of the  
15                  Home Star Retrofit Rebate Program.

16           (B) DISTRIBUTION.—

17                   (i) PROVISION OF FUNDS.—Not later  
18                   than 30 days after the date of enactment  
19                   of this Act, the Secretary shall provide to  
20                   the State energy offices, or such other  
21                   State entities as are designated by the  
22                   Governor, of States that are carrying out  
23                   responsibilities under section 105, 25 per-  
24                   cent of the funds described in subpara-  
25                   graph (A).



1           (ii) ALLOCATION.—Funds described  
2           in clause (i) shall be made available in ac-  
3           cordance with the allocation formula for  
4           State energy conservation plans established  
5           under part D of title III of the Energy  
6           Policy and Conservation Act (42 U.S.C.  
7           6321 et seq.).

8           (iii) FUND ALLOCATION PROCESS.—  
9           The Secretary shall allocate the remaining  
10          75 percent of the funds described in clause  
11          (i) in a manner that may vary from the  
12          formula described in clause (ii) as nec-  
13          essary to best support the objectives of  
14          achieving energy efficiency gains, employ-  
15          ment of underemployed workers, and im-  
16          plementing quality assurance programs  
17          and frameworks in participating States.

18          (2) FINANCING.—

19               (A) IN GENERAL.—Except as otherwise  
20               provided in this subsection, of the amount pro-  
21               vided under subsection (a), 5.4 percent is au-  
22               thorized to be appropriated to the Secretary for  
23               carrying out section 109.

24               (B) DISTRIBUTION.—

1 (i) PROVISION OF FUNDS.—Not later  
2 than 90 days after the date of enactment  
3 of this Act, the Secretary shall provide to  
4 the State energy offices, or such other  
5 State entities as are designated by the  
6 Governor, of States that are carrying out  
7 responsibilities under section 105, 75 per-  
8 cent of the funds described in subpara-  
9 graph (A).

10 (ii) ALLOCATION.—Funds described  
11 in clause (i) shall be made available in ac-  
12 cordance with the allocation formula for  
13 State energy conservation plans established  
14 under part D of title III of the Energy  
15 Policy and Conservation Act (42 U.S.C.  
16 6321 et seq.).

17 (iii) FUND ALLOCATION PROCESS.—  
18 The Secretary shall allocate the remaining  
19 25 percent of the funds described in clause  
20 (i) in a manner that may vary from the  
21 formula described in clause (ii) and reward  
22 those States that make the best progress  
23 in providing loans to low-income areas pur-  
24 suant to section 109(c)(4).

1           (3) WITHHOLDING OF FUNDS.—To the extent  
2           that the Secretary assumes the responsibilities of a  
3           State under section 101(i), the Secretary shall with-  
4           hold the portion of the funds otherwise transferrable  
5           to the State under this section that are attributable  
6           to those State responsibilities.

7           (4) INDIAN TRIBES.—

8                   (A) IN GENERAL.—If an Indian tribe acts  
9                   in place of a State for purposes of carrying out  
10                  the responsibilities of the State under this title  
11                  with respect to its tribal lands pursuant to sec-  
12                  tion 101(h), the Secretary shall transfer to that  
13                  Indian tribe, instead of the State, the propor-  
14                  tionate share of funds otherwise transferrable  
15                  to the State under this section.

16                   (B) PROPORTIONATE SHARE.—For pur-  
17                   poses of subparagraph (A), the proportionate  
18                   share shall be calculated on the basis of the  
19                   percentage of the population of the State that  
20                   resides within the tribal lands.

21           (c) QUALITY ASSURANCE AND REBATE AGGREGA-  
22           TION COSTS.—

23                   (1) IN GENERAL.—Of the amount provided  
24                   under subsection (a), not more than 5 percent are  
25                   authorized to be appropriated to the Secretary to be

1 used as provided in paragraph (2), in accordance  
2 with information provided by the State offices or en-  
3 tities described in subsection (b)(1)(B)(ii) with re-  
4 spect to services provided by quality assurance pro-  
5 viders and rebate aggregators.

6 (2) DISTRIBUTION TO QUALITY ASSURANCE  
7 PROVIDERS OR REBATE AGGREGATORS.—The Sec-  
8 retary shall use funds provided under this subsection  
9 to compensate quality assurance providers and re-  
10 bate aggregators for services provided under this  
11 title.

12 (3) COMPENSATION.—The amount of com-  
13 pensation provided under this subsection shall be—

14 (A)(i) in the case of the Silver Star Home  
15 Energy Retrofit Program—

16 (I) not more than \$25 to rebate  
17 aggregators per rebate review and proc-  
18 essing under the program; and

19 (II) \$150 to quality assurance pro-  
20 viders for each field inspection conducted  
21 under the program; and

22 (ii) in the case of the Gold Star Home En-  
23 ergy Retrofit Program—

1 (I) not more than \$35 to rebate  
2 aggregators for each rebate review and  
3 processing under the program; and

4 (II) \$300 to quality assurance pro-  
5 viders for each field inspection conducted  
6 under the program; or

7 (B) such other amounts as the Secretary  
8 considers necessary to carry out the quality as-  
9 surance provisions of this title to optimize the  
10 overall energy efficiency resulting from the Sil-  
11 ver Star Home Energy Retrofit Program and  
12 the Gold Star Home Energy Retrofit Program.

13 (d) TRACKING OF REBATES AND EXPENDITURES.—  
14 Of the amount provided under subsection (a), not more  
15 than 2.5 percent are authorized to be appropriated to the  
16 Secretary to be used for costs associated with tracking re-  
17 bates and expenditures through the Federal Rebate Proc-  
18 essing System under this title, technical assistance to  
19 States, and related administrative costs incurred by the  
20 Secretary.

21 (e) SILVER STAR HOME ENERGY RETROFIT PRO-  
22 GRAM.—

23 (1) IN GENERAL.—Of the amount provided  
24 under subsection (a), after subtracting the amounts  
25 authorized in subsections (b) and (d) of this section,

1 two-thirds of the remainder are authorized to be ap-  
2 propriated to the Secretary to be used to provide re-  
3 bates and other payments authorized under the Sil-  
4 ver Star Home Energy Retrofit Program.

5 (2) PRODUCTS PURCHASED WITHOUT INSTAL-  
6 LATION SERVICES.—Of the amounts appropriated  
7 pursuant to this subsection for the Silver Star pro-  
8 gram, 7.5 percent shall be made available for rebates  
9 under section 103(f).

10 (f) GOLD STAR HOME ENERGY RETROFIT PRO-  
11 GRAM.—Of the amount provided under subsection (a),  
12 after subtracting the amounts authorized in subsections  
13 (b) and (d) of this section, one-third of the remainder is  
14 authorized to be appropriated to the Secretary to be used  
15 to provide rebates and other payments authorized under  
16 the Gold Star Home Energy Retrofit Program.

17 (g) RETURN OF UNDISBURSED FUNDS.—

18 (1) SILVER STAR HOME ENERGY RETROFIT  
19 PROGRAM.—If the Secretary has not disbursed all  
20 the funds available for rebates under the Silver Star  
21 Home Energy Retrofit Program by the date that is  
22 1 year after the date of enactment of this Act, any  
23 undisbursed funds shall be made available to the  
24 Gold Star Home Energy Retrofit Program.

1           (2) GOLD STAR HOME ENERGY RETROFIT PRO-  
2           GRAM.—If the Secretary has not disbursed all the  
3           funds available for rebates under the Gold Star  
4           Home Energy Retrofit Program by the date that is  
5           2 years after the date of enactment of this Act, any  
6           undisbursed funds shall be returned to the Treasury.

7           (3) HOME STAR ENERGY EFFICIENCY LOAN  
8           PROGRAM.—If a State, or the Secretary acting in  
9           lieu of a State program, has not disbursed or pro-  
10          vided in the form of loans all the funds available for  
11          such loans under the Home Star Energy Efficiency  
12          Loan Program by the date that is 2 years after the  
13          date of enactment of this title, any undisbursed  
14          funds shall be returned to the Treasury.

15          (h) SUNSET.—With the exception of the provisions  
16          of section 102(c)(5), (6), and (7), section 109, this sub-  
17          section, and the relevant definitions in section 2 to those  
18          provisions, this title shall cease to be effective after De-  
19          cember 31, 2012. Nothing in this subsection shall prevent  
20          a State from continuing to implement a quality assurance  
21          framework established pursuant to section 105.

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

1 (j) ADMINISTRATIVE EXPENSE PROHIBITION.—No  
2 funds provided under this title shall be used for the pur-  
3 poses of conducting travel to gambling or gaming estab-  
4 lishments in connection with official duties related to this  
5 title.

6 **SEC. 110. NOISE ABATEMENT STUDY.**

7 Not later than 1 year after the date of enactment  
8 of this Act, the Secretary, in consultation with the Sec-  
9 retary of Health and Human Services, shall submit to the  
10 Committee on Energy and Natural Resources of the Sen-  
11 ate and the Committee on Energy and Commerce of the  
12 House of Representatives a study of the effects of the en-  
13 ergy savings measures made as a result of this Act on  
14 noise abatement.

15 **TITLE II—ENERGY EFFICIENT**  
16 **MANUFACTURED AND MOD-**  
17 **ULAR HOMES**

18 **SEC. 201. ENERGY EFFICIENT MANUFACTURED AND MOD-**  
19 **ULAR HOMES.**

20 (a) DEFINITIONS.—In this section:

21 (1) MANUFACTURED HOME.—The term “manu-  
22 factured home” has the meaning given such term in  
23 section 603 of the National Manufactured Housing  
24 Construction and Safety Standards Act of 1974 (42  
25 U.S.C. 5402).



1           (2) ENERGY STAR QUALIFIED MANUFACTURED  
2 HOME.—The term “Energy Star qualified manufac-  
3 tured home” means a manufactured home that has  
4 been designed, produced, and installed in accordance  
5 with Energy Star’s guidelines by an Energy Star  
6 certified plant.

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

9                   (A) designed and manufactured to comply  
10 with applicable national, State, and local build-  
11 ing codes and regulations;

12                   (B) transportable in one or more sections;

13                   (C) not constructed on a permanent chas-  
14 sis; and

15                   (D) designed to be used as a dwelling on  
16 permanent foundations when connected to re-  
17 quired utilities, including the plumbing, heating,  
18 air conditioning, and electrical systems con-  
19 tained therein.

20           (4) ENERGY STAR QUALIFIED MODULAR  
21 HOME.—The term “Energy Star qualified modular  
22 home” means a modular home that has been de-  
23 signed, produced, and installed in accordance with  
24 Energy Star’s guidelines.

1 (b) PURPOSE.—The purpose of this section is to as-  
2 sist low-income households residing in manufactured  
3 homes constructed prior to 1976 to save energy and en-  
4 ergy expenditures by providing funding for the purchase  
5 of new Energy Star qualified manufactured homes or new  
6 Energy Star qualified modular homes.

7 (c) GRANTS TO STATE AGENCIES.—

8 (1) GRANTS.—The Secretary may make grants  
9 to State agencies responsible for developing State  
10 energy conservation plans under section 362 of the  
11 Energy Policy and Conservation Act (42 U.S.C.  
12 6322) (or such other existing State agency that ex-  
13 ercises similar functions as the Governor of a State  
14 may designate), to provide owners of manufactured  
15 homes constructed prior to 1976 funding to use to  
16 purchase new Energy Star qualified manufactured  
17 homes or new Energy Star qualified modular homes.

18 (2) ALLOCATION OF GRANTS.—Grants under  
19 paragraph (1) shall be distributed to State agencies  
20 in States on the basis of their proportionate share  
21 of all manufactured homes constructed prior to 1976  
22 that are occupied as primary residences in the  
23 United States, based on the most recent and accu-  
24 rate data available.

25 (3) FUNDING.—

1           (A) PRIMARY RESIDENCE REQUIRE-  
2           MENT.—Funding described under paragraph  
3           (1) may only be made to an owner of a manu-  
4           factured home constructed prior to 1976 that  
5           has been used by the owner as a primary resi-  
6           dence on a year-round basis for at least the pre-  
7           vious 12 months.

8           (B) DESTRUCTION AND REPLACEMENT.—  
9           Funding described under paragraph (1) may be  
10          provided only if the manufactured home con-  
11          structed prior to 1976 will be—

12                 (i) destroyed (including appropriate  
13                 recycling); and

14                 (ii) replaced, in an appropriate area,  
15                 as determined by the applicable State  
16                 agency, with an Energy Star qualified  
17                 manufactured home or Energy Star quali-  
18                 fied modular home.

19          (C) LIMITATION.—Funding described  
20          under paragraph (1) may not be provided to  
21          any owner of a manufactured home constructed  
22          prior to 1976 that was or is a member of a  
23          household for which any member of the house-  
24          hold was provided funding pursuant to this sec-  
25          tion.

1 (D) ELIGIBLE HOUSEHOLDS.—To be eligi-  
2 ble to receive funding described under para-  
3 graph (1), an owner of a manufactured home  
4 constructed prior to 1976 shall demonstrate to  
5 the applicable State agency that the total in-  
6 come of all members the owner’s household does  
7 not exceed 80 percent of the area median in-  
8 come in the applicable area, as determined by  
9 the Secretary.

10 (E) LEASES.—To be eligible to receive  
11 funding described under paragraph (1), an  
12 owner of a manufactured home constructed  
13 prior to 1976 who intends to place the new En-  
14 energy Star qualified manufactured home or new  
15 Energy Star qualified modular home on prop-  
16 erty leased from another person shall hold a  
17 lease to such property of at least 3 years in du-  
18 ration.

19 (4) FUNDING AMOUNT.—Funding provided by  
20 State agencies under this subsection shall not exceed  
21 \$7,500 per manufactured home or modular home  
22 from any funds appropriated pursuant to this sec-  
23 tion.

24 (5) USE OF STATE FUNDS.—A State agency  
25 providing funding under this section may supple-

1       ment the amount of such funding under paragraph  
2       (4) by any amount such agency approves if such ad-  
3       ditional amount is from State funds and other  
4       sources, including private donations and grants or  
5       loans from charitable foundations.

6           (6) STATE PROGRAMS.—A State agency con-  
7       ducting a program that has the purpose of replacing  
8       manufactured homes constructed prior to 1976 with  
9       Energy Star qualified manufactured homes or En-  
10      ergy Star qualified modular homes may use funds  
11      provided under this section to support such a pro-  
12      gram, provided such funding does not exceed the  
13      funding limitation amount under paragraph (4).

14           (7) ADMINISTRATION.—

15           (A) CONTROLS AND PROCEDURES.—Each  
16      State agency receiving funds under this section  
17      shall establish fiscal controls and accounting  
18      procedures sufficient, as determined by the Sec-  
19      retary, to ensure proper accounting for dis-  
20      bursements made from such funds and fund  
21      balances. Such procedures shall conform to gen-  
22      erally accepted Government accounting prin-  
23      ciples.

24           (B) COORDINATION WITH OTHER STATE  
25      AGENCIES.—A State agency receiving funds

1 under this section may coordinate its efforts,  
2 and share funds for administration, with other  
3 State agencies or nonprofit organizations in-  
4 volved in low-income housing programs.

5 (C) ADMINISTRATIVE EXPENSES.—A State  
6 agency receiving funds under this section may  
7 expend not more than 10 percent of such funds  
8 for administrative expenses.

9 (d) DECOMMISSIONING.—A person receiving funding  
10 under subsection (c) may also be provided not to exceed  
11 \$2,500 for the decommissioning of the manufactured  
12 home being replaced.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be  
15 appropriated to the Secretary to carry out this sec-  
16 tion \$200,000,000 for fiscal year 2010 and  
17 \$400,000,000 for fiscal year 2011, to remain avail-  
18 able until expended.

19 (2) ADMINISTRATIVE EXPENSES.—Of the  
20 amounts available each fiscal year to carry out this  
21 section, the Secretary may expend not more than 5  
22 percent to pay administrative expenses.

23 (3) PROHIBITION ON EARMARKS.—None of the  
24 funds appropriated pursuant to this subsection may  
25 be used for a Congressional earmark as defined in

1 clause 9(e) of rule XXI of the Rules of the House  
2 of Representatives.

3 **TITLE III—WASTE, FRAUD, AND**  
4 **ABUSE**

5 **SEC. 301. REPORT.**

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

12 **TITLE IV—DEFICIT NEUTRALITY**

13 **SEC. 401. SUNSET.**

14 The provisions of this Act shall be suspended and  
15 shall not apply if this Act will have a negative net effect  
16 on the national budget deficit of the United States.

Passed the House of Representatives May 6, 2010.

Attest:

*Clerk.*

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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# H. R. 5019

## AN ACT

To provide for the establishment of the Home Star  
Retrofit Rebate Program, and for other purposes.