SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. KERRY, Mr. WEBB, and Mr. BOND):

S. Res. 469. A resolution recognizing the 60th Anniversary of the Fulbright Program in Thailand; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mr. BYRD, and Mr. HARKIN):

S. Res. 470. A resolution recognizing the 40th anniversary of the date of enactment of the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself, Mr. DODD, Ms. COLLINS, and Mr. LEMIEUX):

S. Con. Res. 56. A concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1500

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1500, a bill to amend the Richard B. Russell National School Lunch Act to prohibit schools that participate in the Federal school meal programs from serving foods that contain trans fats derived from partially hydrogenated oils.

S. 1932

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1932, a bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes.

S. 2728

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2728, a bill to amend the Internal Revenue Code of 1986 to provide that the value of certain historic property shall be determined using an income approach in determining the taxable estate of a decedent.

S. 2985

At the request of Mr. PRYOR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2985, a bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Startup Savings Account.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Mr. AKAKA) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3081

At the request of Mr. VITTER, his name was withdrawn as a cosponsor of S. 3081, a bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes.

S. 3123

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3123, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to carry out a program to assist eligible schools and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

S. 3148

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3148, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Department of Defense health coverage as minimal essential coverage.

S. 3162

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3162, a bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

AMENDMENT NO. 3574

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3574 intended to be proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3575

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 3575 intended to be proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

AMENDMENT NO. 3697

At the request of Mr. BROWNBACK, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 3697 proposed to H.R. 4872, an Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Ms. SNOWE, and Mr. DURBIN):

S. 3165. A bill to authorize the Administrator of the Small Business Administration to waive the non-Federal share requirement under certain programs; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to join the Committee's Ranking Member, Senator OLYMPIA SNOWE of Maine, and my distinguished colleague from Illinois, Senator RICHARD DURBIN, in introducing the Small Business Community Partners Relief Act of 2010. This bi-partisan legislation will provide much-needed relief to Women's Business Centers, WBCs, and SBA Microloan intermediaries—two Small Business Administration, SBA, resource partners that provide critical assistance to our Nation's 29 million small businesses.

For my colleagues who may not be familiar with these programs, let me first explain the vital role of WBCs and Microloan intermediaries and the importance of aiding the small businesses these centers target.

Women's Business Centers provide quality counseling and training services to all entrepreneurs, primarily women, and especially those who are socially and economically disadvantaged. More than 110 centers across the country help more than 150,000 clients annually on a vast array of topics—from how to write a business plan to where to get financing. Many WBCs provide multilingual services and a number offer daycare services, allowing mothers with children to attend training classes.

Microloan intermediaries provide small, short-term loans to start-ups or small growing firms that cannot access credit through traditional loan programs. Like WBCs, the 160 Microloan

intermediaries throughout the nation also help entrepreneurs manage their start-up and expand while creating or saving thousands of jobs. Also like WBCs, the Microloan intermediaries tend to serve disadvantaged businesses in areas of the country that have been hit the hardest by the recession. About 48 percent of microloans go to small businesses owned by women, and about 53 percent to minority-owned small businesses.

Aiding women and minority small business owners is vital to the economic success of our nation because women-owned and minority-owned businesses are the fastest growing segments of the small business community—creating hundreds of thousands of jobs. Women-owned businesses contribute nearly $3 trillion to our economy and create or save 23 million jobs each year, according to the Center for Women's Business Research. Minority-owned firms contribute nearly $700 billion to the economy and create or save 4.7 million jobs, according to the Department of Commerce's Minority Business Development Agency.

While minority and women-owned firms do contribute greatly to the economy, they still need our help. Even though the number of minority-owned firms has grown by 35 percent, the average gross receipts for those firms dropped by 16 percent. Women-owned firms meanwhile have lower revenues and fewer employees than their male-owned counterparts—although 6 percent of men-owned businesses have revenues of $1 million or more, only 3 percent of women-owned firms reach the $1 million marker.

In this economic downturn, minority and women-owned businesses are struggling even more than usual. When they go to their local WBC or Microloan intermediary they are finding these centers of aid and counseling struggling as well. That's because, in order to receive Federal money, the centers and intermediaries must also find matching local funds. This funding often comes from local governments, universities and private entities. But these partners have had to tighten their belts, cutting much of their funding to the WBCs and Microloan intermediaries.

Without matching funding from their local partners, some WBCs and Microloan intermediaries have had to reduce or refuse Federal money. Nine WBCs have closed or requested reduced funding in the last year and many intermediaries are struggling to keep their doors open, even in the face of record demand for their services.

The Small Business Community Partner Relief Act would enable the SBA Administrator to temporarily waive the non-Federal match funding requirement, allowing struggling WBCs and Microloan intermediaries to receive the full amount of Federal support available. This change will make it possible for the centers and intermediaries to continue serving those small businesses that need help the most in these difficult times.

I look forward to working with Ranking Member SNOWE, Senator DURBIN and my colleagues in the Senate to make this necessary change a reality for the hundreds of centers and intermediaries throughout the country, and the millions of small businesses that rely on these programs to help them survive, grow and create jobs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Community Partner Relief Act of 2010''.

SEC. 2. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking ''As a condition'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition'';

(B) by striking ''the Administration'' and inserting ''the Administrator''; and

(C) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may not waive the requirement for an intermediary to obtain non-Federal funds under this clause for more than a total of 2 fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.''; and

(2) in paragraph (4)(B)—

(A) by striking ''As a condition'' and all that follows through ''the Administration shall require'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require''; and

(B) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may not waive the requirement for an intermediary to obtain non-Federal funds under this clause for more than a total of 2 fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.''.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking ''As a condition'' and inserting ''Subject to paragraph (5), as a condition''; and

(2) by adding at the end the following:

''(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

''(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may not waive the requirement for a recipient organization to obtain non-Federal funds under this paragraph for more than a total of 2 fiscal years.

''(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

''(i) the economic conditions affecting the recipient organization;

''(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

''(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

''(iv) the performance of the recipient organization.

''(C) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.''.

By Mr CARPER (for himself and Mr. COBURN):

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, today, as Chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, I introduce the Census Oversight Efficiency and Management Reform Act of 2010.

With exactly one week left until Census Day, I think we can all take pride in the excellent work that the Census Bureau has done over the past few months to get the 2010 Census back on

track. The Census Bureau's significance and the importance of its work cannot be overstated.

In fact, the requirement to enumerate the population is enshrined in the American Constitution. And the founding fathers asked us to do this each 10 years, as a cornerstone of their aspiration for effective representative democracy. They even went so far as to levy a $20 fine for noncompliance in 1790. They knew the fairness of our government required everyone to participate in the census.

Over the time, the Census process and procedure has changed remarkably from when the very first Census was conducted on horseback to today where Census workers utilize cutting edge technology to collect and transmit data. Even as the technology surrounding the Census has evolved the importance of its work has remained constant throughout American history. Yet despite its critical importance, the past three censuses have been deemed ''at risk'' and have been the subject of great controversy under Democratic and Republican administrations alike.

Just over 2 years ago, there were serious last-minute census design changes due to the failure of a project involving the census takers using handheld computers which threatened to derail the 2010 Census. Further, the cost of census taking has continued to escalate over the years. The cost of the 2010 Census is estimated to be $14.7 billion, making it the most expensive census in history.

Looking ahead, research and development for the 2020 Census is already underway and we must begin to think now about how we can advance the Census Bureau into a 21st century statistical agency.

The legislation that I am introducing today would make the Director of the Census Bureau a presidential appointment of 5 years, creating continuity across administrations. The bill would also require annual reporting on the Bureau's performance goals and risk mitigation strategies.

This will provide Congress with regular updates throughout the decade on the progress being made and an earlier warning when there are problems on the horizon. Further, encouraging the use of the Internet for data collection in the decennial census presents important opportunities for cost reductions and improvements in data quality.

I believe that these legislative reforms will ensure that the 2020 Census will be conducted without the operational problems we have seen in the past and with the most efficient use of taxpayer dollars possible.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Census Oversight Efficiency and Management Reform Act of 2010''.

SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§ 21. Director of the Census; Deputy Director of the Census; authority and duties

''(a) DEFINITIONS.—As used in this section—

''(1) 'Director' means the Director of the Census;

''(2) 'Deputy Director' means the Deputy Director of the Census; and

''(3) 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

''(b) DIRECTOR OF THE CENSUS.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate.

''(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in management and experience in the collection, analysis, and use of statistical data.

''(2) GENERAL AUTHORITY AND DUTIES.—

''(A) IN GENERAL.—The Director shall report directly to the Secretary without being required to report through any other official of the Department of Commerce.

''(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.

''(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

''(3) TERM OF OFFICE.—

''(A) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(C) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 30 days before the removal.

''(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

''(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

''(6) ADVISORY COMMITTEES.—The Director may establish advisory committees to provide advice with respect to any function of the Director. Members of any such committee shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

''(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

''(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

''(9) BUDGET REQUESTS.—At the time the Director submits a budget request to the Secretary for inclusion in the President's budget request for a fiscal year submitted under section 1105 of title 31, and prior to the submission of the Department of Commerce budget to the Office of Management and Budget, the Director shall provide that budget information to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, as well as the Committees on Appropriations of the House of Representatives and the Senate. All other budget requests from the Bureau to the Secretary shall be made available to the Committees on Appropriations of the House of Representatives and the Senate.

''(10) OTHER AUTHORITIES.—

''(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

''(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept and use voluntary and uncompensated services.

''(c) DEPUTY DIRECTOR.—

''(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

''(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

''(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(b) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

(B) shall assume the powers and duties of such Director, until the initial Director has taken office; and

(C) shall report directly to the Secretary of Commerce.

(c) CLERICAL AMENDMENT.—The item relating to section 21 in the table of sections for chapter 1 of title 13, United States Code, is amended to read as follows:

''21. Director of the Census; Deputy Director of the Census; authority and duties.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end the following new section:

''§ 17. Annual reports

''(a) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Director of the Census shall submit to the appropriate congressional committees a comprehensive status report on the next decennial census, beginning with the 2020 decennial census. Each report shall include the following information:

''(1) A description of the Bureau's performance goals for each significant decennial operation, including the performance measures for each operation.

''(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

''(3) Detailed milestone estimates for each significant decennial operation, including estimated testing dates, and justification for any changes to milestone estimates.

''(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

''(5) A detailed description of all contracts over $50,000,000 entered into for each significant decennial operation, including—

''(A) any changes made to the contracts from the previous fiscal year;

''(B) justification for the changes; and

''(C) actions planned or taken to control growth in such contract costs.

''(b) For purposes of this section, the term 'significant decennial operation' includes any program or information technology related to—

''(1) the development of an accurate address list;

''(2) data collection, processing, and dissemination;

''(3) recruiting and hiring of temporary employees;

''(4) marketing, communications, and partnerships; and

''(5) coverage measurement.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 13, United States Code, is amended by inserting after the item relating to section 16 the following new item:

''17. Annual reports.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to budget requests for fiscal years beginning after September 30, 2010.

By Ms. MURKOWSKI:

S. 3175. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation in the Senate that has already been introduced in the House of Representatives by Alaska Congressman DON YOUNG to clarify federal mining law and remedy a problem that has arisen with the extension process for ''small'' miner land claims.

Under revisions to the Federal Mining Law of 1872, 30 U.S.C. 28(f), holders of unpatented mineral claims must pay a claim maintenance fee originally set at $100 per claim by a deadline, set by regulation, of September 1st each year. Since 2004 that fee has risen to $125 per claim. But Congress also has provided a claim maintenance fee waiver for ''small'' miners, those who hold 10 or fewer claims, that they do not have to submit the fee, but that they must file to renew their claims and submit an affidavit of annual labor by Dec. 31st each year, certifying that they had performed more than $100 of work on the claim in the preceding year, 30 U.S.C. 28f(d)(1). The waiver provision further states: ''If a small miner waiver application is determined to be defective for any reason, the claimant shall have a period of 60 days after receipt of written notification of the defect or defects by the Bureau of Land Management to: cure such defect or defects or pay the $100 claim maintenance fee due for such a period.''

Since the last revision to the law last decade, there have been a series of incidents where miners argued that they submitted their applications and affidavits of annual labor in a timely manner, but due to clerical error by BLM staff or for unexplained reasons the applications or documents were not recorded as having been received in a timely fashion—and that BLM has then moved to terminate the claims, deeming them null and void. While mining claim holders have argued that the law provides them time to cure claim defects, BLM has argued that the cure only applies when applications or fees have been received in a timely manner. Thus, there is no administrative remedy for miners who believe that clerical errors by BLM resulted in loss or the late recording of claim applications.

There have been a number of cases where Congress has been asked to override BLM determinations and reinstate mining claims simply because of the disputes over whether the claims had been filed in a timely manner. Congress in 2003 reinstated such claims in a previous Alaska case, and claims in another incident were reinstated following a U.S. District Court case in the 10th Circuit in 2009 in the case of Miller v. United States.

This bill is intended to short circuit continued litigation and pleas for claim reinstatement by clarifying the intent of Congress that miners do have to be informed that their claims are in jeopardy of being voided and given 60 days notice to cure defects, including giving them time to submit their applications and to submit affidavits of annual labor, should they not be received and processed by BLM officials. If all defects are not cured within 60 days—the obvious intent of Congress in passing the original act—then claims still will be subject to voidance.

The transition rule included in this measure will solve two pending cases in Alaska, one where a holder of nine claims on the Kenai Peninsula, near Hope, Alaska, has lost title to claims that he had held from 1982 to 2004. In this case, John Trautner had a consistent record of having paid the annual labor assessment fee for the previous 22 years and the local BLM office did have a time-date-stamped record that the maintenance fee waiver certification form had been filed weeks before the deadline, not just a record that the affidavit of annual labor had arrived. In the second case Don and Judy Mullikin of Homer, Alaska, is in the process of losing title to nine claims on the Seward Peninsula outside of Nome in Alaska because the Anchorage BLM office has no record of them receiving the paperwork, even though the owners have computer time stamps of them having completed the paperwork five months before the deadline, but no other evidence of filing to meet BLM regulations in support of an appeal. These are claims that have been worked in Alaska yearly since 1937 and are the main livelihood for the Mullikins.

This legislation, supported by the Alaska Miners Association, clearly is intended to remedy a simple drafting error in congressional crafting of the small miner claim defect process. While only a few cases of potential clerical errors have occurred over the past decade, it still makes sense for Congress to clarify that claim holders

have a right to know that their applications have not been processed, in time for them to cure application-claim defects prior to being informed of the loss of the claim rights forever. Simple equity and due process requires no less.

Given the minute cost of this administrative change to the Department of the Interior, but its big impact on affected small mineral claim holders, I hope this bill can be considered and approved promptly this year.

By Mr. DURBIN (for himself, Mr. SPECTER, and Mrs. MURRAY):

S. 3176. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today I am introducing the Department of Justice Global Advisory Committee Authorization Act of 2010. This legislation will make it easier and less costly for local, state, tribal and federal agencies to share public safety and criminal justice information and to better protect our communities. I am pleased to be joined by Senator ARLEN SPECTER, the chairman of the Crime and Drugs Subcommittee, and Senator PATTY MURRAY in introducing this legislation. I look forward to working with all my colleagues to see it enacted into law.

Ensuring the public's safety often depends on effective information sharing. In recent years, criminal gangs, fugitives, illegal trafficking networks, cybercriminals and terrorist organizations have increased their ability to operate across jurisdictional boundaries. However, too often the public safety agencies charged with combating these threats have operated without all the information that should be available to them. Inconsistent information-sharing protocols and databases that are not interoperable with one another are barriers the law enforcement and public safety communities have identified. Quite simply, if we want to combat the threats of the 21st century, we need a 21st century information-sharing framework.

The U.S. Department of Justice has long recognized the need to bring law enforcement and public safety stakeholders together to take on this challenge of improving information sharing. In 1998, the Justice Department established the Global Justice Information Sharing Initiative Advisory Committee, also known as the ''Global Advisory Committee''. Chartered under the Federal Advisory Committee Act, the Global Advisory Committee brings together key representatives from law enforcement, judicial, correctional, and public safety agencies to advise the Attorney General on information-sharing policies, practices and technical solutions.

Over the years, the Global Advisory Committee has developed a strong track record of consolidating stakeholder views and developing consensus information-sharing solutions that local, state, tribal and federal agencies all agree upon. The Committee has recruited experts on a pro bono basis to develop new interoperable technological standards, and they have already developed a criminal justice information sharing standard—the Global Justice XML Data Model—and a broader justice and homeland security information exchange—the National Information Exchange Model—that enable agencies to convert their own database information into a common format which can be shared.

The Global Advisory Committee also created the ''National Criminal Intelligence Sharing Plan,'' a blueprint for agency intelligence-sharing procedures that has been endorsed by the Departments of Justice and Homeland Security. And the Committee has drafted ''Fusion Center Guidelines'' which have helped communities throughout the country establish information-sharing ''fusion centers'' for responding to security threats. The Justice Department plans to involve the Committee in crafting new information-sharing strategies and protocols for combating gang violence, improving correctional information, and sharing fugitive information.

In addition to its work developing information-sharing standards, the charter and bylaws of the Global Advisory Committee prioritize civil liberties and privacy protection and promote database security and shared information accuracy. The Committee has established a working group specifically dedicated to protecting privacy and information quality, and has also created resources to help jurisdictions develop privacy and civil liberties programs.

The Global Advisory Committee's work has already led to cost savings in the design and procurement of interoperable information systems. These cost-saving benefits are likely to grow if the Committee's information-sharing standards become increasingly adopted and if interoperability among local, state, tribal and federal databases increases. With Congress's help, the Committee can revolutionize efficient information-sharing among public safety and law enforcement agencies, which will both lower information technology costs and help prevent and fight crime.

While the Global Advisory Committee's value has been recognized throughout the law enforcement and public safety communities, it has not yet been recognized by Congress. The legislation I am introducing today will give Congress's blessing to the Committee by authorizing the Justice Department to provide it with technical and financial support and dedicated funding.

Currently, under the Federal Advisory Committee Act, the Global Advisory Committee must terminate and reestablish itself every two years, but my legislation will keep the Committee in continuous operation. The bill also directs the Committee to make recommendations to the Attorney General on interoperability and information-sharing practices and technologies, and to report to Congress at least annually on its recommendations. My legislation also expresses the sense of Congress that agencies across the country should adopt the Global Advisory Committee's recommendations in order to improve their information sharing. The bill further directs the Attorney General to submit a report to Congress regarding the state of information sharing between corrections and law enforcement agencies through the Interstate Compact for Adult Offender Supervision, including suggestions for improvement.

This legislation has been endorsed by the National District Attorneys Association, the National Sheriffs Association, the National Narcotics Officers' Associations' Coalition, the National Criminal Justice Association, the National Association of Counties, the American Probation and Parole Association, the American Correctional Association, the Association of State Correctional Administrators, and the National Consortium for Justice Information and Statistics, SEARCH.

The Global Advisory Committee has already achieved great success in bringing together local, state, tribal and federal agencies to develop consensus information-sharing solutions. With Congressional authorization and a consistent funding stream, the Committee can build upon that success in a way that will benefit justice and public safety agencies across the nation. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Justice Global Advisory Committee Authorization Act of 2010''.

SEC. 2. GLOBAL JUSTICE INFORMATION SHARING INITIATIVE ADVISORY COMMITTEE.

(a) DEFINITION.—In this section, the term ''Committee'' means the Global Justice Information Sharing Initiative (Global) Advisory Committee established by the Attorney General.

(b) AUTHORIZATION.—Notwithstanding section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall not terminate unless terminated by an Act of Congress. The Attorney General is authorized to provide technical and financial assistance and support services to the Committee to carry out the activities of the Committee, including the activities described in subsection (c).

(c) ACTIVITIES.—In addition to any activities assigned to the Committee by the Attorney General, the Committee shall—

(1) gather views from agencies of local, State, and tribal governments and the Federal Government and other entities that work to support public safety and justice;

(2) recommend to the Attorney General measures to improve the administration of justice and protect the public by promoting practices and technologies for database interoperability and the secure sharing of justice and public safety information between local, State, and tribal governments and the Federal Government; and

(3) submit to Congress an annual report regarding issues considered by the Committee and recommendations made to the Attorney General by the Committee.

(d) SENSE OF CONGRESS.—It is the sense of Congress that local, State, and tribal governments and other relevant entities should use the recommendations developed and disseminated by the Committee in accordance with this Act to evaluate, improve, and develop effective strategies and technologies to improve public safety and information sharing.

(e) FUNDING.—There are authorized to be appropriated to the Attorney General for the activities of the Committee such sums as may be necessary out of the funds made available to the Department of Justice for State and local law enforcement assistance.

SEC. 3. REPORT OF THE ATTORNEY GENERAL ON INFORMATION SHARING BETWEEN CORRECTIONS AGENCIES, LAW ENFORCEMENT AGENCIES, AND THE INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION.

(a) REVIEW.—The Attorney General, based on input from local, State, and tribal governments through the Committee and other components of the Department of Justice, shall review the state of information sharing between corrections and law enforcement agencies of local, State, and tribal governments and of the Federal Government.

(b) CONTENTS.—The review by the Attorney General under subsection (a) shall—

(1) identify policy and technical barriers to effective information sharing;

(2) identify best practices for effective information sharing; and

(3) assess ways for information sharing to improve the awareness and safety of law enforcement and corrections officials, including information sharing by the Interstate Commission for Adult Offenders Supervision.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report regarding the review under this section, including a discussion of the recommendations of the Committee and the efforts of the Department of Justice to address the recommendations.

By Mr. BINGAMAN (for himself, Mr. WARNER, and Mr. GRAHAM):

S. 3177. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased to join Senator WARNER and Senator GRAHAM in introducing the Home Star Energy Retrofit Act of 2010. This legislation will save consumers money, create American skilled labor jobs, and reduce home energy consumption.

If enacted, HOME STAR will build on existing policies and initiatives that have already proved effective. The program is supported by a broad coalition of over 600 groups including construction contractors, building products and mechanical manufacturers, retail sales businesses, environmental groups and labor advocates.

HOME STAR will provide point-of-sale instant savings to encourage homeowners to install residential energy upgrades such as air sealing, insulation, and high efficiency furnaces and water heaters.

HOME STAR will have a two-tiered approach that will offer flexibility to homeowners when choosing retrofits to install. Under the Silver Star program, rebates averaging $1,000 will be offered for the installation of each eligible energy-saving measure such as new insulation and high-efficiency heating and cooling systems, up to maximum of $3,000 per home. Under the Gold Star program, there will be performance-based grants of $3,000 for a 20 percent reduction in home energy consumption and $1,000 for each additional 5 percent of verified energy reduction as determined by a comparison of the energy consumption of the home before and after the retrofit.

HOME STAR will also create American jobs in the construction industry, which has lost 1.6 million jobs since December 2007, with unemployment rates topping 25 percent in some regions. HOME STAR leverages private investment to create a strong market for home energy retrofits, and will put hundreds of thousands of unemployed Americans back to work as well as stimulating demand for building materials produced by American factories.

Finally, HOME STAR will reduce home energy consumption and dependence on foreign oil. HOME STAR helps Americans pay for cost-effective home improvements, create permanent reductions in household energy bills, and reduce our national carbon footprint. Residential energy efficiency improvements covered by the HOME STAR program reduce energy waste in most homes by 20 to 40 percent. When combined with low-interest financing, these retrofits can be cash-flow positive upon project completion. An initiative with a potential to retrofit over 3 million homes, HOME STAR will achieve significant reductions in building-related greenhouse gas emissions while generating long-term energy savings for American consumers and reducing energy usage by an amount equal to four 300-megawatt power plants.

In the interest of time we will postpone our remarks on this important bill until the Senate is back in session. Meanwhile, members will have an opportunity to review the legislation with their constituents. We hope that many members of the Senate will become cosponsors of the bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Home Star Energy Retrofit Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCREDITED CONTRACTOR.—The term ''accredited contractor'' means a residential energy efficiency contractor that meets the minimum applicable requirements established under section 4.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term ''BPI'' means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term ''certified workforce'' means a residential energy efficiency construction workforce that is entirely certified in the appropriate job skills for all employees performing installation work under—

(A) an applicable third party skills standard established by—

(i) the BPI;

(ii) the North American Technician Excellence; or

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

(B) other standards approved by the Secretary, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term ''conditioned space'' means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) DOE.—The term ''DOE'' means the Department of Energy.

(7) ELECTRIC UTILITY.—The term ''electric utility'' means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(8) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(9) FEDERAL REBATE PROCESSING SYSTEM.—The term ''Federal Rebate Processing System'' means the Federal Rebate Processing System established under section 3(b).

(10) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Gold Star Home Energy Retrofit Program'' means the Gold Star Home Energy Retrofit Program established under section 8.

(11) HOME.—The term ''home'' means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(12) HOME STAR LOAN PROGRAM.—The term ''Home Star loan program'' means the Home Star energy efficiency loan program established under section 15(a).

(13) HOME STAR RETROFIT REBATE PROGRAM.—The term ''Home Star Retrofit Rebate Program'' means the Home Star Retrofit Rebate Program established under section 3(a).

(14) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(15) NATIONAL HOME PERFORMANCE COUNCIL.—The term ''National Home Performance Council'' means the National Home Performance Council, Inc.

(16) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any person or State

agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(17) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a residential energy efficiency contractor that meets minimum applicable requirements established under section 4.

(18) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program established under this Act or recognized by the Secretary under this Act, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this Act.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(19) QUALITY ASSURANCE PROVIDER.—The term ''quality assurance provider'' means any entity that meets the minimum applicable requirements established under section 6.

(20) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 5.

(21) RESNET.—The term ''RESNET'' means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

(22) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(23) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Silver Star Home Energy Retrofit Program'' means the Silver Star Home Energy Retrofit Program established under section 7.

(24) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) any other territory or possession of the United States.

SEC. 3. HOME STAR RETROFIT REBATE PROGRAM.

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

(b) FEDERAL REBATE PROCESSING SYSTEM.—

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

(A) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(B) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(i) how to determine whether particular efficiency measures are eligible for rebates; and

(ii) how to participate in the program; and

(C) make available, on a designated website, model forms for compliance with all applicable requirements of this Act, to be submitted by—

(i) each qualified contractor on completion of an eligible home energy retrofit; and

(ii) each quality assurance provider on completion of field verification.

(2) MODEL FORMS.—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) PUBLIC INFORMATION CAMPAIGN.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

SEC. 4. CONTRACTORS.

(a) CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Silver Star Home Energy Retrofit Program in a State for which rebates are provided under this Act only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the State or, if none exist at the State level, the Secretary;

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

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

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

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

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this Act with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of —

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this Act; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Gold Star Home Energy Retrofit Program in a State for which rebates are provided under this Act only if the contractor—

(1) meets the requirements for qualified contractors under subsection (a); and

(2) is accredited—

(A) by the BPI; or

(B) under other standards approved by the Secretary, in consultation with the Administrator.

SEC. 5. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors by—

(1) reviewing the proposed rebate application for completeness and accuracy;

(2) reviewing measures for eligibility in accordance with this Act;

(3) providing data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) as soon as practicable but not later than 30 days after the date of receipt, distributing funds received from DOE to contractors, vendors, or other persons who have been approved for rebates by a quality assurance provider, if funding to contractors, vendors, or other persons is required by the Secretary.

(b) ELIGIBILITY.—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

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

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential energy efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of an rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State energy office regarding participation in the existing energy efficiency programs that will be delivering the Home Star Program.

(c) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

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

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

SEC. 6. QUALITY ASSURANCE PROVIDERS.

(a) IN GENERAL.—An entity shall be considered a quality assurance provider under this Act if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home energy efficiency retrofits;

(3) confirms compliance with the requirements of a ''certified workforce''; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the simulated energy savings under the Gold Star program, based on the requirements of this Act.

(b) INCLUSIONS.—An entity shall be considered a quality assurance provider under this Act if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential energy efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 7. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy retrofit of a home for the installation of energy savings measures—

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

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

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

(1) Whole house air-sealing measures, in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R–19 insulation to existing insulation;

(C) result in at least R–38 insulation in DOE climate zones 1 through 4 and at least R–49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of a total conditioned space floor area.

(3) Duct seal or replacement that—

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

(B) in the case of duct replacement, replaces at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

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

(B) is to full-stud thickness; and

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

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

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

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

(ii) R–13 of cavity insulation or R–10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R–10 of new continuous or R–13 of cavity insulation.

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

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

(B) comply with criteria applicable to windows and skylights under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under section 25(c) of the Internal Revenue Code of 1986.

(8)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 92 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

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

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

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

(I) the new system—

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

(bb) has a distribution system (such as ducts or vents) that allows heat to reach all or most parts of the home; and

(cc) in the case of a wood stove, replaces an existing wood stove; and

(II) an independent test laboratory approved by the Secretary certifies that the new system—

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

(bb) has particulate emissions of less than 4.5 grams per hour for stoves.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

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

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

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

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

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(10) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a thermal efficiency of 90 percent or more;

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

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

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R–16; and

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

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

(F) a water heater with a solar hot water system that—

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

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (9) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(11) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (11) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be $1,000 per measure for the installation of energy savings measures described in subsection (b)

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) windows or skylights described in subsection (b)(6);

(D) a heating system described in subsection (b)(8); and

(E) an air-conditioner or heat-pump replacement described in subsection (b)(9).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) $125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) $250 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(10)(C) for each home;

(C) $250 for rim joist insulation described in subsection (b)(5)(B);

(D) $50 for each storm window described in subsection (b)(11); and

(E) $500 for a desuperheater described in subsection (b)(10)(G)(ii).

(4) MAXIMUM AMOUNT.—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) $3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) the reduction in the price paid by the owner of the home, relative to the price of the installed measures in the absence of the Silver Star Home Energy Retrofit Program.

(e) INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—A rebate shall be awarded under this section for attic, wall, or crawl space insulation or air sealing product if—

(1) the product—

(A) qualifies for a credit under section 25C of the Internal Revenue Code of 1986 but is not the subject of a claim for the credit;

(B) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(C) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator; and

(D) is not part of—

(i) an energy savings measure described in paragraphs (1) through (5) of subsection (b); and

(ii) a retrofit for which a rebate is provided under the Gold Star Home Energy Retrofit Program; or

(2) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(f) QUALIFICATION FOR REBATE UNDER SILVER STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 5, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

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

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

SEC. 8. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy savings.

(b) AMOUNT OF GRANT.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner under this section shall be—

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

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

(A) $8,000; or

(B) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) ENERGY SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy consumption under this section shall be determined by a comparison of the simulated energy consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

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

(iv) a HERS rating system required by State law.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy use;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy usage to be bounded by metered pre-retrofit energy usage.

(5) RECOMMENDED MEASURES.—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) QUALIFICATION FOR REBATE UNDER GOLD STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 5, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) VERIFICATION.—

(1) IN GENERAL.—Subject to subparagraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

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

(2) VERIFICATION NOT REQUIRED.—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

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

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06–001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

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

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

SEC. 9. GRANTS TO STATES AND INDIAN TRIBES.

(a) IN GENERAL.—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance plans;

(3) development of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this Act;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program; and

(6) the costs of carrying out the responsibilities of the State or Indian tribe under

the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(b) INITIAL GRANTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) INDIAN TRIBES.—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) STATE ALLOTMENTS.—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 16.

(e) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

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

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this Act, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) IMPLEMENTATION.—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe; or

(5) a unit of local government.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program, including installation of qualified energy retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this Act with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this Act to enhance and extend existing programs; and

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

SEC. 10. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this Act, the State shall submit to the Secretary a plan to implement a quality assurance program that covers all federally assisted residential efficiency retrofit work administered, supervised, or sponsored by the State.

(b) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, energy efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(c) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors be prequalified in order to be authorized to perform federally assisted residential retrofit work;

(2) maintenance of a list of prequalified contractors authorized to perform federally assisted residential retrofit work; and

(3) minimum standards for prequalified contractors that include—

(A) accreditation;

(B) legal compliance procedures;

(C) proper classification of employees;

(D) use of a certified workforce;

(E) maintenance of records needed to verify compliance;

(4) targets and realistic plans for—

(A) the recruitment of small minority or women-owned business enterprises;

(B) the employment of graduates of training programs that primarily serve low-income populations with a median income that is below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) by participating contractors; and

(5) a plan to link workforce training for energy efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries.

(d) NONCOMPLIANCE.—If the Secretary determines that a State has not taken the steps required under this section, the Secretary shall provide to the State a period of at least 90 days to comply before suspending the participation of the State in the program.

SEC. 11. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this Act.

(b) CONTENTS.—The report shall include a description of—

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

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this Act;

(3) the specific entities implementing the energy efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this Act were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this Act; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 12. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 16(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this Act.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this Act.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS–15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this Act.

(e) CONTRACTING.—In carrying out this Act, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98–369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

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

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may adjust the rebate amounts provided in this section based on —

(1) the use of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program; and

(2) other program data.

SEC. 13. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this Act—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C or 25D of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C or 25D of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 3(b)(1)(C).

SEC. 14. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this Act), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this Act shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) $15,000 for each violation; or

(2) 3 times the value of any associated rebate under this Act.

(c) ADMINISTRATION.—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this Act.

(d) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this Act shall be subject to criminal prosecution.

SEC. 15. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(2) PROGRAM.—The term ''program'' means the Home Star Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, energy efficiency improvements that qualify under the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 7 and 8; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.''.

SEC. 16. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (j), there is authorized to be appropriated to carry out this title $6,000,000,000 for the period of each of fiscal years 2010 through 2012 to remain available until expended.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out energy efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), $380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 9.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

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

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii).

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this Act.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this Act.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Energy Retrofit Program or the Gold Star Home Energy Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

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

(I) $25 per rebate review and submission provided under the program; and

(II) $150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Energy Retrofit Program—

(I) $35 for each rebate review and submission provided under the program; and

(II) $300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this Act.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than $150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this Act and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than $10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Silver Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $3,417,000,000 for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Energy Retrofit Program.

(h) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Gold Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $1,683,000 for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Energy Retrofit Program.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this Act.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that have not sufficiently benefitted from the Home Star Retrofit Rebate Program.

(j) RETURN OF UNDISBURSED FUNDS.—

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

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

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than $200,000,000 shall be used to carry out the financing provisions of this Act in accordance with section 15.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. 3181. A bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today, I am proud to join Senator BROWNBACK in introducing bipartisan automotive right to repair legislation.

Our bill, the Motor Vehicle Owners Right to Repair Act, allows consumers the freedom to choose which repair shops they use for auto repairs and routine vehicle maintenance.

Consumers today have many choices when it comes to the vehicle they drive, but not necessarily when it comes to the maintenance or repair options for those vehicles.

Most cars today rely on computers to perform many of the automobile's vital functions including brakes, airbags, ignition and other operating systems.

If an electronic component of a car fails or needs tuning, an access code is often needed in order to repair or replace the necessary part. These codes are currently provided on a voluntary basis to repair shops by car manufacturers.

Unfortunately, many local independent repair shops are provided only limited or incomplete information by manufacturers to access and repair most elements of those vehicles. This lack of information puts consumers at a disadvantage, forcing many to pay premium prices to repair simple parts at dealerships or travel long distances to reach repair shops that take valuable time away from families and work.

There are over 219,000 employees working in over 26,000 independent repair shops in California, providing those workers with good paying jobs. In this economy, we can't afford to disadvantage small businesses working hard to support their families.

The Boxer-Brownback bill will require car manufacturers to provide all information and tools necessary to diagnose, service, maintain and repair a motor vehicle, including all safety alerts, access codes and recalls. This information must be provided to all repair shops, not just dealers or manufacturers' designated shops.

Our bill also protects the integrity of manufacturers' concepts and systems by not requiring manufacturers to make public any information that is entitled to protection as a trade secret.

As cars become more complex and expensive to repair, consumers deserve to have choices when it comes to repairing their auto vehicles. This bill provides consumers that choice, while ensuring small businesses have the information they need in these difficult economic times.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3185. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Temoak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today with my good friend Senator ENSIGN to introduce the Elko Motocross and Tribal Conveyance Act of 2010.

As you may know, the Federal Government manages more than 87 percent of the land in Nevada, which equates to more than 61 million acres. This fact makes it necessary for our communities to pursue Federal remedies for problems that can be handled in a much more expeditious manner in States that have more private land than we do. This bill, for instance, would transfer one small parcel of land to Elko County and another to the Elko Indian Colony. Both conveyances will provide important benefits to the residents of northeastern Nevada, and both conveyances require congressional action.

The first title of this Act would convey approximately 300 acres of public land managed by the Bureau of Land Management, BLM, Elko Field Office to Elko County. This proposal, which is strongly supported by the local community, would clear the way for the construction of a BMX, motocross, off-highway vehicle, and stock car racing area. It is worth noting that Elko County tried for many years to work

through the normal administrative process to get a recreation and public purposes lease on this land, but the local BLM field office has been unable to process the request due to a very high workload.

Off-road vehicles are an important part of life in rural Nevada. In response to this interest, Elko County has attempted to provide a variety of motorized recreational opportunities for both residents and visitors. This legislation will help the City of Elko develop a centralized, multipurpose recreational facility on the western edge of the city with easy access to Interstate-80. The new Elko Motocross Park will eliminate traffic and noise issues caused by the existing stock car racing track. The new park will also draw OHV enthusiasts from across northeastern Nevada, which will, in turn, provide an economic boost to local businesses.

Beyond the convenient location, economic benefits, and potential for diverse recreational opportunities at the Elko Motocross Park site, this new complex will provide a place for people to learn responsible use and enjoyment of recreational vehicles. I believe this facility will be a model for other communities in the West that are interested in creating safe, centralized recreation areas for motorsports. I would also like to commend Elko County, the State of Nevada, the Nevada Association of Counties and many others for working together on recent statewide initiatives that will encourage the sustainable use of off-highway vehicles on public lands.

Title II of this Act directs the Secretary of the Interior to make a reasonable expansion of the Elko Indian Colony by taking approximately 373 acres of land into trust for the Elko Band to address their need for additional land. The Elko Band is one of four constituent bands that make up the Te-Moak Tribe of Western Shoshone Indians of Nevada. Each band has a separate reservation or colony in northeastern Nevada. While the Elko Band's population has steadily grown, their land base has remained the same for over 75 years.

The histories of the City of Elko and the Elko Indian Colony have long been intertwined. Elko was established as a railroad town in 1868 with the construction of the Central Pacific, part of the first transcontinental railroad. Shoshone families lived nearby and worked on the railroad as well as in the nearby mines and on local ranches. Despite government efforts to relocate the Elko Band in the late nineteenth century, these families persevered and remained in the Elko area. In 1918, President Woodrow Wilson created the Elko Indian Colony when he reserved 160 acres near Elko for the Shoshone Indians by executive order.

The Elko Indian Colony has always been a thriving part of the greater Elko community. Unfortunately, while more than half of the Elko Band's enrolled members live and work in Elko, the Elko Colony has one of the smallest land bases of the four constituent bands. Over 350 tribal members must live outside of the colony because it lacks land for additional housing and housing related community development. Our legislation would address this need by making land available for residential and commercial development, or for traditional uses, such as ceremonial gatherings, hunting and plant collecting.

I also want to highlight that this legislation is designed to protect the city's rights-of-way that cross the land in question. We have also received letters expressing strong support for this tribal conveyance from both the City of Elko and Elko County.

It is always encouraging when communities come together to support projects like these and we are grateful for their collective work on this effort. This bill is vital to the growing communities we serve. We look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished committee members to move this bill through the process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Elko Motocross and Tribal Conveyance Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

SEC. 101. DEFINITIONS.

In this title:

(1) CITY.—The term ''city'' means the city of Elko, Nevada.

(2) COUNTY.—The term ''county'' means the county of Elko, Nevada.

(3) MAP.—The term ''map'' means the map entitled ''Elko Motocross Park'' and dated January 9, 2010.

SEC. 102. CONVEYANCE OF LAND TO COUNTY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the county, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 300 acres of land managed by the Bureau of Land Management, Elko District, Nevada, as depicted on the map as ''Elko Motocross Park''.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the map; or

(B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—The land conveyed under subsection (a) shall be used only—

(1) as a motocross, off-highway vehicle, and stock car racing area; or

(2) for any other public purpose consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the county to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (b).

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

TITLE II—ELKO INDIAN COLONY EXPANSION

SEC. 201. DEFINITIONS.

In this title:

(1) MAP.—The term ''map'' means the map entitled ''Te-moak Tribal Land Expansion'', dated September 30, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) TRIBE.—The term ''Tribe'' means the Te-moak Tribe of Western Shoshone Indians of Nevada, which is a federally recognized Indian tribe.

SEC. 202. LAND TO BE HELD IN TRUST FOR THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit and use of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 373 acres of land administered by the Bureau of Land Management and identified on the map as ''Lands to be Held in Trust''.

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) CONDITIONS.—

(1) RIGHTS-OF-WAY.—Before taking the land into trust under subsection (a), not later than 120 days after the date of enactment of this Act, the Secretary shall—

(A) complete any applicable environmental review for conveyance of a right-of-way for Jennings Road, as depicted on the map; and

(B) subject to the environmental review under subparagraph (A), convey the right-of-way to the City of Elko.

(2) GAMING.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(3) USE OF TRUST LAND.—With respect to the use of the land taken into trust under subsection (a), the Tribe shall limit the use of the land to—

(A) traditional and customary uses;

(B) stewardship conservation for the benefit of the Tribe; and

(C)(i) residential or recreational development; or

(ii) commercial use.

(4) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under subsection (a), the Secretary, in consultation and coordination with the Tribe, may carry out any fuels reduction and other landscape restoration activities on the land that is beneficial to the Tribe and the Bureau of Land Management.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

By Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Mr. BEGICH, and Mr. CRAPO):

S. 3188. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property; to the Committee on Finance.

Mrs. SHAHEEN. Mr. President, I rise today to introduce legislation that will help grow the U.S. manufacturing base in alternative energy technologies, create jobs and help get our country running on clean energy.

We have known for decades that our Nation's dependence on foreign oil undermines our economic and national security.

According to the Department of Energy, New Hampshire households are some of the most petroleum dependent in the country due to our reliance on heating oil to provide heat. Almost 60 percent of homes in New Hampshire use oil for heating purposes. Many New Hampshire businesses—large and small—are also dependent on heating oil.

In fact, thermal energy, or heat, accounts for roughly 30 percent of total U.S. energy consumption. Thermal energy is used every day by homes, businesses and industrial facilities across the country for a variety of needs—most commonly for space heating, heating water and industrial processes that require heat.

We need to move away from our dependence on fossil fuels and I am convinced that biomass, used effectively and sustainably, can help to do that by, in part, meeting our country's thermal energy needs.

Forests are one of our Nation's greatest assets. In my home State of New Hampshire, the second most forested State in the country, forestry is an important part of our economy. Forestland supports a thriving forest products industry and provides many outdoor recreational opportunities that play a key role in attracting tourists to the State. But I think greater potential exists for our forests in New Hampshire and across the country to help meet our energy challenges—using biomass to meet the heating needs of our homes, businesses and communities.

New Hampshire and a number of other States are already leading the way to address how high efficiency biomass systems can cut our energy dependence on foreign oil and support our forest industry. Communities and businesses across New Hampshire are putting our State's immense biomass resources—from forestry and agricultural residues—to use for creating electricity and thermal energy. These investments in clean, renewable biomass energy are supporting our forest industry and also creating new industries and jobs across New Hampshire.

There is so much untapped potential for biomass energy, and that is what my legislation is about.

The American Renewable Biomass Heating Act would provide an investment tax credit, ITC, of 30 percent of the cost of installing a high efficiency biomass system in commercial and industrial buildings. The tax credit would be available for biomass heating systems placed in service on or before December 31, 2013.

By incentivizing high efficiency biomass boilers and furnaces, we can help to replace our reliance on fossil fuel with clean, domestically produced renewable energy.

This bill would also put biomass on an even playing field with other alternative energy technologies and fuel sources, such as wind, solar, and geothermal. Thus far, Federal policies to promote the development and use of alternative energy have focused largely on transportation fuels, such as ethanol and biodiesel, and electricity from hydro, wind, and solar. My legislation puts high efficiency biomass on an even playing field with other alternative energy technologies.

Most importantly, my legislation will help jumpstart the domestic manufacturing base. For years, European countries have invested in and incentivized the development of these technologies. There is no reason why we cannot build this equipment right here in the U.S.

The bipartisan legislation I am introducing today with Senators LISA MURKOWSKI, MARK BEGICH and MIKE CRAPO will provide the incentives businesses are looking for to invest in clean energy. Our legislation is about American power—clean energy technologies and equipment that are made right here in America and create jobs for American workers.

Mr. President, I want to thank my colleagues for joining me in introducing this important, job-creating legislation. I urge my colleagues in the Senate to pass the American Renewable Biomass Heating Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Renewable Biomass Heating Act of 2010''.

SEC. 2. INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) of the Internal Revenue Code of 1986 (defining energy property) is amended by striking ''or'' at the end of clause (vi), by inserting ''or'' at the end of clause (vii), and by inserting after clause (vii) the following new clause:

''(viii) biomass heating property, including boilers or furnaces which operate at output efficiencies greater than 75 percent and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2014,''.

(b) 30 PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

''(V) energy property described in paragraph (3)(A)(viii), and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—RECOGNIZING THE 60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. LUGAR (for himself, Mr. KERRY, Mr. WEBB, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 469

Whereas 2008 was the 175th anniversary of relations between the Kingdom of Thailand and the United States;

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program currently operates in over 150 countries;

Whereas the Thailand-United States Educational Foundation (TUSEF) was established by a formal agreement in 1950;

Whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand;

Whereas approximately 1600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States;

Whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;