

**AMENDMENT TO H.R. 5019, AS REPORTED
OFFERED BY MR. WAXMAN OF CALIFORNIA**

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

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

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

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

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

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

- 1 (A) establish a Federal Rebate Processing
2 System which shall serve as a database and in-
3 formation technology system to allow—
4 (i) rebate aggregators to submit
5 claims for reimbursement using standard
6 data protocols;
7 (ii) quality assurance reports to be
8 identified with the work for which rebates
9 are claimed; and
10 (iii) any Home Star loans to be linked
11 to the work for which they are made;

Page 10, line 15, strike “and”.

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

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

- 12 (C) establish a means by which a State
13 may obtain confidential access to records of
14 work performed in that State from the data-
15 base; and

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

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

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

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

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

Page 13, strike lines 1 through 3, and insert “the Secretary may appoint and set basic rates of pay for such professional and administrative personnel as the Secretary considers necessary to carry out this title. Such authority shall not apply to positions in the Senior Executive Service. The number of personnel appointed under this paragraph shall not exceed 30 full-time equivalent employees. The terms of appointment of all personnel appointed under this paragraph shall expire upon the termination of the programs established under this title.”.

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

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

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

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

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

14 (B) Paragraphs (3) and (4) shall be effective
15 only until the date that is 2 years after the date of
16 enactment of this Act, except with respect to regula-
17 tions and information collection relating to the qual-

1 ity assurance and enforcement of the programs es-
2 tablished under this title.

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

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

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

Page 21, after line 10, insert the following new sub-
sections:

3 (o) INFORMATION HOTLINES.—

4 (1) CONTRACTORS.—The Secretary shall estab-
5 lish and publicize a telephone hotline for contractors
6 to call to obtain information about the programs
7 under this Act.

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

12 (p) ONLINE CHAT FUNCTION.—The Secretary shall
13 determine the feasibility and effectiveness of establishing

1 an online chat function through the website established
2 for the Home Star Retrofit Rebate Program, and may es-
3 tablish such a function as appropriate.

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

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

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

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

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

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

Page 23, line 22 strike “and”.

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

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

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

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

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

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

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

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

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

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

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

1 (6) Window replacement that replaces at least
2 8 exterior windows, or 75 percent of the exterior
3 windows in a home, whichever is less, with windows
4 that—

5 (A) are certified by the National Fenestra-
6 tion Rating Council; and

7 (B) comply with criteria applicable to win-
8 dows under section 25(c) of the Internal Rev-
9 enue Code of 1986 or, in areas above 5,000 feet
10 elevation, have a U-factor of at least 0.35 when
11 replacing windows that are single-glazed or dou-
12 ble-glazed with an internal air space of ¼ inch
13 or less.

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

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

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

5 (i) a natural gas or propane furnace with
6 a furnace that has—
7 (I) an AFUE rating of 92 or greater;
8 or
9 (II) an AFUE rating of 95 or greater;

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

10 (v) a wood or pellet furnace, boiler, or
11 stove, if—
12 (I) the new system—
13 (aa) meets at least 75 per-
14 cent of the heating demands of
15 the home; and
16 (bb) in the case of a wood
17 stove, but not a pellet stove, re-
18 places an existing wood stove,
19 but not a pellet stove, and is cer-
20 tified by the Administrator;

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

5 (III) in the case where an old
6 wood stove is being replaced, a vouch-
7 er is provided by the installer or other
8 responsible party certifying that the
9 old wood stove has been removed and
10 rendered inoperable or recycled at an
11 appropriate recycling facility; and

12 (IV) an accredited independent
13 laboratory recognized by the Adminis-
14 trator certifies that the new system—

15 (aa) has thermal efficiency
16 (lower heating value) of at least
17 75 percent for wood and pellet
18 stoves, and at least 80 percent
19 for furnaces and boilers; and

20 (bb) has particulate emis-
21 sions of less than 3.0 grams per
22 hour for stoves, and less than
23 0.32 lbs/mmBTU for outdoor
24 furnaces and boilers.

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

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

- 1 (i) in the case of an air-source air
2 conditioner—
3 (I) SEER 16 and EER 13; or
4 (II) SEER 18 and EER 15; and

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

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

- 5 (F) an electric tankless water heater with
6 an energy factor or thermal efficiency, as appli-
7 cable, of .96 or more or a thermal efficiency of
8 96 percent or more, that operates on not great-
9 er than 25 kilowatts;

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

- 10 (H) a water heater installed in conjunction
11 with a qualifying geothermal heat pump de-

1 scribed in paragraph (10) that provides domes-
2 tic water heating through the use of—
3 (i) a desuperheater; or
4 (ii) year-round demand water heating
5 capability.

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

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

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

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

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

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

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

Page 34, line 18, strike “and”.

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

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

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

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

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

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

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

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

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

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

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

Page 35, line 14, strike “and”.

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

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

- 1 (H) \$750 for heating system replacement
2 described in subsection (b)(8)(A)(i)(I);
3 (I) \$500 for a wood or pellet stove that
4 has a heating capacity of at least 28,000 Btu
5 per hour and meets all of the requirements of
6 subsection (b)(8)(A)(v), except for the require-
7 ments of subclause (I)(aa) and subclause (II);
8 and
9 (J) \$500 for a for a desuperheater as de-
10 scribed in subsection (b)(11)(H)(i).

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

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

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

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

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

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

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

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

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

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

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

- 1 (A) If a field verification by an inde-
- 2 pendent quality assurance provider finds that
- 3 corrective work is needed, the accredited con-

1 tractor will correct the work so the installed
2 measures comply with manufacturer and appli-
3 cable code standards, and reasonably deter-
4 mined energy savings projections indicate com-
5 pliance with the specifications and quality
6 standards under this title. Such compliance
7 shall be achieved not later than 14 days after
8 the date of notification of a defect pursuant to
9 a warranty, provided at no additional cost to
10 the homeowner.

Page 50, after line 3, insert the following new sub-
section:

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

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

Page 53, after line 2, insert the following new sub-
paragraph:

1 (F) to the extent practicable, a plan to in-
2 corporate existing clean energy and energy effi-
3 ciency coursework, worker training programs,
4 and worker certification programs at commu-
5 nity colleges;

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

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

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

Page 55, after line 8, insert the following new para-
graph:

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

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

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

Page 58, line 11, strike “and”.

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

Page 58, after line 16, insert the following:

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

3 (4) financing options as needed to inform con-
4 sumers and qualified financing entities of the details
5 of the Home Star Energy Efficiency Loan Program
6 under section 110.

7 The public education campaign shall not include any dis-
8 tribution of gift items, knickknacks, tchotchkes, devices,
9 or other items without direct educational value.

10 (b) VETERANS.—The Administrator shall coordinate
11 with the Secretary of Veterans Affairs on how to imple-
12 ment an outreach strategy to veterans and veteran service
13 organizations about retrofit rebate programs.

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

Page 60, line 8, strike “and”.

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

Page 60, after line 14, insert the following new sub-
paragraph:

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

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

Page 61, line 22, strike “and”.

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

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

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

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

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

- 4 (A) to the rebate aggregator all informa-
- 5 tion regarding each loan made with respect to
- 6 a project for which the rebate aggregator ac-
- 7 cepted a rebate application; and
- 8 (B) information concerning”.

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

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

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

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

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

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

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

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

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

1 (1) DISTRIBUTION TO STATES.—

2 (A) IN GENERAL.—Except as otherwise
3 provided in this subsection, of the amount pro-
4 vided under subsection (a), 3.6 percent is au-
5 thorized to be appropriated to the Secretary for
6 providing grants to States, to be used for—

7 (i) administrative costs of carrying
8 out this title;

9 (ii) development and implementation
10 of quality assurance frameworks;

11 (iii) oversight of quality assurance
12 programs;

13 (iv) establishment and delivery of fi-
14 nancing mechanisms, in accordance with
15 paragraph (2); and

16 (v) coordination with existing residen-
17 tial retrofit programs and infrastructure
18 development to assist deployment of the
19 Home Star Retrofit Rebate Program.

20 (B) DISTRIBUTION.—

21 (i) PROVISION OF FUNDS.—Not later
22 than 30 days after the date of enactment
23 of this Act, the Secretary shall provide to
24 the State energy offices, or such other
25 State entities as are designated by the

1 Governor, of States that are carrying out
2 responsibilities under section 105, 25 per-
3 cent of the funds described in subpara-
4 graph (A).

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

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

22 (2) FINANCING.—

23 (A) IN GENERAL.—Except as otherwise
24 provided in this subsection, of the amount pro-
25 vided under subsection (a), 5.4 percent is au-

1 thorized to be appropriated to the Secretary for
2 carrying out section 110.

3 (B) DISTRIBUTION.—

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

13 (ii) ALLOCATION.—Funds described
14 in clause (i) shall be made available in ac-
15 cordance with the allocation formula for
16 State energy conservation plans established
17 under part D of title III of the Energy
18 Policy and Conservation Act (42 U.S.C.
19 6321 et seq.).

20 (iii) FUND ALLOCATION PROCESS.—
21 The Secretary shall allocate the remaining
22 25 percent of the funds described in clause
23 (i) in a manner that may vary from the
24 formula described in clause (ii) and reward
25 those States that make the best progress

1 in providing loans to low-income areas pur-
2 suant to section 110(c)(4).

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

Page 68, line 23, insert "AND REBATE AGGREGA-
TION" after "QUALITY ASSURANCE".

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

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

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

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

Page 72, after line 6, insert the following new para-
graph:

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

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

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

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

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

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

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

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

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

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

1 (A) designed and manufactured to comply
2 with applicable national, State, and local build-
3 ing codes and regulations;

4 (B) transportable in one or more sections;

5 (C) not constructed on a permanent chas-
6 sis; and

7 (D) designed to be used as a dwelling on
8 permanent foundations when connected to re-
9 quired utilities, including the plumbing, heating,
10 air conditioning, and electrical systems con-
11 tained therein.

12 (4) ENERGY STAR QUALIFIED MODULAR
13 HOME.—The term “Energy Star qualified modular
14 home” means a modular home that has been de-
15 signed, produced, and installed in accordance with
16 Energy Star’s guidelines.

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

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

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

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

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

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

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

