Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Barrett (SC)
Blackburn
Boehner
Bonner
Campbell
Davis (AL)
DeGette
Gohmert
Hoekstra
Kennedy
McCollum
Melancon
Mollohan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1203

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TELEWORK IMPROVEMENTS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1722, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1722, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 268, nays 147, not voting 15, as follows:

[Roll No. 251]

YEAS—268

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—147

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barton (TX)
Biggert
Bishop (UT)
Blunt
Boehner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Carter
Cassidy
Castle
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Granger
Griffith
Guthrie
Harper
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Blackburn
Bonner
Brady (TX)
Campbell
Davis (AL)
DeGette
Fattah
Hoekstra
Kennedy
McCollum
Melancon
Mollohan
Napolitano
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1211

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Service:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2010.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: I hereby resign my appointment to the House Armed Services Committee so that I might accept the appointment to House Committee on Appropriations.

It has been my distinct honor to serve on the Armed Services Committee these past three years and I feel privileged to have been able to serve under the Honorable Chairman Ike Skelton. However I must resign my appointment to this committee effective immediately in order to begin work on the Committee on Appropriations and continue my work on the House Permanent Select Committee on Intelligence.

Sincerely,

PATRICK J. MURPHY.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill, H.R. 5019, into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOME STAR ENERGY RETROFIT ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1329 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5019.

□ 1214

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes, with Ms. EDWARDS of Maryland in the chair.

The Clerk read the title of the bill.

□ 1215

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. Madam Chair, I yield 3 minutes to the gentleman from California (Mr. WAXMAN), the chairman of the Energy and Commerce Committee.

Mr. WAXMAN. Madam Chair, I rise in strong support of H.R. 5019, the Home Star Energy Retrofit Act of 2010.

This legislation, more than anything, is about jobs. When enacted and funded, Home Star will create 168,000 new jobs here in the United States. These are jobs that won't be outsourced overseas. They are construction jobs in our neighborhoods and our communities. And they're manufacturing jobs for workers at factories in America. Nearly one in four workers in the home construction and services industry has been laid off. Passing Home Star says, ''Help is on the way.''

Home Star would accomplish this by establishing a rebate program for the installation of energy-efficient home upgrades. These rebates would encourage homeowners to hire contractors to install new, efficient heating and air conditioning, to insulate their homes, and to replace drafty windows and doors. It's an approach that can benefit every contractor in this country, from small independent businesses to contractors associated with large home improvement store chains.

This legislation also saves consumers money, and it cuts pollution. When it is fully funded, Home Star will allow 3 million families to retrofit their homes to be more energy efficient.

Homes in America account for over 20 percent of the Nation's carbon pollution. Existing technologies and practices can cut home energy use by up to 40 percent. That would slash carbon pollution by millions of tons.

This is a bipartisan bill. It was introduced by Representatives WELCH and EHLERS. The legislation was reported favorably from the Energy and Commerce Committee last month in a bipartisan vote of 30–17. Representative WELCH and Subcommittee Chairman MARKEY deserve special recognition for their hard work in pushing this legislation to become a reality.

The bill also has support from a remarkably broad coalition that ranges from local contractors to environmentalists to organizations like the National Association of Manufacturers and the Chamber of Commerce. These groups all support Home Star because it's a commonsense program that's good for the country.

One question that was raised when the rule was being debated is whether this will affect our deficit. This is a complete red herring. The legislation we are considering today is an authorization. It does not spend a dollar of taxpayers' funds. That's why the nonpartisan CBO says enacting this bill would not affect direct spending of revenues. Once we have passed this legislation, we will need to pass another bill that provides the funds to carry it out. We will do that in a fiscally responsible way.

I urge Members to vote for jobs, for consumers, and for the environment.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, May 4, 2010.

Hon. HENRY WAXMAN,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN WAXMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 5019, the Home Star Energy Retrofit Act of 2010.

I appreciate your efforts to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 5019 that fall within the Oversight Committee's jurisdiction, including provisions related to the federal civil service and acquisition policy.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice this Committee's jurisdictional interest or prerogatives in the subject matter of H.R. 5019, or any other similar legislation.

I would also request your support for the appointment of conferees from the Oversight Committee should H.R. 5019 or a similar Senate bill be considered in conference with the Senate.

Finally, I request that you include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 5, 2010.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN TOWNS: Thank you for your letter regarding H.R. 5019, the ''Home Star Energy Retrofit Act of 2010.'' The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Oversight and Government Reform in H.R. 5019, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that by forgoing action on the bill the Committee on Oversight and Government Reform does not in any way prejudice the Committee with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 5019 in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Oversight and Government Reform as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. BARTON of Texas. I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Chair, the bill before us today is not a bad piece of legislation. Mr. EHLERS, for example, of Michigan is one of the Republican cosponsors of it. Mr. WELCH of Vermont has sought assistance across the aisle. Mr. MARKEY, Mr. WAXMAN, the full committee and subcommittee chairmen, have taken a number of amendments in subcommittee and full committee and I think generally worked in good faith.

Having said that, here we go again, Madam Chair. It's Thursday. This is the only bill this week that we are going to have a rule on. This is an authorization bill, as Chairman WAXMAN just said, but it authorizes $6.6 billion to be spent over a 2-year period, and makes no attempt to find a way to pay for it. So it's another new program with all the right feel-good intentions, but it's all hat and no cattle as we would say down in Texas.

In committee, Chairman WAXMAN, to his credit, did say that the bill should be paid for. He did encourage Congressman LATTA of Ohio, who offered a pay-for amendment that the bill would be paid for, if he would withdraw it he would work with him, and yesterday we did have some discussions with the chairman on how to pay for it. Those discussions did not provide a satisfactory conclusion to either side, so Mr. LATTA went to the Rules Committee and asked that his amendment be made in order. Eight amendments were made in order, but his amendment was not, Madam Chair.

Chairman WAXMAN is correct when he says this is an authorization bill so you don't have to have a pay-for. That is true in a technical sense. But I think it's time for this Congress and certainly our committee, the Energy and Commerce Committee, to show the American people that, if we want to create new programs, we don't want to increase the deficit, borrow money to pay for them. We should be able to find a pay-for.

Just as it's true that it's not technically necessary because this is an authorization bill, it's also true that we could set a precedent and set a practice at least in our committee, the Energy and Commerce Committee, of saying if we are going to create new programs we are going to show where the money should come from.

There is not a real need for this program at this point in time. In the so-called stimulus package earlier in this

Congress and in the last Congress, we authorized and I think even appropriated $5 billion in weatherization funds and grants for the Department of Energy. Now, that program operates a little bit differently than the program in this bill would operate if enacted into law. But we can't tell that the Department of Energy, Madam Chair, has spent any of that money that's already been authorized and appropriated. And that's $5 billion. Why have another $6.6 billion program when you haven't successfully implemented the current $5 billion program? Again, that weatherization program is somewhat different in the way it's structured than the pending bill, but the goals of it are very, very similar to this bill.

The definition of insanity, Madam Chair, is doing the same thing over and over and expecting a different result. That appears to be what we are doing here today with the Home Star Energy Retrofit Act. It's another chapter in saying one thing, trying to put something out that looks good, feels good, but doesn't really have the substance to back it up.

So I have great respect for the authors of the legislation, great respect for the leadership of my committee on the majority side, but I don't believe we should authorize a $6 billion program without a pay-for or an indication of how we intend to pay for it. I think that's too much, and I think it's bad public policy with a deficit of $1.5 trillion.

We will support some of the amendments, Madam Chair. There are eight amendments. As the ranking member of the full committee, I believe I am going to recommend a ''yes'' vote on six of the eight, maybe seven. But on final passage I will recommend a ''no'' vote.

Madam Chair, we'd be hard-pressed to find a single Member of Congress who thinks energy efficiency is a bad idea. Everybody wants to lower energy consumption because we want to cut our electricity bills. Additionally, manufacturing and installing energy efficient products for the home can be a boon for businesses and jobs across the country. The market works.

Home Star will cost taxpayers $6.6 billion over the next 2 years. With the tidal wave of spending that has roared out of Washington over the last 18 months, sometimes $6.6 billion might not sound like much, and that's exactly why we need to start looking at programs like Home Star much more carefully.

Without a payment mechanism in H.R. 5019, what we have is an authorization that simply instructs the Federal Government to spend $6.6 billion over the next 2 years. Then we here in Congress are supposed to figure out where to get the money. Who believes that's going to happen? This legislative artifice defies the majority's own Pay-As-You-Go rule, not to mention the public's trust, and it assures that deficits will go on expanding.

It didn't have to be that way. Our newest colleague on the Energy and Commerce Committee, Mr. LATTA of Ohio, offered an amendment in the markup that would apply Pay-Go rules to this legislation. It was withdrawn through an agreement with the committee chairman that spending details would be worked out before H.R. 5019 reached the House Floor. Yet here we are today, still without a way to pay for this program.

This is not the first government program we've examined in the 111th Congress to encourage home energy efficiency. In the so-called Stimulus Bill, Congress authorized $5 billion for home weatherization funds and grants. After an entire year, the Department of Energy has admitted to accomplishing virtually nothing with this amount of money. How are we to believe DOE can handle $6.6 billion for a newly-created program when it has proven it can't handle $5 billion to complement a program that already exists?

Like the $5 billion in weatherization funds, Home Star is supposed to create jobs. But if past is prologue, we are right to be skeptical of such a claim. While the stimulus bill was being debated, the economic alchemists in the White House told us it would cap unemployment at 8 percent. This was supposed to be achieved partially through dramatic expansion of government programs like home weatherization. But thanks to Obama administration bureaucracy and the built-in inefficiency of all government programs, the money has been spent without taxpayers getting the benefits that their money was supposed to buy.

The definition of insanity is repeating the same action over and over and expecting a different result, and that's precisely what we're doing here today with the Home Star Energy Retrofit Act. It's another chapter in the story of the Obama administration: Excitement followed by spending followed by disappointment.

In a time of exploding deficits, bumbling government and economic recession, Congress could do America a favor by paying for the programs it enacts. We should begin today.

Until we are willing to pay for it, I urge my colleagues to vote "no" on this bill.

With that, I ask unanimous consent that Mr. UPTON of Michigan control the balance of the time on the minority side.

The CHAIR. The gentleman will be recognized.

Mr. MARKEY of Massachusetts. Madam Chair, I yield myself 1 minute at this time.

Madam Chair, this is really a tremendous piece of legislation. It's a win-win-win. It will ultimately wind up with $9.2 billion worth of energy savings for American consumers because of the installation of these work smarter, not harder, technologies that we will be helping consumers to purchase. It will create 168,000 new jobs, especially in the construction sector which has upwards of 25 percent unemployment, and it will increase our energy independence by backing out that oil that we import into our country, moving us closer to this energy independence, which should be the goal of our country, using new energy technologies that make it possible for every consumer to participate in this revolution. This is an excellent piece of legislation.

I reserve the balance of my time.

Mr. UPTON. Madam Chair, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), a member of the committee.

Mr. STEARNS. I thank the distinguished chairman, Mr. UPTON from Michigan.

Here we go again, my colleagues. We are going to spend a lot of money and here we have a huge $1.5 trillion deficit. I am a member of the Renewable Energy and Efficiency Caucus. I strongly support, obviously, providing property owners with the education, simple education, incentives for them, and resources to voluntarily improve their homes and save energy. But I have a number of significant concerns with this legislation, including the total cost; also questions about the U.S. Department of Energy, their ability to effectively implement this program; and the fact that the Federal Government will be the one picking technology winners and losers, and not the free market, is also a concern of mine.

My colleagues, at a time when we have an increasing national deficit, it's simply irresponsible to add an additional almost $7 billion in spending. Again the word billion. This spending is in addition to the more than $10 billion spent by the American taxpayers to implement a weatherization program. There are also significant concerns regarding the Department of Energy's ability to implement this program, especially under the tight deadlines required in this legislation.

In fact, the Department of Energy Inspector General recently issued a report concluding that as of February 2010, of the roughly $4.7 billion DOE, Department of Energy, has awarded in grants to the States under the Recovery Act weatherization program, only $368 million, less than 10 percent, had been used by States for this purpose, and only 30,000 homes have actually been weatherized.

This legislation also comes on the heels of the Energy Star fraud that was exposed earlier this month. Countless stories in mainstream newspapers reported the lax standards by which the Environmental Protection Agency approves ''energy efficient'' devices, allowing 15 phony products to pass inspection. Among those products approved were a gasoline-powered alarm clock and an air purifier which is nothing more than an upright fan with a feather duster taped to the top. Those are the things the Department of Energy approved, and you are going to give them almost $7 billion to go and institute and follow along this bill?

H.R. 5019 is simply another multi-billion dollar government scheme that picks winners and losers through cash handouts to mostly, in this case, unionized labor at a time when the Federal Government is already running a $1.5 trillion annual deficit. So look at this carefully. We don't need to spend more money to do this. There is a lot of fraud that exists at the Department of Energy. They are lax. So I urge a ''no'' vote.

Mr. MARKEY of Massachusetts. I yield 1 minute to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Madam Chair, I also want to thank Chairman WAXMAN and Chairman MARKEY and their very capable staffs for working with my office to ensure that we include tangible benefits in the Home Star Program for all constituents, including those in the lower income communities such as the one I represent on the south side of Chicago.

I also must thank my friend and colleague BARBARA LEE and her great staff, as well as the Home Star Coalition, who collaborated with my office and the Energy and Commerce Committee to strengthen this outstanding, remarkable Home Star Program legislation.

Madam Chair, I am pleased to point to several provisions within the bill that would directly benefit my constituents, including the quality assurance framework, which targets training and employment opportunities for lower income families and workers, and aggressive outreach and financial assistance for our most vulnerable communities to help them take advantage of the energy-and money-saving retrofit opportunities within this bill.

Madam Chair, I fully support this bill, and I urge all of my colleagues to do the same.

□ 1230

Mr. UPTON. Madam Chair, I would yield 5 minutes to the distinguished gentleman from the great State of Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding me a generous amount of time.

I rise to speak, because I am the principal Republican—in fact, perhaps the only Republican—cosponsor of the bill. But it's a very worthy bill, and I believe we should present that side of it as well.

I must say, I share the concerns of my Republican colleagues about the cost and where the money is going to come from to pay for it, but I have to also say that I think the value of this bill is so much greater than many of the other bills we pass that I'm certain we could find the funds for it if we need to.

Let me just comment as a physicist, which is what I am, and say a little bit about energy. First of all, energy is the most basic resource that we have, and there's very little we can do without energy. If you look back through history, you find that the great changes in the history of our planet and the people living on our planet arose with new developments in energy. For example, agriculture never really succeeded until people discovered they could hitch a plow to an oxen or a horse, and use animal energy to supplement human energy. Later on, the Industrial Revolution took place. Why and when did that happen? Because people in developed countries had discovered they could use energy in other forms to perform the work that people had been doing. I'm talking about, for example, hydropower, getting energy from water running over mill wheels and so forth. But also, other types of energy were developed about that time; such as burning coal to extract energy from it or using coal to generate electricity, and use that power to drive the machinery that was necessary in the mills and the factories at that time.

We are now in an era of multiple uses and multiple sources of energy, but the energy we are using is not that abundant. We are depleting our supplies of fossil fuels, particularly oil and coal, and also natural gas. Even though we have found some new gas resources recently, if you look at the numbers you can calculate very precisely when we are going to run out.

The cheapest way to develop new sources of energy is by conserving the energy we use now. I'm just going to say that again because it's so important. If we simply use our energy efficiently, and we conserve energy when we can, we can solve most of our energy shortage problems for the next 30 to 40 years. That's why I think this bill is very important, because it stimulates the use of our ingenuity to reduce the amount of energy that we need to use.

I have had personal experience with this. Some years ago, I got tired of paying exorbitant gas bills to keep our home warm, and so I did the things that this bill advocates; in other words, proper insulation, and doing exactly what you can to prevent loss of energy, et cetera. It worked. Since then, my gas bill for heating my house is down about a third of what it was before. Now that's a lot of money we're talking about, and every American would love to save that amount of money on their utility bill every year. That's what this bill will provide. It also helps educate or train the people who will be installing the energy-saving technology in individuals' homes or in factories, plants, and so forth.

This does work. The EPA did it some years ago, with their Green Lights program. The EPA went around to most of the business buildings in this country, factories or stores or whatever, and did an analysis of the energy that was used to provide lighting for the buildings, and they discovered that they could save a tremendous amount of money. They also calculated what the payback time would be if the owner of the factory or the store implemented their recommendation. The average payback time was on the order of 2 to 3 years. Now, you show a businessman how he can save money and in the process get a payback time for his investment of only a few years, they're going to do it. That program was exceedingly successful. And it worked. That's exactly the type of model we're dealing with here.

So I urge the passage of the bill. I hope it is successful. I hope we can resolve the issue of where the money is going to come from so that we have uniform support of this on both sides of the aisle, all across our nation.

Mr. MARKEY of Massachusetts. We have just heard from the Republican sponsor of the bill, and now we hear from the principal Democratic sponsor, the gentleman from Vermont, who has been giving us the leadership on this issue for the past 3 years. I yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Thank you, Chairman MARKEY, and thank you, Mr. EHLERS.

Madam Chair, a great nation does not shrink from its challenges. It faces them directly. We face serious challenges to create jobs in a tough economy, to move away from the dirty fuels of the 19th century into the cleaner fuels of the 21st, and using less fuel rather than more is a solid step that's going to help us accomplish that. We need to create manufacturing jobs in this country, where we're losing them by the day. Home Star does all three.

It's going to put our contractors back to work. There's a 25 percent unemployment rate. It's going to allow us to use less fuel rather than more. Vermonters are cheap. They like that. I think that's something that homeowners around the country will like. And it's going to be 90 percent produced—all the things used in Home Star, 90 percent are produced and manufactured in the United States of America.

So this is a partnership between the government, that will help a homeowner with the upfront cost with a point-of-sale rebate, and our retailers, our homebuilders, and our manufacturers. So we're going to be putting America back to work and addressing these challenges of creating jobs and clean energy.

If we're going to be successful in this challenge and others, we really should be doing them on a bipartisan basis. And this is a way of showing how it can be done. With the leadership of Mr. EHLERS, we have bipartisan support. But we have others.

Mr. BARTON, in the committee, made very constructive suggestions on how we can improve this bill, and they were incorporated in it: A specific number about how much we're going to spend, not open-ended. A sunset, so we can kick the tires after a few years and see how the program is working. Former Michigan Governor, a Republican, John Engler, a strong endorser. Former Secretary of Energy in the Bush administration, Spencer Abraham, fully endorsing this. Why? Because it's practical. It's common sense. It's a partnership between the public and the private sector.

There's been a concern raised about spending, and rightly so. This bill must be paid for. All of us who support this legislation acknowledge that. And we will have to vote on how exactly we're going to have this paid for. And we will. But let's keep in mind that there is a difference between a wise investment and wasteful spending.

When you have a bill that's going to put our 25 percent unemployment rate folks back to work and it's going to allow homeowners to save money, not just this year but next year and the year after and the year after that, that's a wise expenditure of money, where we have our homeowners putting some of their money down and getting some taxpayer help to get the job done. Home Star is that solid investment that is going to achieve that hat trick of energy savings for the homeowner, of moving towards a cleaner environment, and of creating jobs here at home.

Mr. UPTON. Madam Chair, I would yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

I rise in opposition to this measure, which they call Cash for Caulkers, since it's based on the Cash for Clunkers program, and maybe, before we go any further, somebody needs to ask, Well, how did that last one work out? In fact, economists at Edmunds.com did exactly that.

They discovered that of the 690,000 cars sold under Cash for Clunkers, 565,000 sales would have happened anyway, which means the taxpayers ended up paying about $24,000 for every genuine sale that it actually stimulated. But it gets worse. All the program accomplished was to entice people to move up their purchase decisions by a few months, which then caused below-normal sales in the months that followed. In other words, Congress spent $4 billion creating a car bubble. With that fresh economic wreckage just behind us, we're about to create a $6.6 billion home improvement bubble. We can now replace our ''Honk if you're making my car payments'' bumper sticker with ''Honk if you're paying for my home remodeling.''

What is this actually going to accomplish?

First, a lot of fraud. We already know that the Energy Star program approved 15 out of 20 fake products that were submitted to them by the GAO, including a gasoline-powered alarm clock. One can only imagine what home improvement scams taxpayers will fund from this one.

Second, it's going to pay for a lot of remodeling that would have been done anyway. That was the expensive lesson from Cash for Clunkers.

Third, it's going to be paying for remodeling that makes no economic sense except for the rebate. After all, when remodeling actually saves money, people do it on their own. Congressman EHLERS just pointed that out. And if it doesn't save money, why should taxpayers be forced to pay for it in the first place?

The CHAIR. The time of the gentleman has expired.

Mr. UPTON. Madam Chair, I yield 30 additional seconds to the gentleman.

Mr. MCCLINTOCK. Madam Chair, I was just going to point out, Benjamin Franklin pointed out that ''experience keeps a dear school, but fools will learn in no other.'' This bill today offers us a sobering corollary—that there are some people who cannot even learn from experience. We call these people ''Congressmen.''

Mr. MARKEY of Massachusetts. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. During consideration of the Home Star Energy Retrofit Act in the Energy and Commerce Committee, I raised concerns that Home Star funding might encounter the same delays we have seen with the ARRA-funded weatherization projects due to the State Historic Preservation Office review required by the National Historic Preservation Act. Since committee markup, I have worked with Chairman WAXMAN and Chairman RAHALL to ensure no historic preservation review will be required for Home Star rebates.

I have a letter from the Advisory Council on Historic Preservation providing a legal opinion that this program would not trigger a review under the National Historic Preservation Act. I will submit this letter for the RECORD.

ADVISORY COUNCIL
ON HISTORIC PRESERVATION,
Washington, DC, May 5, 2010.

Hon. BART STUPAK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN STUPAK: At the request of your Legislative Assistant, Justin Hagel, we are providing the following opinion regarding the applicability of Section 106 of the National Historic Preservation Act (Section 106), 16 U.S.C. §470f, to the Home Star Retrofit Rebate Program that would be established under H.R. 5019 (Home Star). As the agency responsible for issuing and interpreting the regulations implementing Section 106, we take the position that Home Star would not trigger Section 106 responsibilities for the Department of Energy, Environmental Protection Agency, Department of Commerce, or any other federal agency.

The purpose of Section 106 is to inform federal agency decisions about undertakings that may affect historic properties before such effects take place. The way that Congress has structured the Home Star Retrofit Rebate Program, any effects to historic properties would have already taken place before a federal agency would even be aware of a retrofit project. The Federal Rebate Processing System, as proposed, will not acknowledge that a retrofit has been implemented until after the project has actually occurred.

The contractor will have given the homeowner a discount based on the expected Home Star Retrofit Rebate Program, submitted a request for a rebate to a Rebate Aggregator, and then submitted the claims to the Federal Rebate Processing System. Under such circumstances, a federal agency would not have the slightest modicum of discretion to exercise regarding effects to historic properties when it makes a decision to reimburse a Rebate Aggregator. Likewise, as explained above, the effects to historic properties, if any, would have already occurred.

The reimbursement decision by the Federal Rebate Processing System is arguably ministerial, therefore, not subject to Section 106, since Congress specifically requires reimbursement upon the filing of claims, subject only to random quality assurance verifications. This is similar to the Internal Revenue Service's (IRS) processing of tax deductions and credits claimed on income tax returns. Due to the ministerial nature of the IRS's decision making in their review of those returns, the ACHP does not consider such reviews as triggering Section 106 compliance responsibilities for the IRS.

We appreciate the Committee affording the ACHP an opportunity to review the Home Star Retrofit Rebate Program legislation. If you have any further questions, please contact me.

Sincerely,

JOHN M. FOWLER,
Executive Director.

Congress does not want the Home Star program to trigger reviews that would delay energy efficiency improvements that benefit consumers, manufacturers, and contractors. I want to thank Chairman WAXMAN and Chairman RAHALL for working with me to address this concern.

I also want to thank Chairman WAXMAN for working with me to include the eligibility of energy-efficient wood products in the manager's amendment. This provision strengthens the underlying bill and will help one of the hardest hit sectors of our economy.

I urge my colleagues to support the bill.

Mr. UPTON. Madam Chair, I yield 4 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Madam Chair, I rise today to speak against H.R. 5019. As I discussed earlier during the rule debate, I have very serious concerns about how we are paying for this legislation. In exchange for withdrawing my deficit neutrality at the full committee markup, Chairman WAXMAN said he would work with me in trying to find a way to pay for this piece of legislation. I do thank the chairman for meeting with me on this matter. Unfortunately, we were unable to find a pay-for during our negotiation.

Although this is an authorization legislation and not an appropriation, I feel that if this program is important enough to authorize, it should be important enough for us to find a way to pay for it. I am concerned that the majority could not give any assurance that this bill will indeed be paid for.

I offered an amendment yesterday regarding the Federal deficit that was not accepted in the Rules Committee, and therefore we are not able to have an open debate on this issue today on the House floor. It is frustrating that the majority has shut down the opportunity to have a debate on the cost of this legislation and the addition it will be to the Federal deficit.

□ 1245

The majority is claiming that this bill does not need to have a pay-for since, again, it is an authorizing bill. However, I believe that the issue of the budget deficit should at least be able to be debated.

While I support the incentives to help provide energy efficiency as well as programs to promote job growth, I am very concerned about the $6.6 billion price tag of this legislation. In addition, this is duplicative of an existing government program that has not been fully implemented.

Just a little bit ago, the gentleman from Florida stated—but I think it's really important to reiterate—that the Department of Energy recently issued a report concluding that as of February 2010, of the $4.7 billion DOE has awarded in grants to States under the stimulus weatherization programs, only $368 million—less than 10 percent—has been used by the States for weatherization programs and only 30,297 homes have actually been weatherized.

Of the 10 States receiving the most money under the $4.7 billion allocated for the weatherization program under the Recovery Act, only two had weatherized more than 2 percent of the homes covered by the program. The other eight States weatherized fewer than 400 homes each. Because the $4.7 billion weatherization program has been incredibly slow to implement, I have concerns about the effectiveness of the $6.6 billion in the Home Star Energy Retrofit program.

This simply is not the right time for a new program. Ohio currently has an unemployment rate of 11 percent, and my district has an average unemployment rate of 13.5 percent. Individuals in my district are asking, Where are the jobs? And these same individuals are asking how Congress can continue to spend more and more money on government programs rather than cut spending to ensure a better future for our children and grandchildren. They are very concerned about the debt and the deficit that this Congress is amassing. That is why I offered the amendment to the legislation regarding the national deficit and why I wanted to have a debate on this amendment on the House floor in regards to this legislation.

Unfortunately, I cannot support another government-run program that will do nothing to help the constituents of my district. I urge a ''no'' vote on the bill.

Mr. MARKEY of Massachusetts. Madam Chair, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman from Massachusetts, and I second what he said about this bill being a win for all.

I'm sorry there is so much negativity on the other side of the aisle about this bill. This bill takes care of our energy needs and at the same time creates a bold effort to create jobs and to improve the economy.

We cannot rest. Too many Americans are unemployed, and in particular, middle class Americans are still hurting. We must remain focused on revitalizing our economy, and this bill helps to do that.

A smart and effective way to generate jobs is through home retrofits. We can incentivize consumers to weatherize their homes and put our idle contractors and construction workers to work. In turn, many households would save substantial money by weatherizing their homes.

So this Home Star program is a good one. I encourage my colleagues to support this bipartisan legislation, stop with the negativity. Let's move on together.

Mr. UPTON. Madam Chair, may I inquire as to the time remaining on both sides.

The CHAIR. The gentleman from Michigan has 11½ minutes remaining, and the gentleman from Massachusetts has 20 minutes remaining.

Mr. UPTON. Madam Chair, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Madam Chair, I yield 1 minute to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Chair, I rise to express my strong support for the Home Star Energy Retrofit Act.

If the unfolding tragedy in the gulf teaches us any lessons, it's that we should be using less energy and getting the energy we need from cleaner sources. This bill is one of several steps taken by this Congress and this administration to achieve these goals that are so important to our economy, to our environment, to our national security.

The fast-acting Home Star program will create hundreds of thousands of jobs in hard-hit industries like construction and manufacturing, will reduce energy use in millions of homes, and it will save homeowners billions in energy bills for years to come. It will do this by providing homeowners upfront rebates for energy-saving investments like new appliances, efficient windows, and insulation.

Madam Chair, our communities desperately need jobs, and Home Star will help create them. It's a critical step toward building the kind of clean energy economy we need to lift up our communities, spur on sustainable growth, and end our addiction to dirty fossil fuels.

I applaud the bipartisan efforts that have brought Home Star to the floor of the House. I urge my colleagues to vote for its passage.

Mr. MARKEY of Massachusetts. Madam Chair, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Chair, scientists have made an amazing discovery, and that is, we are the Saudi Arabia of energy. We have the ability to power the growth of our economy by finding efficiency right in the walls and windows and doors of our homes, and this bill will unlock that incredible source of energy that is clean. If Americans want to know what we can do to avoid the problem we're seeing in the Gulf of Mexico, it's to take advantage of this bill and make our homes more efficient.

Some of the Republicans don't want to help us on this bill, but they sure had no problem giving $1 billion of subsidies to the oil companies that are responsible for the disaster in the Gulf of Mexico. If they want to help us in finding a way to pay for this bill, which we are going to find, I hope they will cosponsor our bill to raise the limit of liability of the companies that are responsible for this to $10 billion so that they pay for this cost. They will need to abandon their friends in the oil industry, but help the American taxpayer, and we will get the efficiency we deserve.

Mr. MARKEY of Massachusetts. Madam Chair, I yield 1 minute to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Chair, I rise in support of H.R. 5019, the Home Star Energy Retrofit Act; and I want to commend Congressman WELCH for his extremely productive efforts on pursuing this issue. This Home Star program will help support jobs in the construction and home retrofitting sectors, which have been among the hardest hit during this economic recession. In addition, in my home State of Utah, it will help homeowners make the investments necessary to improve energy efficiency in their homes, which in turn will help them save money on their energy bills.

In my State of Utah, well over half of an individual's residential energy bill goes to home heating and air conditioning, and we have all felt the impact of increased home energy costs on our budgets over the last few years. We know that savings from energy efficiency upgrades are among the best ways homeowners can keep their energy costs low.

This bill is supported by over 1,200 companies and organizations nationwide, including the U.S. Chamber of Commerce, the National Association of Manufacturers, and in my home State, the Utah Clean Energy Coalition and utahgreenhomes.com.

I encourage my colleagues to support this bill, and I hope the Cash for Caulkers program can be signed into law soon.

Mr. MARKEY of Massachusetts. Madam Chair, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Thank you very much, Chairman MARKEY, for your leadership and thank you for bringing this important job-creating bill to the floor today.

Let me just highlight a section of the bill that I worked on to guarantee that all data processing jobs created will be American jobs. Because of this bill, companies and nonprofits will be aggregating data to provide rebates for thousands of energy-efficiency projects created by the act. We have ensured that the work is done right here in the U.S.

The offshoring of data services, which is commonplace in the corporate world, not only kills American jobs, but also presents a security concern as government data could be flowing to

parts unknown. The language in this bill ensures that the work remains on American soil with the American worker doing the job.

I am proud to support the Home Star Act and thank the chairman for his leadership. This bill will create jobs and continue to put us on a path to a more sustainable future.

Mr. UPTON. Madam Chair, I yield 1 minute to the minority leader of the House, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague for yielding and remind my colleagues that once again we're debating the Cash for Caulkers bill. We are going to weatherize homes around America, and we're going to put Americans back to work once again. The only problem is that we spent almost $5 billion in the stimulus bill 15 months ago, the States are awash in weatherization funds, and a lot of the money that has been spent has gone to crooked contractors, shoddy work, and there are investigations going on all over the country. But in spite of all of the evidence that this plan is not really working, we're going to authorize $6.6 billion of money that we don't have so that we can caulk homes.

Now, I think it's a good idea to caulk your home, to weatherize your home, to make our homes more energy efficient; but we have to remember something: 43 cents of every dollar the Federal Government spends this year we're going to borrow. And guess who gets to pay that money back? It's going to be our kids and our grandkids.

The gentleman from Massachusetts is suggesting that we ought to pass this bill, continue this Cash for Caulkers program, and then send the bill to our kids and grandkids. Count me out.

Mr. MARKEY of Massachusetts. Madam Chair, I yield myself 1 minute.

The point here is that what the United States, over the years, has done is to not properly focus upon the things that we can do in order to avoid ever having to import oil from Saudi Arabia, from OPEC. The smartest way to do that is to put in place programs that have the most efficient air conditioners, the most efficient heating systems, the most efficient windows, the most efficient devices that consumers can use in order to reduce their energy bills, reduce the need for us to import energy from overseas, to improve our own American self-sufficiency, and to pass on to the next generation a country that is using our technological genius. That's who we are.

The United States only has 2 percent of the oil reserves in the world; that's our Achilles' heel. Our strength is that we are a technological giant. When we apply our technological genius, we solve problems.

Madam Chair, I yield 1 minute to the gentleman from the State of California (Mr. MCNERNEY).

Mr. MCNERNEY. Madam Chair, I rise today as a proud cosponsor of H.R. 5019, the Home Star Energy Retrofit Act of 2010. And I want to offer a warm congratulations for my good friend and colleague, PETER WELCH, who has shown a tremendous amount of leadership on this issue.

Basically, what H.R. 5019 does is provide incentives for consumers to invest in energy efficiency upgrades to their homes. This is going to create many, many jobs, it's going to create new businesses, it's going to save greenhouse gas emissions, it's going to help homeowners on their energy bills.

I am pleased that an amendment that I offered in the committee to H.R. 5019 was accepted. Basically, what that does is it allows the business community to have confidence that they will get their reimbursement within 30 days, that the DOE will handle that reimbursement within 10 days. So I urge my colleagues to support the Home Star bill.

Mr. MARKEY of Massachusetts. Madam Chair, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

Two things: one, the concern about weatherization versus this program. This is different. It is a direct engagement by the homeowner. They make the decision, and then they go to the existing infrastructure of retailers and contractors. So there is not layers of government. This is something that Governor Engler of Michigan said made this program very practical and user friendly.

Second, I want to remind folks of the broad basis of support from unusual allies—the National Association of Manufacturers, a key vote; U.S. Chamber of Commerce, key vote; National Lumber and Building Material Dealers Association—that's 6,000 retail businesses; National Association of Home Builders, 175,000 members; the Alliance to Save Energy; the Home Star Coalition; Efficiency First; and the Retail Industry Leaders Association. This has broad support because it's practical and addresses a real-world problem by creating jobs and letting folks save money on their energy bills.

□ 1300

Mr. MARKEY of Massachusetts. Madam Chair, I yield myself 2 minutes.

Mr. WELCH has just gone down the litany of organizations, from the National Association of Manufacturers, to the Chamber of Commerce, the steelworkers, the communications workers, utility workers, American Federation of Teachers. The list goes on and on on both sides. This is the kind of program that the United States should be thinking about at the point at which night after night we see this oil spill down in the gulf because it once again reminds us that the United States only has 2 percent of the oil reserves of the world.

What we do in this legislation is create a program that provides the rebates to homeowners to jump-start the manufacturing, the retail, the construction industry, focusing upon using technologies, manufactured in America, with high standards of efficiency. And by doing so, we say to our country that we are going to turn to our own people, that when America has a plan, America wins.

This is part of a plan. And it is a part of a plan to end dependence upon imported oil. We just can't have half of our trade deficit coming from the purchase of oil from countries that we should not be purchasing it from. We need a plan. This bill is part of that plan. This bill is part of the plan that says that we are going to end business as usual. And what are the companies that we are going to use? We are going to use companies like Whirlpool, and we are going to use companies all across our country that manufacture these items that are 20 percent, 30 percent, 40 percent more efficient than anything that people have in their homes who are going to become a part of this program.

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY of Massachusetts. I yield myself 1 additional minute.

The result of this will be a concomitant reduction in energy bills, in importation of energy, and kind of the sense that America has that we are losing control of our ability to control our own energy agenda.

At this time, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chair, I appreciate the gentleman's courtesy, as I appreciate his leadership.

This bill is perfectly timed to help American families increase the efficiency of their homes, saving money on their energy bills, and create jobs for those in the construction industry which has been especially hard hit by the recession.

I am pleased that the bill includes incentives for States to support programs where utilities make loans to consumers to make upgrades and repay the cost on their utility bill. This is an important tool. It is especially important in the Pacific Northwest which has pledged to meet 85 percent of our future energy demand with energy efficiency. The Northwest has recognized not only that energy efficient is carbon free, but it costs less than half as much as new power plants.

This bill will provide our region with the tools we need to meet our ambitious targets for a low-carbon, energy-efficient future to revitalize the economy and protect the planet. I am deeply appreciative of this, and look forward to its enactment.

Mr. MARKEY of Massachusetts. Would the Chair inform us as to the order of completion of debate.

The CHAIR. The gentleman from Massachusetts has the right to close.

Mr. MARKEY of Massachusetts. I reserve the balance of my time.

Mr. UPTON. Madam Chair, I yield myself the balance of my time.

Madam Chair, first of all I want to thank the majority for working with a number of Republicans in the committee. The gentleman from Massachusetts (Mr. MARKEY) and Mr. WAXMAN

and Mr. WELCH worked with me on allowing home builders to be certified for the work, something that we thought was very important.

They worked with Mr. SHADEGG on an amendment to make sure that tankless water heaters were included, something we know is very important in the process; and Mr. SHIMKUS on geothermal; three amendments that all of us on both sides of the aisle strongly supported. We welcomed that good work.

And to a degree, we also worked on clearing up one of the major objections from the start, and that was the original legislation talked about such sums, which as we calculated was going to be up to $23 billion. That objection was looked at and we were able to reduce it significantly, but it is still $6.6 billion in terms of what that cap may be over the next 2 years.

And if you look at the talking points out there, we are talking about 168,000 jobs and if you divide that by the $6.6 billion, you come out to about $39,000 a job and that is just too much.

Mr. LATTA worked in good faith from the time that the full committee ended the markup a couple of weeks ago to try and get an amendment to sunset the act. The legislation would have a negative effect on the Federal budget deficit. He was led to believe that amendment might be in order. Despite the assurances of some on the committee, it appears that the Rules Committee denied that amendment. But we will have a chance. That amendment, as I understand it, will be part of our motion to recommit, and hopefully that motion to recommit with that provision will be included which is one that Mr. LATTA spoke about earlier in support of that amendment.

But the real problem for many of us on our side is that this is really a duplicative program going back to the Department of Energy's stimulus funding. And after a year of that, remember that was adopted in February of 2009, after a year and the money in that stimulus bill, there were promises in fact that that was going to create 87,000 jobs. And a year later, February of this year, it looked as though only 10 percent of that 87,000 figure was recognized, or about 8,500 jobs, not the 87,000. Remember as part of the stimulus, they had to be job ready. Money had to go out the door as quickly as could be. A year later, we were still only 10 percent of the jobs that were promised, far short of that number.

Now, we have a $1.5 trillion deficit this year. A lot of us on our side think we should be taking the time to go through every program, every program in that budget to look at where we might be able to find some savings, go page by page. The taxpayers deserve no less. Enough is enough. This is a $6.6 billion new program entrusted to the Department of Energy which after a year could only deliver 10 percent of what they were promising in the stimulus bill from last year.

So our view on this side, many of us say without the Latta amendment to make sure that in fact there is not an impact on the deficit, we would ask Members to vote ''no.''

Madam Chair, I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Madam Chair, I yield myself the balance of my time.

Madam Chair, again, let me summarize. Home Star is a 2-year energy efficiency program that will save $9.2 billion in consumer energy costs, create or save 168,000 jobs when our country desperately needs an increase in the number of people who are working, and increase energy independence across the Nation by sending a signal that we are going to use new technologies, more efficient technologies to back out that oil that we import.

Home Star's Silver Program is a 1-year program to provide rebates for energy efficient materials and installation. It will jump-start manufacturing, retail, and construction jobs.

Home Star's Gold Star program is a 2-year program that allows homeowners to receive rebates for making their homes at least 20 percent more energy efficient, and that includes any measure approved through an energy audit. Gold Star does not pick winners and losers. We just want the most efficient technologies to be used to reduce energy consumption in our country.

Finally, Home Star offers an energy efficiency loan program. This program will offer low-interest loans to help offset a household's 50 percent share of energy retrofit cost.

Again, an all-star cast of supporters. You are not going to see this very often: the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Association of Home Builders, partnered with the steelworkers, with the communication workers, with the laborers, the utility workers, the transit unions, the sheet metal workers. This is what America needs if we are going to put our country back to work again. We should embrace this in a bipartisan fashion so that we can create a plan for our country to reduce energy consumption while we use American workers to accomplish this goal.

Ms. ESHOO. Madam Chair, I rise today in support of H.R. 5019, the Home Star Energy Retrofit Act of 2010. This sensible legislation addresses two of the most pressing issues of our day: our immediate need for jobs and our future energy reliance.

At its heart, the bill is simple—it will provide rebates to homeowners who make energy efficiency improvements to their homes. But the effects of this simple legislation will be anything but modest. Homeowners who participate in the rebate program will purchase American energy efficiency products and employ American workers to install these products, creating almost 170,000 jobs in the construction and clean technology industries.

Homeowners who purchase the improvements will save money in energy costs—nearly $10 billion over the next decade and the energy equivalent of 6.8 million barrels of oil next year alone. These past few weeks, the oil spill in the Gulf of Mexico has reminded us of the truly destructive power of our energy habits and the urgent need to reduce our dependence on 20th century fuels.

I also know personally just how important energy efficiency renovations can be and how much money they can save. I'm very proud that my District Office in Palo Alto is now the only Congressional office in the country that is Green Certified by the Bay Area Green Business Program. The improvements and policies we've introduced in my office save taxpayer money and reduce pollution and energy usage throughout our District.

H.R. 5019 will help homeowners throughout the nation achieve similar improvements, rewarding them with lower costs and providing our nation with more jobs and greater energy independence. It is simple, sensible legislation that will move us forward on two critical priorities.

Mr. ELLSWORTH. Madam Chair, I rise today in objection to ineffective and wasteful government spending, and to thank my Colleagues for accepting my common-sense proposal to the Home Star Energy Retrofit Act of 2010.

As I traveled throughout Indiana's 8th Congressional District over the last few months, I came across many community leaders who expressed concern to me about the wasteful government spending they were witnessing firsthand. In particular, they were alarmed by the numerous boxes full of so called ''promotional items'' they received from the Census Bureau. Although the local leaders and I both acknowledged the critical importance of the Census count, we could hardly see how government spending on embroidered shirts, coffee mugs, CD cases, and lunch bags was an effective use of taxpayer dollars—all items that were received in large quantities by the communities throughout Indiana's 8th Congressional District.

As a result of this experience, I demanded detailed information on the promotional budgets of several federal departments, including the Census Bureau, in order to raise awareness of this kind of government spending. The results I found were startling on many fronts. For example, I was outraged when I learned the Chicago Region of the Census Bureau alone spent $3,841,317 on ''promotional items.''

And I made it a priority to ensure this type of wasteful and ineffective spending never again gets through this Congress.

So today, I had the opportunity to fulfill my commitment through the Home Star bill. I support the overall bill. It will help thousands of my constituents significantly reduce their home energy bills, and it will create many jobs in the home construction and manufacturing sector. However, I was deeply concerned when I found a section of the bill that provided funding for an ''Educational Campaign.'' To me, this section of the bill left open the very real possibility of more wasteful government spending on things like embroidered t-shirts and coffee mugs.

That's why I offered language to ensure this bill will not allow for spending on promotional items, and I want to thank Chairman HENRY WAXMAN and the Energy and Commerce Committee staff for working with me on this important taxpayer protection.

Madam Chair, as we seek to address the many challenges facing our nation, we must be vigilant about putting a stop to ineffective and wasteful spending. Finding new ways—large and small—to trim government spending will play a large part in moving our government in the right direction. I pledge to continue to do my part here in Washington, and I will continue to depend on my constituents to inform me of the wasteful government spending they experience in everyday life. We must all work together to restore fiscal sanity to our budget and get our country back on track.

Mrs. DAVIS of California. Madam Chair, San Diegans may have ''America's Finest Weather,'' but when we do use our heating and cooling systems we want to ensure they provide the best cost-benefit for our pocketbooks and our planet.

In fact, one of our major hotels in the Gaslamp District is currently competing against 13 other businesses across our country to see which can retrofit and reduce energy use the most, as part of the EPA's Energy Star National Building Competition.

So I'm pleased that the Home Star Energy Retrofit legislation before us will let the homeowners in my district follow that example.

This is the kind of nuts and bolts legislation we need—it saves homeowners money, puts Americans back to work, and cuts energy consumption—by retrofitting the nuts and bolts of our appliances and our homes.

In fact, we've been calling this retrofitting, but ''future-fitting'' is a more appropriate name.

We are investing in the future of our country's economy by creating jobs and helping the future of our environment by lowering energy consumption.

This bipartisan legislation makes sense and shows what we can do when we reach across the aisle and work together to create jobs and protect our environment.

Mr. STARK. Madam Chair, I rise today in support of legislation that continues Congress's commitment to making our economy greener while creating good jobs. The ''Home Star Energy Retrofit Act'' (H.R. 5019) will provide immediate incentives for consumers who renovate their homes to become more energy efficient. This will create good paying jobs while saving families money.

The average American household spends $2,100 per year on energy costs. Nearly 25% of that can be saved through efficiency upgrades. Unfortunately, many families cannot afford to make the changes needed to achieve savings. Using rebates will bring these upgrades within reach for 3 million families.

Up-front rebates of up to $3,000 will be provided for the installation of insulation, windows, doors, air and duct sealing, and water heaters. This will not only save families money and reduce energy usage, it will also create an estimated 170,000 jobs in construction, manufacturing, and retail. The legislation also provides seed money to States to support loans to consumers to finance energy efficiency home renovations.

As we are witnessing in the Gulf Coast, our addiction to fossil fuels has real and sometimes disastrous consequences. We must become more efficient and transition to an economy based on clean energy. We must continue to enact policies that invest in clean and renewable energy and energy efficiency and we can do so in a way that creates good-paying jobs. I urge all of my colleagues to vote yes.

Mr. CONYERS. Madam Chair, I rise today in support of the Home Star Energy Retrofit Act, which will provide immediate incentives for homeowners to make their houses more energy efficient. This two-tiered program will offer rebates for the insulation of houses and other energy-saving measures. By installing energy efficient windows, doors, water heaters and taking other steps to consume less energy, families can expect to save over $200 in costs each year. Energy audits will allow homeowners to know what other upgrades should be made.

In addition to allowing consumers to take advantage of the potential long-term savings in their heating and cooling costs, this rebate offer will continue the New Direction Congress' focus on creating clean energy jobs. An estimated 168,000 American jobs are expected to be created in the construction, manufacturing and retail industries—all of which have taken a tremendous hit during the current economic downturn.

This legislation, like the funds in the Recovery Act to weatherize low-income homes, shows this Congress' continued commitment to reducing the energy usage of houses across the country, which will keep money in Americans' pockets and decrease air pollution in many communities. While these funds do not provide money for roof repair, which is a serious need in many low-income communities and is something I hope Congress addresses soon, I still think that this bill will do much to improve efficiency in many homes.

The recent disaster in the Gulf Coast provides yet another tragic example of why we should be focusing on energy alternatives that are clean and safe. I am pleased to join labor, manufacturing and environmental groups in being in favor of this bipartisan legislation and I encourage my colleagues to support the bill.''

Mr. ETHERIDGE. Madam Chair, I rise today to support the Home Star Energy Retrofit Act of 2010, H.R. 5019. This legislation is an essential step to help Americans save on their energy bills while spurring the creation of good jobs and the development of new green industries that will help drive our nation's economic recovery and help us achieve a degree of energy independence.

I commend Representative WELCH for sponsoring this very important piece of legislation, which is bipartisan and supported by many pro-business and environmental organizations including the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Association of Home Builders, Home Depot, Laborers' International Union of North America, Natural Resources Defense Council, and the Home Star Coalition with over 1000 business and organization members nationwide. These groups agree that Home Star will spur much-needed consumer demand for energy-efficient products and building materials by providing significant and immediate rebates for home energy-efficient renovations. As a result, Home Star will quickly create jobs in the manufacturing, distribution and sale of energy-efficient products. These kinds of jobs are good for America, as construction jobs cannot be outsourced and 90 percent of the energy saving products needed for Home Star, including windows, doors, and insulation, are manufactured in the USA. In fact, according to a study conducted by the management consulting group McKinsey and Company, this legislation is expected to create 168,000 jobs.

Madam Chair, this legislation is a win-win for our economy. It will reduce the grip of foreign oil on our nation while spurring economic activity and job creation. I strongly support this legislation and encourage my colleagues to do the same.

Mr. DINGELL. Madam Chair, I am proud to stand in support of HomeStar, which holds much promise in three important areas. First and foremost, it will create jobs. Second, it will lead to greater residential energy efficiency. Third, it has the potential to lead to significant consumer savings.

In terms of jobs, Madam Speaker, my home state of Michigan is in a desperate situation. Our current unemployment rate is 14.3 percent and Wayne County has an unemployment rate of 15.7 percent. Between 2001 and 2009, Michigan lost nearly 43 percent of its construction jobs. The bottom line, we need jobs and we need them desperately. This program has the potential to put 168,000 workers back on the job. Not only will this help individual workers, but also small business, which has been a particularly hard hit segment of our economy. We cannot afford not to move forward.

According to the HomeStar Coalition, the energy efficiency gains have the potential to equal the removal of 615,000 cars from the road. This is particularly important since the Senate has yet to act on broader climate change legislation.

Finally, this program will be of great benefit to homeowners. This could save families as much as $9.4 billion in energy costs over ten years. In addition, it makes homes more valuable. In these economic times, these savings and increased home values cannot be underestimated.

Madam Chair, HomeStar follows on the heels of the wildly successful Cash for Clunkers program in which the federal government provided consumers vouchers to purchase new, more fuel-efficient vehicles. The initial allocation of $1 billion was exhausted sooner than anticipated and we had to secure an additional $2 billion in funding for the program. Cash-for-clunkers was responsible for the sale of nearly 700,000 new vehicles in the U.S. during its run, and it added nearly one percent to third quarter GDP growth. Cash-for-clunkers has been hailed as the most successful of all recent government economic stimulus programs. According to the Center for Automotive Research (CAR), cash-for-clunkers created approximately 40,200 new jobs nationally, of which 5,800 were in Michigan.

I urge all my colleagues to support this important legislation.

Mrs. MALONEY. Madam Chair, I rise today to voice my support for H.R. 5019, the Home Star Energy Retrofit Act.

This legislation will help to create jobs, while saving consumers money, and reducing our Nation's energy consumption.

It will also provide an important boost for the construction sector which has been mercilessly pounded by both the recession and the collapse in new housing construction.

In my role as Chair of the Joint Economic Committee, we have been examining the sector-by-sector impact of the Great Recession. The construction sector has seen employment drop by almost 28 percent since the recession began. More than two million jobs—in this sector alone—were lost.

We're not going to get those jobs back overnight, but policies like The Home Star Energy

Retrofit Act can play an important role in encouraging growth in construction while speeding our transition to a more energy-efficient economy.

The legislation provides rebates to consumers for purchasing energy-efficient products or materials and for doing renovations to make their homes more energy efficient.

Consumers can get the rebates for buying caulk or insulation at their local hardware store, for example, or working with a contractor on larger projects, such as installing new heating or cooling systems, or replacing windows.

The larger the project, the larger the rebate.

The legislation also creates a new State-Federal program to provide loans to consumers for renovations that improve energy efficiency.

The Home Star legislation builds on the energy efficiency provisions in the Recovery Act, including weatherization programs targeted at low-income families and retrofits of public housing.

The legislation helps us accomplish two key goals—increasing jobs and reducing our energy costs and consumption.

A number of studies have already shown the job creation power of retrofitting homes and buildings.

The Center for American Progress estimated that $40 billion invested in retrofits would create approximately 800,000 jobs. And these are good, high-paying jobs—construction workers, carpenters, electricians and roofers.

Finally, residential and commercial buildings use 40 percent of the energy in our country and account for 40 percent of carbon emissions.

The Home Star Energy Retrofit Act will speed the pace of home retrofits, speed up the creation of badly needed jobs, decrease our demand for carbon based fuels, and help us move more quickly to a cleaner, brighter, more energy efficient future.

I encourage you to support H.R. 5019.

Mr. THOMPSON of Mississippi. Madam Chair, I come to the floor today in support of the legislation before us, and to talk about companion efforts that can and should be undertaken to create jobs and ensure that people around the country are better protected from natural disasters. I support providing incentives to homeowners to make their homes energy efficient. However, at the same time, I believe we must help Americans make their homes stronger and safer.

I have long been a proponent of disaster mitigation and resiliency measures, and in fact, have sponsored a number of pieces of legislation that would assist families in strengthening their homes. I have also drafted an amendment to the Home Star bill, which though I did not offer, I am hoping can be the basis for discussions with the House, Senate and Administration as this bill moves forward.

Americans across the country are at risk from natural disasters. Though we cannot easily mitigate the disasters themselves, we can mitigate and lessen their impact. Homes can be strengthened to protect from the devastating effects of hurricanes, earthquakes, flooding, and tornadoes. Strengthening roof attachments, creating water barriers and seals, constructing saferooms, elevating electrical systems, adding storm shutters and roof protection systems are examples of what can be done to save lives and property.

Disaster resiliency not only helps better protect our residents and their property, but it creates jobs and is cost effective. A disaster mitigation program in Florida has found that for every 50 to 75 homes made more resilient, 160 construction jobs are created. Imagine if we were strengthening hundreds of thousands of homes in harm's way. We would create tens of thousands of jobs.

We would also be making a smart investment . . . one that will have significant cost savings. For every $1 spent to strengthen homes and communities, $4 is saved in recovery and rebuilding costs. That is not an insignificant cost savings.

Disaster mitigation also decreases energy use and reduces greenhouse gas emissions. South Carolina's state mitigation program found that installing disaster resiliency measures decreased energy usage by almost 30 percent. And, though not immediate, there are significant energy savings from preventing the destruction, and subsequent rebuilding, of homes and other structures.

Pairing disaster mitigation and energy efficiency retrofits makes sense. Federal programs should be making sure that energy efficient upgrades can withstand known risks, including natural disasters. In coastal areas, that means making sure that windows and doors are wind resistant in addition to being energy efficient, and it means making sure that the roof can withstand wind so that the home, and the energy efficiency work, is not wiped away in the next storm. Strengthening and protecting homes and buildings at the same time as we are making the homes energy efficient will help to protect our federal investment.

Providing incentives for disaster resiliency and mitigation has the support of numerous organizations including environmental groups, taxpayer advocate organizations, and affordable housing advocates. I believe there is widespread support for strengthening homes and buildings in harm's way. I look forward to working with my colleagues either on including incentives in Home Star as it moves forward or as a companion piece of legislation.

Mr. GENE GREEN of Texas. Madam Chair, I rise today in strong support of H.R. 5019, the Home Star Energy Retrofit Act, because this Congress must continue to make sure that Americans are getting back to work and that we are continuing to move our economy forward.

In our congressional district, the construction industry is one of the highest sources of income for residents, yet this industry has been especially hard-hit by the recent economic downturn.

Unemployment rates in the construction industry have risen almost 17.4 percent and have shed over 134,000 jobs over the past two years.

The HomeStar program seeks to increase employment in the construction and construction-related sectors and increase building energy efficiency to significantly reduce energy use in America.

It is estimated that the program will create approximately 168,000 more jobs in the construction and manufacturing sectors, while promoting American-made goods and services.

The program also seeks to address the issue of rising home energy costs by improving building energy efficiency.

I have always been a strong supporter of energy efficiency and I am pleased the HomeStar program will build on already existing energy efficient retrofitting programs to save homeowners as much as $9.2 billion in energy costs over 10 years.

Congress should continue to invest in job creation and energy efficiency measures in order to keep our nation a leader in the global economy.

I urge my colleagues to support this bill.

Mr. FALEOMAVAEGA. Madam Chair, I rise in strong support of H.R. 5019, the ''Home Star Energy Retrofit Act of 2010.'' First I want to thank the chief cosponsor Congressman PETER WELCH and all cosponsors for their support. I also want to commend Chairman HENRY WAXMAN of the House Committees on Energy and Commerce, Chairman SANDER LEVIN of the Committee on Ways and Means; and Chairman EDOLPHUS TOWNS of the Committee on Oversight and Government Reform, and House Speaker NANCY PELOSI, for their leadership on this important issue.

Madam Chair, the ''Home Star Energy Retrofit Act of 2010'' continues the road to economic recovery that was set in motion last year when President Obama and the U.S. Congress approved $787 billion in stimulus funding. Between January 1 and March 31 of this year alone 682,779 jobs were funded through recovery funding. Yet, more work remains to be done to sustain recovery and strengthen our economy and the piece of legislation before us today pursues this policy objective. It will provide further assistance to . . . facilitate energy conservation in homes across the Nation; create more jobs in the home construction and remodeling industries; promote domestic energy efficient products and equipments; and offer financing for homeowners to improve energy efficiency in homes. Overall, the economic benefits from this bill will provide more support for the many families across the country.

Madam Chair, data shows that American homes account for about 33 percent of the Nation's total electricity usage and an estimated 22 percent of all energy use in the United States. Because of high energy consumption in the country there are substantial economic benefits to be gained from installing energy-efficient improvements in every home across the Nation. A study by the Joint Center for Housing Studies of Harvard University supports this assessment noting that ''energy efficiency is one area where the economic benefits of green remodeling are readily apparent,'' and that ''the introduction of green systems could have a tremendous impact on national consumption.''

The same study also finds that nearly all of the 130 million homes across the country can be retrofitted with energy efficient improvements to realize savings in energy and utility costs. More significantly, retrofit and renovation work provide significant employment opportunities for the capable workers.

In essence, H.R. 5019 will create a national rebate program that will allow consumers to purchase and install at affordable costs, energy-efficient equipments and materials in existing homes. It consists of two-tracks, Silver and Gold programs, for long term and short term gains. Under the Silver program, rebates are awarded to contractors and vendors that are installing energy efficiency measures and from there the savings are passed on to the consumers. Rebates will apply to the cost of purchase, assembly and installation of insulation, windows, window film, sealants, doors,

heating and cooling replacement systems, and water heaters that meet minimum energy efficiency requirements. Overall, the homeowners may get up to $3000 in rebates.

Under the Gold Star program, rebates are available for energy retrofit works that will result in improvements in energy efficiency by at least 20 percent for the entire home. It rewards homeowners who conduct a comprehensive energy audit and implement a full complement of measures to reduce energy use throughout the home.

Madam Chair, I am pleased that this rebate program will be available in the U.S. Territories including my district of American Samoa. While much remains to be seen on how this rebate program will be administered and implemented, I am glad nevertheless that the federal government is doing its share to help families in American Samoa and throughout the United States.

I urge my colleagues to pass H.R. 5019.

Mr. VAN HOLLEN. Madam Chair, as an original cosponsor of this important legislation, I rise in strong support of the Home Star Energy Retrofit Act of 2010.

As we work to develop and deploy new forms of clean, homegrown energy, we must never lose sight of this central fact: There is no cleaner, cheaper source of energy than the energy you never have to use.

Energy efficiency is literally America's greatest energy resource. Over the past thirty years, energy efficiency and conservation improvements have significantly outpaced our production and import of petroleum and any other single source of energy.

Going forward, we can do even better, and this initiative is part of that future—creating 168,000 jobs across the United States, reducing carbon dioxide emissions by 4.14 metric tons, which is the equivalent of taking 767,000 cars off the road, and saving Americans $9.2 billion on their energy bills over the next decade.

Finally, in addition to the Silver and Gold level rebates provided to homeowners under this bill, this initiative also includes the establishment of a Home Star Energy Efficiency Loan Program so that states and localities can provide low-cost financing to homeowners wishing to undertake retrofits. While on a smaller scale, this provision is consistent with the Green Bank proposal included the House-passed energy bill and can go a long way towards overcoming the lack of upfront capital that is currently a barrier to many homeowners getting started on making these commonsense improvements in the first place.

Madam Chair, this combination of jobs, energy savings and consumer relief is a perfect trifecta for the American people. I thank my colleague Representative PETER WELCH for his leadership on this issue, commend the committee for bringing this bill to the floor and urge my colleagues' support.

Ms. JACKSON LEE of Texas. Madam Chair, I rise today in strong support of H.R. 5019, ''The Home Star Energy Retrofit Act of 2010.''

I would like to thank my colleague Representative PETER WELCH for introducing this legislation as it is important that we embrace programs that create jobs for Americans and help improve energy efficiency in our country.

As a member of the Renewable Energy and Energy Efficiency Caucus I am proud to express my support for this bill. Through the Home Star program, this bill seeks to create new jobs, save energy, and lower families' energy bills. The Home Star program will do this by encouraging home and business owners to update their stock of appliances and electronic devices with new energy efficient devices and appliances. Through the use of rebates and other consumer incentives this program will work in a proactive economic way to promote green technology and innovation.

This bill comes at an important time in our history, Madam Chair. Over the last several decades we have seen national electricity and energy use growing at unprecedented rates. We have also seen massive increases in greenhouse gas emissions and a loss in employment opportunities. This bill seeks to address each and every one of these issues with an approach that would benefit the environment and work towards the improvement of our communities.

The increases in consumer spending we seek to gain from this bill would also have a massive economic impact on our country during these turbulent economic times. By spurring consumer spending we will be creating new opportunities right here in the United States for industrial, economic and jobs growth.

This program is expected to allow 3 million families to retrofit their homes with new energy efficient appliances. Consumers are predicted to save $9.2 billion on their energy bills over the next 10 years as a result of Home Star's energy efficiency investments. Furthermore, the Home Star program will create 168,000 new jobs here in the United States.

Madam Chair, these jobs are desperately needed as our national unemployment rate has recently hit the 10 percent mark. This legislation would stipulate that construction jobs cannot be outsourced and more than 90 percent of the energy efficiency technologies approved by this bill are also manufactured right here in the United States.

This legislation will also save consumers money and cut pollution. By ensuring that more American homes and businesses are retrofitted with these new energy efficient appliances and fixtures we will be working proactively to cut greenhouse gases and reduce unnecessary use of our vital energy resources. Furthermore, this bill would also help us in our goal of achieving energy independence by further reducing our demand for foreign oil and fossil fuels.

The Home Star program proposed in this bill is authorized at $6 billion—however, H.R. 5019 will not include any appropriated funds. In other words, Madam Chair, this bill does not affect direct spending or revenue and will not hurt the American taxpayer.

I stand today with Representative PETER WELCH and other Members of Congress in reaffirming our support for energy efficiency in our nation. I also stand with my fellow members of the Renewable Energy and Energy Efficiency Caucus in supporting this bipartisan legislation. By enacting these types of economic incentives for consumers our nation will be cleaner, more efficient and will have lower levels of unemployment.

I ask my colleagues for their support of H.R. 5019, as well as for their continued support of green technology and the unemployed in our nation. By increasing our support for these types of programs we will ensure that our country remains a leader in energy efficient technology.

Madam Chair, I ask my colleagues to join me in supporting H.R. 5019.

Ms. RICHARDSON. Madam Chair, I rise today in strong support of H.R. 5019, the ''Home Star Energy Retrofit Act of 2010.'' I am a proud cosponsor of this important legislation, which will create thousands of good paying jobs, help millions of consumers and families, and make our nation more energy efficient and independent. This bill is good for business, good for labor, good for families, and good for America. It is little wonder that it enjoys broad based and bipartisan support.

I thank Chairman WAXMAN for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman WELCH, for recognizing the positive effect that home energy retrofitting can have on our economy, our energy supply, and our planet.

Madam Chair, our nation faces a serious energy crisis. We must adopt a comprehensive energy strategy that weans us off of our dependence on foreign oil and ensures our nation's long term prosperity. This strategy has to include becoming more efficient in our everyday use of energy, and that starts in our homes.

H.R. 5019 will spur home retrofits by offering rebates to homeowners who install energy saving products, such as insulation, duct sealing, air sealing, water heaters, and windows. Retrofitting will save homeowners $9.2 million on their energy bills over the next 10 years. Additionally, investing in the green economy creates jobs. This bill will create 168,000 new jobs by restarting the assembly lines that produce energy-saving devices and creating a demand for home construction and installations. Construction and installation jobs cannot be shipped overseas and 90 percent of energy efficiency technologies are manufactured here in the United States.

As importantly, this legislation will help the individuals in this country who are the most vulnerable. I know individuals in my Congressional district and across the country are struggling to pay their bills as energy costs skyrocket. Many do not know how long they will be able to afford hot water, heat for the winter, or cold air to make stifling summers bearable. This bill will lower energy costs for those individuals and help them ensure that they can afford safe and decent living conditions for themselves and their families.

This bill is supported by a wide-ranging coalition of religious, conservation, and pro-growth groups. H.R. 5019 is the right thing to do for our economy, our environment, and our communities. I urge my colleagues to join me in supporting H.R. 5019.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, I rise today in support of H.R. 5019, the Home Star Energy Retrofit Act of 2010.

The best way to lower energy costs is to make homes, buildings, vehicles, and infrastructure more energy efficient. Providing American homeowners with incentives to improve the energy efficiency in their homes is a straightforward concept that will spur job growth, protect our environment, and lower residential energy costs.

We must revolutionize our economy and energy infrastructure in order to become more efficient. The growing ''Green Economy'' presents an opportunity to create large numbers of quality, green-collar jobs for American workers to grow emerging industries and to improve the health of low- and middle-income

Americans. Specifically, Home Star will create 168,000 new jobs in an effort to jump start our Nation's struggling economy.

As the cost of energy continues to spiral out of control, Home Star presents a commonsense approach to mitigate costs to American homeowners. During extreme weather conditions, people living in poverty and the low-income elderly shouldn't be overburdened by the cost of energy to heat and cool their homes or the cost to provide food for themselves and their families. This legislation is another, positive step for America in the road towards economic recovery.

Madam Chair, Dallas is ready for this opportunity to make cost-effective investments to rebuild and retrofit our community and our Nation. I urge my colleagues to join me in supporting the Home Star Energy Retrofit Act of 2010.

Mr. MARKEY of Massachusetts. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 5019

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 qualified contractor—

(A) that is accredited—

(i) by the BPI; or

(ii) under other standards approved by the Secretary, in consultation with the Administrator; and

(B) effective 1 year after the date of enactment of this Act, that uses a certified workforce.

(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 in which all employees performing installation work are certified in the appropriate job skills under—

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

(i) BPI;

(ii) North American Technician Excellence;

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

(B) an applicable third party skills standard established in the State in which the work is to be performed, pursuant to a program operated by the Home Builders Institute in connection with Ferris State University, to be effective 30 days after notice is provided by those organizations to the Secretary that such program has been established in such State, except to the extent that the Secretary determines within 30 days of such notice that the standard or certification is incomplete; or

(C) 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, State agency, rural electric cooperative, municipality, or other governmental entity 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 101(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 104.

(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 111.

(13) 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).

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

(15) 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.

(16) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a residential energy efficiency contractor meeting minimum applicable requirements as determined under section 101(c).

(17) QUALITY ASSURANCE FRAMEWORK.—The term ''quality assurance framework'' means a policy structure adopted by a State to develop high standards for ensuring quality in ongoing energy efficiency retrofit activities in which the State has a role, including operation of the quality assurance program, while creating significant employment opportunities, in particular for targeted workers.

(18) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program authorized 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 field inspections required under this Act, with the consent of participating consumers and without delaying rebate payments to participating contractors and vendors.

(19) QUALITY ASSURANCE PROVIDER.—

(A) IN GENERAL.—The term ''quality assurance provider'' means any entity that is authorized pursuant to this Act to perform field inspections and other measures required to confirm the compliance of retrofit work with the requirements of this Act.

(B) CERTIFICATION REQUIREMENT.—To be considered a quality assurance provider under this paragraph, an entity shall be certified through—

(i) the International Code Council;

(ii) the BPI;

(iii) the RESNET;

(iv) a State;

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

(vi) any other entity designated for such purpose by the Secretary, in consultation with the Administrator.

(20) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 102.

(21) RESNET.—The term ''RESNET'' means the Residential Energy Services Network.

(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 103.

(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 United States Virgin Islands;

(G) the Northern Mariana Islands; and

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

(25) TARGETED WORKER.—The term ''targeted worker'' means an individual who is unemployed or underemployed and of an employable age and a resident of an area with high or chronic unemployment and low median household incomes, as defined by the Secretary in consultation with the Secretary of Labor.

(26) WATER UTILITY.—The term ''water utility'' means any State or local agency that delivers or sells water at wholesale or retail through an engineered distribution system.

TITLE I—HOME STAR RETROFIT REBATE PROGRAM

SEC. 101. 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 to 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 how to determine whether particular energy efficiency measures are eligible for rebate and how to participate in the program; and

(C) publish model forms and data protocols for use by contractors, vendors, and quality assurance providers to comply with the requirements of this title.

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

(c) QUALIFIED CONTRACTOR REQUIREMENTS.—A qualified contractor may perform retrofit work for which rebates are authorized under this title only if it executes a Home Star participation agreement with a rebate aggregator affirming that it meets applicable requirements, including—

(1) all applicable State contractor licensing requirements or, with respect to a State that has no such requirements, any appropriate comparable requirements established under paragraph (6);

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

(3) agreeing to provide 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) agreeing to pass through to the owner of a home, through a discount, the full economic value of all rebates received under this title with respect to the home;

(5) agreeing to provide to the homeowner a notice of—

(A) the amount of the rebate the contractor intends to apply for with respect to the eligible work under this title, before a contract is executed between the contractor and a homeowner covering the eligible work; and

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

(6) all requirements of an applicable State quality assurance framework by and after the date that is one year after the date of enactment of this Act; and

(7) any other appropriate requirements as determined by the Secretary, in consultation with the Administrator.

(d) ADMINISTRATIVE AND TECHNICAL SUPPORT.—Subject to section 112(b) and (c), beginning 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 and States as is necessary to carry out this title.

(e) ADMINISTRATION.—

(1) 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 title.

(2) RATE OF PAY.—The rate of pay for a person appointed under paragraph (1) shall not exceed the maximum rate payable for GS–15 of the General Schedule under chapter 53 of title 5, United States Code.

(3) 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 title.

(4) CONTRACTING.—In carrying out this title, 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.

(5) REGULATIONS.—

(A) 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—

(i) establish;

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

(iii) carry out,

the Home Star Retrofit Rebate Program.

(B) TIMING.—If the Secretary determines that regulations described in subparagraph (A) are necessary, the regulations shall be issued not later than 60 days after such determination.

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

(I) develop, adopt, or implement a public labeling system that rates and compares the energy performance of one home with another; or

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

(ii) Nothing in this subparagraph shall preclude—

(I) the computation, collection, or use, by the Secretary, rebate aggregators, quality assurance providers, or States for the purposes of carrying out sections 104 and 105, of information on the rating and comparison of the energy performance of homes with and without energy efficiency features or on energy performance evaluation or rating;

(II) the use and publication of aggregate data (without identifying individual homes or participants) based on information referred to in subclause (I) to determine or demonstrate the performance of the Home Star program; or

(III) the provision of information referred to in subclause (I) with respect to a specific home—

(aa) to the State, homeowner, quality assurance provider, rebate aggregator, or contractor performing retrofit work on that home, or an entity providing Home Star services, as necessary to enable carrying out this title; or

(bb) for purposes of prosecuting fraud and abuse.

(6) 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.

(7) EFFECTIVE PERIOD.—Paragraphs (1), (3), (4), (5), and (6) shall be effective only for fiscal years 2010 and 2011.

(f) PROGRAM REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a State-by-State analysis and review the distribution of Home Star retrofit rebates under this title.

(g) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may, after not less than 30 days public notice, prospectively adjust the rebate amounts provided for under this title as necessary to optimize the overall energy efficiency resulting from the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(h) INDIAN TRIBE PARTICIPATION.—

(1) IN GENERAL.—An Indian tribe, within 30 days after the date of enactment of this Act, may indicate to the Secretary its intention to act in place of a State for purposes of carrying out the responsibilities of the State under this title with respect to its tribal lands. If the Indian tribe so indicates, the Secretary shall treat the Indian tribe as the State for purposes of carrying out this title with respect to those tribal lands.

(2) TRANSITION OF RESPONSIBILITIES.—The Secretary may permit an Indian tribe, after the expiration of 30 days after the date of enactment of this Act, to assume the responsibilities of a State under this title with respect to its tribal lands if the Secretary finds that such assumption of responsibilities will not disrupt the ongoing administration of the program under this title.

(3) COOPERATION.—An Indian tribe may cooperate with a State or the Secretary to ensure that all of the requirements of this title are carried out with respect to the tribal lands.

(i) IMPLEMENTATION BY SECRETARY.—

(1) IN GENERAL.—If a State has not indicated to the Secretary within 30 days after the date of enactment of this Act that it is prepared to carry out section 105, or if at any later time the Secretary determines that a State is no longer prepared to carry out section 105, to the extent that no Indian tribe assumes such responsibilities under subsection (h) the Secretary shall assume the responsibilities of that State with respect to carrying out section 105.

(2) TRANSITION OF RESPONSIBILITIES.—The Secretary may permit a State, after the Secretary has assumed the responsibilities of that State under paragraph (1), to assume the responsibilities assigned to States under section 105 with respect to that State if the Secretary finds that such assumption of responsibilities will not disrupt the ongoing administration of the program under this title.

(j) LIMITATION.—Rebates may not be provided under both section 103 and section 104 with respect to the same home.

(k) FORMS FOR CERTIFICATION AND QUALITY ASSURANCE.—

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

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

(B) each quality assurance provider on completion of field verification required under this section.

(2) NATIONAL HOME PERFORMANCE COUNCIL.—The Secretary, States, and Indian tribes shall consider and may use model certification forms developed by the National Home Performance Council to ensure compliance with quality assurance requirements under this title.

(l) PUBLIC-PRIVATE PARTNERSHIPS.—A State that receives a grant under this title is encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing the Home Star Retrofit Rebate 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.

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

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

(A) the Energy Star appliance rebates program authorized under section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821), and any other Federal programs that provide funds to States for home or appliance energy efficiency purposes; 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 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 funds made available under this title to enhance and extend existing programs; and

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

(n) HEALTH AND SAFETY REQUIREMENTS.—Nothing in this title shall relieve any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

SEC. 102. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors and vendors, to reimburse those contractors and vendors for discounts provided to homeowners for energy efficiency retrofit work. The Secretary shall approve or deny an application from a person seeking to become a rebate aggregator not later than 30 days after receiving such application. The Secretary may disqualify any rebate aggregator that fails to meet its obligations under this title in a timely and competent manner.

(b) AVAILABILITY.—Not later than 30 days after the date of enactment of this Act, the Secretary shall identify at least 1 rebate aggregator

in each State ready and able to accept rebate applications from any qualified contractor. Not later than 90 days after such date of enactment, the Secretary shall ensure that rebate aggregation services are available to all homeowners in the United States at the lowest reasonable cost.

(c) RESPONSIBILITIES.—Rebate aggregators shall—

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

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

(3) provide data to the Secretary for inclusion in the database maintained through the Federal Rebate Processing System, consistent with data protocols established by the Secretary;

(4) not later than 30 days after the date of receipt, distribute funds received from the Secretary to contractors, vendors, or other persons in accordance with approved claims for reimbursement made to the Federal Rebate Processing System;

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

(6) review contractor qualifications and accreditation and retain documentation of such qualification and accreditation, as required for contractors to be authorized to perform residential energy efficiency retrofit work under this title; and

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

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

(1) shall be—

(A) a Home Performance with Energy Star partner;

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

(C) a Federal power marketing administration or the Tennessee Valley Authority;

(D) an electric utility, natural gas utility, or water utility administering or offering a residential energy efficiency retrofit program; or

(E) an entity—

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

(ii) who can demonstrate adequate financial capability to manage a rebate aggregator program, as evidenced by audited financial records; and

(iii) whose participation in the program, in the judgment of the Secretary, would not disrupt existing residential retrofit programs in the States that are carrying out the Home Star Retrofit Rebate Program under this title;

(2) must be able to demonstrate—

(A) a relationship with 1 or more independent quality assurance providers that is sufficient to meet the volume of contracting services delivered;

(B) the capability to provide such electronic data as is required by the Secretary to the Federal Rebate Processing System; and

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

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

(e) PROMPT PROCESSING OF REBATES.—Within 10 days after receiving an application for a rebate consistent with this title, a rebate aggregator shall submit a claim for that rebate to the Federal Rebate Processing System. Within 10 days after the Federal Rebate Processing System receives such a submission from a rebate aggregator, the Secretary shall provide the funds to the rebate aggregator necessary to pay such rebates to the qualified contractor or vendor who applied for them and to compensate the rebate aggregator for its services in accordance with this title. Within 10 days of being provided such funds, the rebate aggregator shall pay the rebates to the rebate applicant.

(f) 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 their participation toward State-level energy savings targets; and

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

SEC. 103. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—During the first year after the date of enactment of this Act, a Silver Star Home Energy Retrofit Program rebate shall be awarded, subject to the maximum amount limitations under subsection (d)(4), to participating contractors and vendors, to reimburse them for discounts provided to the owner of the home for the retrofit work, for the installation of energy savings measures—

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

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

(3) carried out in compliance with this section.

(b) ENERGY SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under subsection (a) 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, including interior and exterior measures, utilizing sealants, caulks, polyurethane foams, gaskets, weather-stripping, mastics, and other building materials 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 the total conditioned footprint of the house.

(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 and—

(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—

(A) windows that—

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

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

(B) skylights that comply with the 2010 Energy Star specification for skylights.

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

(8)(A) Heating system replacement of—

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

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

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

(iv) an oil boiler with a boiler that has 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) in the case of a furnace or boiler, has a distribution system (such as ducts or vents) that allows heat to reach all or most parts of the home and qualifies for Phase 2 of the EPA Voluntary Program for Hydronic Heaters; and

(cc) in the case of a stove, replaces an existing wood or wood pellet stove and is certified by the EPA, and a voucher is provided by the installer or other responsible party certifying that the old stove has been removed and rendered inoperable or recycled at an appropriate recycling facility; and

(II) an accredited independent laboratory recognized by the EPA certifies that the new system—

(aa) has thermal efficiency (lower heating value) of at least 75 percent for stoves and at least 90 percent for furnaces and boilers; and

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

(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 air-source 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 conditioner, SEER 16 and EER 13; and

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

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

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

(A) a natural gas or propane 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 (8);

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

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

(G) 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

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

(12) Storm windows that—

(A) are installed on at least 5 existing 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 set for storm windows and their installation.

(13) Window film that is installed on at least 8 exterior windows, doors, or skylights, or 75 percent of the total exterior square footage of glass in a home, whichever is less, with window films that—

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

(B) have—

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

(ii) a solar heat gain coefficient of 0.43 or less with a visible light light-to-solar heat gain coefficient of at least 1.1 and a U-factor of 0.40 or less as installed in 2009 International Energy Conservation Code climate zones 4–8.

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (13) 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 subsection (a) 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 under subsection (a) shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(1) or (2); and

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

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under subsection (a) 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)(11)(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)(12), with a minimum of 5 storm windows and a maximum of 12;

(E) $250 each for a maximum of 4 electric tankless water heaters described in subsection (b)(11)(F) for each home; and

(F) $500 for window film described in subsection (b)(13).

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

(A) $3,000;

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

(C) if the Secretary finds that the net value to the homeowner of the rebates, as a function of the discount the contractor or vendor provides to the homeowner for the installed measures, is less than the amount of the rebates, the actual net value to the homeowner.

(e) VERIFICATION AND CORRECTION OF WORK.—

(1) REIMBURSEMENT.—On submission of a claim by a rebate aggregator to the Federal Rebate Processing System, the Secretary shall provide reimbursement to the rebate aggregator for energy-efficiency measures installed in a home, subject to paragraphs (2) and (3).

(2) VERIFICATION.—

(A) PERCENTAGE OF RETROFITS VERIFIED.—

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

(I) 20 percent of the retrofits performed by each qualified contractor under this section with respect to a rebate described in subsection (a) shall be randomly subject to field verification by an independent quality assurance provider of all work associated with the retrofit; and

(II) in the case of a qualified contractor that uses a certified workforce, 10 percent of the retrofits performed by that contractor under this section with respect to a rebate described in subsection (a) shall be randomly subject to field verification by an independent quality assurance provider of all work associated with the retrofit.

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

(I) the Secretary has found to fail to comply with the requirements of this section, the Secretary may establish a higher percentage of the retrofits performed by that contractor under this section with respect to a rebate described in subsection (a) to be subject to field verification by an independent quality assurance provider; and

(II) the Secretary has found to successfully comply with the requirements of this section, the Secretary may establish a lower percentage of the retrofits performed by that contractor under this section with respect to a rebate described in subsection (a) to be subject to field verification by an independent quality assurance provider.

(B) HOMEOWNER COMPLAINT.—A homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this title has not been achieved. The quality assurance program shall provide that, upon receiving such a complaint, an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor. Verifications under this subparagraph shall be in addition to those conducted under subparagraph (A), and shall be corrected in accordance with paragraph (3).

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

(A) The installed measures will comply with the specifications and quality standards under this section if a field verification by a quality assurance provider finds that corrective work is needed. Such compliance shall be achieved by the installing accredited contractor not later than 14 days after the date of notification of a defect pursuant to a warranty, provided at no additional cost to the homeowner.

(B) A subsequent quality assurance visit shall be conducted to evaluate the remedy not later than 7 days after notification that the defect has been corrected.

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

(4) ACCESS TO HOME.—In order to be eligible for a discount from a contractor or vendor for which a rebate is provided under subsection (a), a homeowner shall agree to permit such access to the home, upon reasonable notice and at a mutually convenient time, as is necessary to verify and correct retrofit work.

(f) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—

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

(A)(i) in the case of insulation, qualify for a tax credit under section 25C of the Internal Revenue Code of 1986, but with respect to which no claim for such a tax credit has been made; and

(ii) in the case of air sealing products, are sealants, caulks, polyurethane foams, gaskets, weather-stripping, mastics, or other air sealing products described in subsection (b)(1);

(B) are purchased by a homeowner for installation by the homeowner in a home identified by its address by the homeowner;

(C) are accompanied by educational materials on proper installation of the products, including materials emphasizing the importance of air sealing when insulating; and

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

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

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

(g) REVIEW.—

(1) IN GENERAL.—The Secretary shall determine whether information submitted to the Federal Rebate Processing System with respect to a rebate was complete, and on the basis of that information and other information available to the Secretary, shall determine whether the requirements of this section 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, or that sufficient information was not submitted to the Federal Rebate Processing System to enable such determination, the Secretary—

(A) may—

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

(ii) withhold the amount of the incorrect payment from a payment made to the party pursuant to a subsequent request; and

(B) shall, to the extent the Secretary determines the benefit of the rebate was not passed through to the homeowner through a discount on the price of the retrofit work, order the contractor or vendor to pay the amount of rebate benefit not previously passed through to the homeowner.

SEC. 104. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—A Gold Star Home Energy Retrofit Program rebate shall be awarded, subject to subsection (b), to participating accredited contractors and vendors, to reimburse them for discounts provided to the owner of the home for the retrofit work, for retrofits that achieve whole home energy savings carried out after the date of enactment of this Act in accordance with this section.

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

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

(2) any other energy-saving measure, such as home energy management systems, high-efficiency appliances, highly reflective roofing, awnings, canopies, and similar external fenestration attachments, automatic boiler water temperature controllers, and mechanical air circulation and heat exchangers in a passive-solar home—

(A) that can be demonstrated, when installed and operated as intended, to improve energy efficiency; and

(B) for which an energy efficiency contribution can be determined with confidence.

(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 of a home under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved 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, in consultation with the Administrator;

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

(iv) a HERS rating system approved or required by the law of the State in which the home is located.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software programs 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 software program assumptions for carrying out paragraph (2);

(B) require compliance with software program 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 determined by metered pre-retrofit energy usage.

(5) RECOMMENDED MEASURES.—Software programs used under this subsection shall have the ability at a minimum to assess the savings associated with all the measures for which rebates are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) AMOUNT OF REBATE.—Subject to subsection (e)(2), the amount of a rebate provided 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.

(e) VERIFICATION AND CORRECTION OF WORK.—

(1) REIMBURSEMENT.—On submission of a claim by a rebate aggregator to the Federal Rebate Processing System, the Secretary shall provide reimbursement to the rebate aggregator for energy-efficiency measures installed in a home, subject to paragraphs (2) and (3).

(2) VERIFICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), all work conducted in a home as part of a whole-home retrofit by an accredited contractor under this section shall be subject to random field verification by an independent quality assurance provider at a rate of—

(i) 15 percent; or

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

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

(i) a post-retrofit home energy rating is conducted by an entity that is 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 the law of the State in which the home is located;

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

(iii) the rating includes field verification of all measures for which rebates are being provided.

(C) HOMEOWNER COMPLAINT.—A homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this title has not been achieved. The quality assurance program shall provide that, upon receiving such a complaint, an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor. Verifications under this subparagraph shall be in addition to those conducted under subparagraph (A), and shall be corrected in accordance with paragraph (3).

(D) ACCESS TO HOME.—In order to be eligible for a discount from a contractor or vendor for which a rebate is provided under this section, a homeowner shall agree to permit such access to the home, upon reasonable notice and at a mutually convenient time, as is necessary to verify and correct retrofit work.

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

(A) The installed measures will comply with manufacturer and applicable code standards and the specifications and quality standards under this section if a field verification by an independent quality assurance provider finds that corrective work is needed. Such compliance shall be achieved by the installing accredited contractor not later than 14 days after the date of notification of a defect pursuant to a warranty, provided at no additional cost to the homeowner.

(B) A subsequent quality assurance visit shall be conducted to evaluate the remedy not later than 7 days after notification that the defect has been corrected.

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

(f) REVIEW.—

(1) IN GENERAL.—The Secretary shall determine whether information submitted to the Federal Rebate Processing System with respect to a rebate was complete, and on the basis of that information and other information available to the Secretary, shall determine whether the requirements of this section 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, or that sufficient information was not submitted to the Federal Rebate Processing System to enable such determination, the Secretary—

(A) may—

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

(ii) withhold the amount of the incorrect payment from a payment made to the party pursuant to a subsequent request; and

(B) shall, to the extent the Secretary determines the benefit of the rebate was not passed through to the homeowner through a discount on the price of the retrofit work, order the contractor or vendor to pay the amount of rebate benefit not previously passed through to the homeowner.

SEC. 105. QUALITY ASSURANCE.

(a) QUALITY ASSURANCE FRAMEWORK.—

(1) IN GENERAL.—States that elect to carry out a quality assurance program pursuant to subsection (b) shall plan, develop, and implement a quality assurance framework. The Secretary shall promptly solicit the submission of model State quality assurance framework plans consistent with the requirements of this section and, not later than 60 days after the date of enactment of this Act, shall approve one or more such model plans that incorporate nationally consistent high standards for optional use by States. Not later than 180 days after the date of enactment of this Act, each State electing to develop a quality assurance framework shall submit its plan to the Secretary, who shall then approve or reject such plan within 30 days, providing a detailed statement of deficiencies if the plan is rejected. If a State's plan is rejected, that State may resubmit its plan within 30 days.

(2) IMPLEMENTATION.—A State shall—

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

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

(3) COMPONENTS.—The quality assurance framework established under this subsection shall include—

(A) minimum standards for accredited contractors, including—

(i) compliance with applicable Federal, State, and local laws;

(ii) use of a certified workforce;

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

(iv) use of independent contractors only when appropriately classified as such pursuant to Revenue ruling 87–41 and section 530(d) of the Revenue Act of 1978 and relevant State law;

(B) maintenance of a list of accredited contractors;

(C) requirements for maintenance and delivery to the Federal Rebate Processing System of information needed to verify compliance and ensure appropriate compensation for quality assurance providers;

(D) targets and realistic plans for—

(i) the recruitment of minority and women-owned small business enterprises;

(ii) the employment of graduates of training programs that primarily serve targeted workers;

(iii) the employment of targeted workers; and

(iv) the availability of financial assistance under the Home Star Loan Program to—

(I) public use microdata areas that have a poverty rate of 12 percent or more; and

(II) homeowners served by units of local government in jurisdictions that have an unemployment rate that is 2 percent higher than the national unemployment rate;

(E) 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;

(F) quarterly reports to the Secretary on the progress of implementation of the quality assurance framework and its success in meeting its targets and plans; and

(G) maintenance of a list of qualified quality assurance providers and minimum standards for such quality assurance providers.

(4) NONCOMPLIANCE.—If the Secretary determines that a State that has elected to implement a quality assurance program, but has failed to plan, develop, or implement a quality assurance framework in accordance with this section, the Secretary shall suspend further grants for State administration pursuant to section 112(b)(1).

(b) QUALITY ASSURANCE PROGRAMS.—

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

(A) 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) to be managed by the office or the designee of the office—

(i) that is 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, that is conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, to be 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 has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this title, the Secretary may—

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

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

(3) IMPLEMENTATION.—A State that receives a grant under this title may implement a quality assurance program through the State or an independent quality assurance provider designated by the State, including—

(A) an energy service company;

(B) an electric utility;

(C) a natural gas utility;

(D) an independent administrator designated by the State; or

(E) a unit of local government.

SEC. 106. REPORTS.

(a) IN GENERAL.—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 this title—

(1) not later than 1 year after the date of enactment of this Act; and

(2) not later than the earlier of—

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

(B) December 31, 2012.

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

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

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

(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 title 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 rebates provided under this title; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate.

(c) REQUIRED INFORMATION.—

(1) REQUIREMENT.—Rebate aggregators and States participating in the Home Star Retrofit Rebate Program shall provide to the Secretary such information as the Secretary requires to prepare the report required under this section.

(2) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator or State has not provided the information required under paragraph (1), the Secretary shall provide to the rebate aggregator or State a period of at least 90 days to provide the necessary information, subject to withholding of funds or reduction of future grant amounts.

SEC. 107. TREATMENT OF REBATES.

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

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

(2) shall supplant any credit allowed under section 25C or 25D of that Code for eligible work performed in the home of the homeowner.

(b) NOTICE.—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.

SEC. 108. HEATING AND COOLING EFFICIENCY STUDY.

(a) IN GENERAL.—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 study not later than 1 year after the date of enactment of this Act.

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

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

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

SEC. 109. PUBLIC INFORMATION CAMPAIGN.

Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the States and the Secretary, shall develop and implement a public education campaign that describes—

(1) the benefits of home energy retrofits; and

(2) the availability of rebates for the installation of qualifying energy savings measures under the Silver Star Home Energy Retrofit Program and for whole home energy savings under the Gold Star Home Energy Retrofit Program.

SEC. 110. PENALTIES.

(a) IN GENERAL.—The Secretary may—

(1) assess and compromise a civil penalty against a person who violates this title (or any regulation issued under this title); and

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

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

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

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

SEC. 111. 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 qualifying energy savings measures under the Silver Star Home Energy Retrofit Program or whole home energy savings under the Gold Star Home Energy Retrofit Program.

(2) 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 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)(1).

(3) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a mechanism for the establishment and operation of a loan program that is—

(A) administered by a qualified financing entity; and

(B) funded in significant part—

(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 the installation of qualifying energy savings measures under the Silver Star Home Energy Retrofit Program or whole home energy savings under the Gold Star Home Energy Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the Home Star Loan 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 installations described in subsection (b);

(2) require all financed installations to be performed by contractors in a manner that meets minimum standards provided under sections 103 and 104;

(3) establish standard underwriting criteria to determine the eligibility of Home Star Loan 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 Home Star Loan Program in the State); and

(4) undertake particular efforts to make such loans available in public use microdata areas that have a poverty rate of 12 percent or more in a proportion of total loans made at least equal to the proportion the number of residents in such areas bears to the total population of the area served by that qualified financing entity.

(d) ALLOCATION.—In allocating 75 percent of the funds made 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.). In allocating the remaining 25 percent of the funds made available to States for each fiscal year under this section, the Secretary may vary the result of the formula to recognize and reward those States that make the best progress in providing loans to low-income areas pursuant to subsection (c)(4).

(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, or has required its designated qualified financing entities to establish, a qualified loan program mechanism that—

(A) will use a quality assurance program established under this title or another appropriate methodology to ensure energy savings;

(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

(3) will provide, in a timely manner, all information regarding the administration of the Home Star Loan Program as the Secretary may require to permit the Secretary to meet the program evaluation requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States for carrying out the Home Star Loan Program may be used to support financing mechanisms offered by qualified financing entities to eligible participants, including—

(1) interest rate reductions to interest rates as low as 0 percent;

(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 (excluding securitization instruments) necessary—

(A) to use available funds to obtain appropriate leverage through private investment; and

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

(g) USE OF REPAID FUNDS.—In the case of a revolving loan fund described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the Home Star Loan Program to provide financial assistance for additional eligible participants for installations described in subsection (b) in a manner that is consistent with this section.

(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 Home Star Loan Program;

(2) how many jobs have been created through the Home Star Loan Program, directly and indirectly;

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

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the Home Star Loan 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.

SEC. 112. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (j), there are authorized to be appropriated to carry out this title $6,000,000,000 for the period of fiscal years 2010 and 2011, to remain available until expended.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any prior or planned Federal and State funding provided to carry out energy efficiency programs. To the extent the Secretary finds that a State has supplanted other such programs with funding under this section, the Secretary may withhold an equivalent amount of funding from allocations for the State under this title.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, of the amount provided under subsection (a), not more than 9 percent is authorized to be appropriated to the Secretary for providing grants to States, to be used for—

(A) administrative costs of carrying out this title;

(B) development and implementation of quality assurance frameworks;

(C) oversight of quality assurance programs;

(D) establishment and delivery of financing mechanisms, in accordance with paragraph (2); and

(E) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star Retrofit Rebate Program.

(2) FINANCING.—Of the amounts allocated to the States under paragraph (1), not less than 60 percent shall be used to carry out section 111.

(3) DISTRIBUTION TO STATES.—

(A) PROVISION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the State energy offices, or such other State entities as are designated by the Governor, of States that are carrying out responsibilities under section 105, 25 percent of the funds described in paragraph (1).

(B) ALLOCATION.—Funds described in subparagraph (A) 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.).

(C) FUND ALLOCATION PROCESS.—The Secretary shall allocate the remaining 75 percent of the funds described in paragraph (1) in a manner that may vary from the formula described in subparagraph (B) as necessary to best support the objectives of achieving energy efficiency gains, employment of underemployed workers, and implementing quality assurance programs and frameworks in participating States.

(4) WITHHOLDING OF FUNDS.—To the extent that the Secretary assumes the responsibilities of a State under section 101(i), the Secretary shall withhold the portion of the funds otherwise transferrable to the State under this section that are attributable to those State responsibilities.

(5) INDIAN TRIBES.—

(A) IN GENERAL.—If an Indian tribe acts in place of a State for purposes of carrying out the responsibilities of the State under this title with respect to its tribal lands pursuant to section 101(h), the Secretary shall transfer to that Indian tribe, instead of the State, the proportionate share of funds otherwise transferrable to the State under this section.

(B) PROPORTIONATE SHARE.—For purposes of subparagraph (A), the proportionate share shall be calculated on the basis of the percentage of the population of the State that resides within the tribal lands.

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent are authorized to be appropriated to the Secretary to be used as provided in paragraph (2), in accordance with information provided by the State offices or entities described in subsection (b)(3)(B) with respect to services provided by quality assurance providers.

(2) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers and rebate aggregators for services provided under this title.

(3) COMPENSATION.—The amount of compensation provided under this subsection shall be—

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

(I) not more than $25 to rebate aggregators per rebate review and processing under the program; and

(II) $150 to quality assurance providers for each field inspection conducted under the program; and

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

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

(II) $300 to quality assurance providers 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 title to optimize the overall energy efficiency resulting from the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than 2.5 percent are authorized to be appropriated to the Secretary to be used for costs associated with tracking rebates and expenditures through the Federal Rebate Processing System under this title, technical assistance to States, and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than 0.2 percent are authorized to be appropriated to the Administrator to be used for costs associated with public education and coordination with the Federal Energy Star program.

(f) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—

(1) IN GENERAL.—Of the amount provided under subsection (a), after subtracting the amounts authorized in subsections (b), (d), and (e) of this section, two-thirds of the remainder are authorized to be appropriated to the Secretary to be used to provide rebates and other payments authorized under the Silver Star Home Energy Retrofit Program.

(2) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—Of the amounts appropriated pursuant to this subsection for the Silver Star program, 7.5 percent shall be made available for rebates under section 103(f).

(g) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—Of the amount provided under subsection (a), after subtracting the amounts authorized in subsections (b), (d), and (e) of this section, one-third of the remainder is authorized to be appropriated to the Secretary to be used to provide rebates and other payments authorized under the Gold Star Home Energy Retrofit Program.

(h) 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.

(i) SUNSET.—With the exception of the provisions of section 102(c)(5), (6), and (7), sections 107, 110, and 111, this subsection, and the relevant definitions in section 2 to those provisions, this title shall cease to be effective after December 31, 2012. Nothing in this subsection shall prevent a State from continuing to implement a quality assurance framework established pursuant to section 105.

TITLE II—ENERGY EFFICIENT MANUFACTURED HOMES

SEC. 201. ENERGY EFFICIENT MANUFACTURED HOMES.

(a) DEFINITIONS.—In this section:

(1) MANUFACTURED HOME.—The term ''manufactured home'' has the meaning given such term in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402).

(2) ENERGY STAR QUALIFIED MANUFACTURED HOME.—The term ''Energy Star qualified manufactured home'' means a manufactured home that has been designed, produced, and installed in accordance with Energy Star's guidelines by an Energy Star certified plant.

(b) PURPOSE.—The purpose of this section is to assist low-income households residing in manufactured homes constructed prior to 1976 to save energy and energy expenditures by providing funding for the purchase of new Energy Star qualified manufactured homes.

(c) GRANTS TO STATE AGENCIES.—

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

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

(3) FUNDING.—

(A) PRIMARY RESIDENCE REQUIREMENT.—Funding described under paragraph (1) may only be made to an owner of a manufactured home constructed prior to 1976 that has been used by the owner as a primary residence on a year-round basis for at least the previous 12 months.

(B) DESTRUCTION AND REPLACEMENT.—Funding described under paragraph (1) may be provided only if the manufactured home constructed prior to 1976 will be—

(i) destroyed (including appropriate recycling); and

(ii) replaced, in an appropriate area, as determined by the applicable State agency, with an Energy Star qualified manufactured home.

(C) LIMITATION.—Funding described under paragraph (1) may not be provided to any owner of a manufactured home constructed prior to 1976 that was or is a member of a household for which any member of the household was provided funding pursuant to this section.

(D) ELIGIBLE HOUSEHOLDS.—To be eligible to receive funding described under paragraph (1), an owner of a manufactured home constructed prior to 1976 shall demonstrate to the applicable State agency that the total income of all members the owner's household does not exceed 80 percent of the area median income in the applicable area, as determined by the Secretary.

(E) LEASES.—To be eligible to receive funding described under paragraph (1), an owner of a manufactured home constructed prior to 1976 who intends to place the new Energy Star qualified manufactured home on property leased from another person shall hold a lease to such property of at least 3 years in duration.

(4) FUNDING AMOUNT.—Funding provided by State agencies under this subsection shall not exceed $7,500 per manufactured home from any funds appropriated pursuant to this section.

(5) USE OF STATE FUNDS.—A State agency providing funding under this section may supplement the amount of such funding under paragraph (4) by any amount such agency approves if such additional amount is from State funds and other sources, including private donations and grants or loans from charitable foundations.

(6) SIMILAR PROGRAMS.—

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

(B) FEDERAL PROGRAMS.—The Secretary shall seek to achieve the purpose of this section through similar Federal programs including—

(i) the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); and

(ii) the program under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(7) ADMINISTRATION.—

(A) CONTROLS AND PROCEDURES.—Each State agency receiving funds under this section shall establish fiscal controls and accounting procedures sufficient, as determined by the Secretary, to ensure proper accounting for disbursements made from such funds and fund balances. Such procedures shall conform to generally accepted Government accounting principles.

(B) COORDINATION WITH OTHER STATE AGENCIES.—A State agency receiving funds under this section may coordinate its efforts, and share funds for administration, with other State agencies or nonprofit organizations involved in low-income housing programs.

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

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

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section $200,000,000 for fiscal year 2010 and $400,000,000 for fiscal year 2011, to remain available until expended.

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

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–475. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MARKEY OF MASSACHUSETTS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–475.

Mr. MARKEY of Massachusetts. Madam Chair, I, as the designee of Mr. WAXMAN, rise to offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MARKEY of Massachusetts:

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

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

Page 5, line 8, insert ''or wholesale'' after ''retail''.

Page 6, line 6, strike ''111'' and insert ''110''.

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

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

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

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

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

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

Page 10, line 15, strike ''and''.

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

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

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

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

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

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

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

Page 12, line 16, strike ''112'' and insert ''111''.

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

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

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

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

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

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

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

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

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

Page 19, line 7, strike ''section'' and insert ''title''.

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

(o) INFORMATION HOTLINES.—

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

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

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

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

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

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

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

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

Page 22, line 14, strike ''30'' and insert ''10''.

Page 23, line 22 strike ''and''.

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

Page 24, line 3, insert ''and'' after the semicolon.

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

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

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

Page 26, line 9, strike ''polyurethane'' and insert ''insulating''.

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

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

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

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

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

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

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

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986 or, in areas above 5,000 feet elevation, have a U-factor of at least 0.35 when replacing windows that are single-glazed or double-glazed with an internal air space of ¼ inch or less.

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

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

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

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

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

(II) an AFUE rating of 95 or greater;

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

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

(I) the new system—

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

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

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

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

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

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

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

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

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

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

(I) SEER 16 and EER 13; or

(II) SEER 18 and EER 15; and

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

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

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

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

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

(i) a desuperheater; or

(ii) year-round demand water heating capability.

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

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

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

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

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

Page 33, line 10, strike ''less'' and insert ''more''.

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

Page 34, line 18, strike ''and''.

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

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

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

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

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

Page 35, line 4, strike ''$250'' and insert ''$400''.

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

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

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

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

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

Page 35, line 14, strike ''and''.

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

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

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

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

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

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

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

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

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

Page 40, line 4, strike ''polyurethane'' and insert ''insulating''.

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

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

Page 45, line 2, strike ''metered'' and insert ''verified''.

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

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

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

(A) If a field verification by an independent quality assurance provider finds that corrective work is needed, the accredited contractor will correct the work so the installed measures comply with manufacturer and applicable code standards, and reasonably determined energy savings projections indicate compliance with the specifications and quality standards under this title. Such compliance shall be achieved not later than 14 days after the date of notification of a defect pursuant to a warranty, provided at no additional cost to the homeowner.

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

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

and their proportion to the State's population.

Page 52, line 5, strike ''minority and'' and insert ''minority, veteran, and''.

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

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

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

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

Page 53, line 16, strike ''112'' and insert ''111''.

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

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

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

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

Page 58, line 11, strike ''and''.

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

Page 58, after line 16, insert the following:

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

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

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

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

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

Page 60, line 8, strike ''and''.

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

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

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

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

Page 61, line 22, strike ''and''.

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

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

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

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

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

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

(B) information concerning''.

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

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

Page 64, line 10, insert ''or'' after the semicolon.

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

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

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

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

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

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

(1) DISTRIBUTION TO STATES.—

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

(i) administrative costs of carrying out this title;

(ii) development and implementation of quality assurance frameworks;

(iii) oversight of quality assurance programs;

(iv) establishment and delivery of financing mechanisms, in accordance with paragraph (2); and

(v) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star Retrofit Rebate Program.

(B) DISTRIBUTION.—

(i) PROVISION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the State energy offices, or such other State entities as are designated by the Governor, of States that are carrying out responsibilities under section 105, 25 percent of the funds described in subparagraph (A).

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

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

(2) FINANCING.—

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

(B) DISTRIBUTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 113. NOISE ABATEMENT STUDY.

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

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

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

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

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

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

(B) transportable in one or more sections;

(C) not constructed on a permanent chassis; and

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

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

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

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

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

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

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

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

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

The CHAIR. Pursuant to House Resolution 1329, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. Madam Chair, Chairman WAXMAN's amendment strengthens the core functions of Home Star: to save energy, create jobs, and save consumers money. I will highlight just a few of the provisions in the amendment.

The amendment offers additional rebates for super-efficient air conditioners and furnaces. It requires rebate aggregators under Home Star to be entirely employed in the United States. And it includes rebates for storm windows and doors.

The technical changes to the amendment have streamlined the effectiveness of the program. For example, the amendment includes a provision to ensure coordination between existing State energy efficiency programs and Home Star. I think that Chairman WAXMAN's amendment improves significantly the bill. I think it contributes to our overall goals. I ask that the amendment be accepted by the House.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 10 minutes.

□ 1315

Mr. BARTON of Texas. We do oppose the manager's amendment, Madam Chair. It is a good-faith attempt to try to perfect some of the anomalies within it. It's fairly long-winded. It's fairly complicated, because when the government starts to intervene in the marketplace, it has to intervene more and more pervasively to try to handle all of the various things that normally the hidden hand of the market, to quote ADAM SMITH, would correct or take care of.

So, if you support the underlying bill, you should support the manager's amendment because it is trying to correct the problems which those who support it have seen in the underlying bill. If you don't support the underlying bill, which I do not, you should oppose the Waxman amendment because here is a program, again, which is spending $6.6 billion—or at least is authorizing the spending of $6.6 billion, which we don't have, which has no pay-for, and the Department of Energy has a $5 billion program currently on the books that has been appropriated for which they've not yet handed out the money.

So we oppose Chairman WAXMAN's manager's amendment and would ask for a ''no'' vote.

With that, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I yield 2 minutes to the gentlelady from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Madam Chair, I rise today to proudly support the Home Star Energy Retrofit Act.

Energy efficiency saves fuel, electricity, and it helps Americans to save money. However, embracing energy efficiency at home isn't just about energy or money. It improves the comfort and quality of life that people experience every day. It actually makes homes better places to live.

I support this bill because it creates jobs in all 50 States, which is a priority of this Congress. Whether you live in sunny Arizona, like myself, or icy Alaska, people will use their local installers to make these upgrades to their homes.

I would like to thank the committee for accepting my amendment, which directs the Secretary of Energy to provide need-based scholarships for training programs to get Gold Star certification. To take full advantage of the Home Star program, we need to grow a workforce that can implement these programs in every State and in any home. The scholarships made possible by my amendment will allow these individuals looking for jobs to get the training that they need so that Americans can fully realize the full benefit of the Home Star program. Training a new generation of skilled workers is a smart investment that will pay dividends in the future.

This bill is about jobs. It's also about training the smart workforce, and it's about saving resources and money for American families at this critical time. That is why I am so proud to support the Home Star Energy Retrofit Act.

Mr. BARTON of Texas. I have no further speakers on this amendment. I request a ''no'' vote.

I yield back the balance of my time.

Mr. MARKEY of Massachusetts. I yield 2 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Madam Chair, I would like to thank Chairman MARKEY for his leadership and all the others involved in this legislation, the Home Star Energy Retrofit Act of 2010, and also, in particular, Representative WELCH and the other sponsors of the bill that have really led this effort.

This is a bill that will help in this tough recession which our country has been going through by also providing incentives to help generate our economy, to get it moving again, and do it in ways that are smart—smart by providing incentives to encourage homeowners to make their homes more energy efficient by providing up-front rebates for home energy savings investments, such as improved insulation, upgrades to HVAC systems, and energy-efficient windows.

It will also create more green jobs. These are green jobs that can't be outsourced or sent overseas, and most of the products that are used are going to be used by small businesses here that manufacture those products and goods here in our country.

It is going to help grow our economy. It's going to help grow green jobs. It's also going to help as we look at making our environment a better place for all of us going forward. I strongly support it and support the manager's amendment.

Mr. MARKEY of Massachusetts. Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BARTON OF TEXAS

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–475.

Mr. BARTON of Texas. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BARTON of Texas:

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

The CHAIR. Pursuant to House Resolution 1329, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Madam Chair, this amendment is fairly straightforward. It would strike section 111(g), which provides that funds repaid by eligible participants may be used to provide loans to additional participants under the Home Star Energy Efficiency Loan Program. In other words, under the pending legislation, if people were to get a loan and use that loan, when that loan was paid back, the funds that are paid back could then be relent. My amendment would strike the relending provision so that as the funds are paid back, they would go to the Treasury, hopefully for deficit reduction.

Since section 111 is carved out of the sunset section, section 112(i), this loan program could potentially go on forever with money that is repaid continually being loaned out to new recipients. So we could create, under this new section 111(g) if we don't accept the Barton amendment, a perpetual program, in effect, a new, self-funded entitlement program. This bill is billed as a 2-year temporary program, but the provision in 111(g) is contrary to the 2-year sunset provision of the overall bill. So I would hope that we would accept this amendment.

With that, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Madam Chair, I rise in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MARKEY of Massachusetts. I yield myself 2 of those 5 minutes.

Madam Chair, people want to save money on their energy bills, but not everyone can afford the upfront costs of an energy retrofit. What the Home Star Energy Efficiency Loan Program is designed to do is to help those people participate in the Home Star program. The loan program is also meant to provide a sustainable source of loan funds for years of future energy retrofits across a broad geographic and economic spectrum. The program will reach out to low-income households that would greatly benefit from reduced energy bills.

Now, if the Barton amendment is passed, it would severely limit the number of people who could participate in Home Star. Without long-term opportunities for efficiency loans, many low-income households will, literally, be left out in the cold.

Home Star will incentivize energy-efficient retrofits. It must also make those retrofits a reality. The loan program offers households a pathway out of crushing utility bills towards a clean energy future.

I urge my colleagues to vote ''no'' on the Barton amendment.

I reserve the balance of my time.

Mr. BARTON of Texas. I yield myself such time as I may consume, subject to the 5-minute limitation.

As always, Madam Chairwoman, I am deeply moved by my friend from Massachusetts' eloquent words. The problem is nothing he said really directly relates to the Barton amendment. We're not striking the loan program. We're not changing the authorization level. We're not saying that low-income homeowners who wish to use the program cannot borrow funds under this bill if it becomes a law. What we are saying is that once they've borrowed the funds, once they've been spent in the proper fashion, and hopefully once they've been repaid, the repaid funds will go towards deficit reduction.

Since this is an authorization bill, and since it's not funded anyway, according to the distinguished chairman, you would think that they would be willing to accept a small Barton amendment that simply says, if the program is ever funded, and if it actually is implemented, as people use it and pay the money back, that money goes to pay the poor taxpayers back who have labored long and hard to pay the taxes that make the program possible in the first place.

So, again, I am deeply moved by my friend from Massachusetts, but I hope that he is as deeply moved by my remarks and would change his position and support the Barton amendment.

I reserve the balance of my time

Mr. MARKEY of Massachusetts. I yield myself whatever time is remaining.

The CHAIR. The gentleman is recognized for 3½ minutes.

Mr. MARKEY of Massachusetts. I thank the Chair.

The Barton amendment would eliminate the revolving part of the loan section which requires the money to be dedicated, again, to energy efficiency after it is repaid. Unfortunately, this would limit the ability of the middle class to take advantage of the Home Star program and invest in energy efficiency in the future.

If adopted, the amendment would create a black hole. It leaves unanswered the question of what to do with hundreds of millions of taxpayer dollars that will be repaid in the coming years.

I am concerned that this amendment is not only counter to the goals of the program, but it would leave it vulnerable because of the lack of precision which the actual impact of this amendment would have on the operation of the program in the future. So I continue to urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. BARTON of Texas. May I inquire as to how much time I have remaining?

The CHAIR. The gentleman from Texas has 2 minutes remaining, and the gentleman from Massachusetts also has 2 minutes remaining.

Mr. BARTON of Texas. I yield myself 2 minutes.

Well, my esteemed colleague from Massachusetts is at least talking about my amendment now. That's progress. He used the term ''black hole.'' I'm sure he knows, since scientists at MIT in his home State have investigated black holes extensively, that there is mounting evidence that the universe could not exist without black holes. So I think it would be appropriate in this bill to put at least one black hole in this because it would enhance the viability of the overall program.

Again, we are trying to protect the taxpayers who are putting up the money or the loan officers who are sending the money to the U.S. Treasury in terms of government bonds to pay for this program. We are not attempting to change the loan program. We think the loan program itself is an excellent idea if you're going to have this type of a program. We simply want to protect the taxpayers and also point out, once again, that the underlying bill is a 2-year bill. We don't want a self-perpetuating loan program that would take on the form of an entitlement.

So vote for the Barton black hole amendment, and let's put some limitation on taxpayer liability.

With that, I am going to reserve what little time, if any, I have left.

Mr. MARKEY of Massachusetts. Madam Chair, I yield myself as much time as I may consume, and that is only to make the point that the way in which the amendment is drafted is that it is just a classic motion to strike. And in striking, it eliminates everything within the subsection that exists without substituting any additional instructions. So the metaphor of a black hole just refers to what is the legislative result of having just a strike section without also additional language in order to substitute for what the intent would be to ensure that the money is then used in a way that did not lead to the law of unintended consequences being invoked.

□ 1330

We are very concerned here about this amendment. As it is constructed inside the legislation, we know what the program is. We know, historically, it has been a very successful and a very popular model that has been used in other laws. In the Clean Water Act, it was used as a revolving loan fund to finance wastewater cleanup for decades. The Safe Drinking Water Act has successfully used this model for the last 15 years.

So, again, my hope would be that Members would reject the Barton amendment.

I reserve the balance of my time.

Mr. BARTON of Texas. How much time do I have remaining, Madam Chair?

The CHAIR. The gentleman has 30 seconds remaining.

Mr. BARTON of Texas. I yield myself the final 30 seconds.

Madam Chair, only my friend from Massachusetts could filibuster in a 5-minute time-limited debate.

Those last comments, as far as I could tell and to the extent they were substantive, were absolutely true. We do eliminate subsection G, and that is all we eliminate. That is the section that creates the reloan provision. So he is right about that. I think he is misinformed about the rest of his comments, and I would hope that he would support the elimination of one little subsection, subsection G.

Vote ''yes'' on the Barton amendment.

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY of Massachusetts. May I inquire as to how much time I have remaining?

The CHAIR. The gentleman has 30 seconds remaining.

Mr. MARKEY of Massachusetts. Madam Chair, I yield myself those 30 seconds in order to again make the point that this program is central to our ability to ensure that the Home Star program will work and that there will be a democratization of access to the capital which will be needed in order to implement this program. We believe that it will have the impact of ensuring that more and more and more Americans will become aware of it, will use this funding mechanism, and will create this technological revolution which we need in energy efficiency in our country.

The CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. MARKEY of Massachusetts. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. NYE

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–475.

Mr. NYE. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. NYE:

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

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

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

The CHAIR. Pursuant to House Resolution 1329, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. NYE. I yield myself such time as I may consume.

Madam Chair, I rise today to offer a commonsense, yet important, amendment to the Home Star Energy Retrofit Act which will provide much-needed savings for our military families.

I represent one of the highest concentrations of veterans and servicemembers of any congressional district in the country, and this amendment is especially important to my constituents in Hampton Roads.

Under the bill, homeowners, renters and contractors will be able to claim a credit for home energy efficiency upgrades and for high-energy-use appliances, such as air conditioners and water heaters. My amendment will simply add Armed Forces exchanges to the list of qualified entities that can provide these credits instantly to servicemembers and veterans.

Many servicemembers and their families shop at base exchanges because they are one-stop shops for everything from fresh produce to energy-efficient light bulbs and other home needs. Providing them easy access to the great benefits in this bill is a simple and commonsense way to make their day-to-day duties more hassle free.

Madam Chair, we should do all we can to support our military families. Often, it is the families who have the toughest jobs because, really, they are doing two jobs: being strong and supportive for their husbands or wives who are overseas, and also taking care of the families back home and the household finances. Saving them a few hundred dollars a year, if not more, would really provide a boost to their finances. This amendment would make that easier.

I would like to thank Representative WELCH, Chairman MARKEY, and Chairman WAXMAN for their hard work in bringing this legislation to fruition.

Passing the Home Star Energy Retrofit Act will go a long way toward promoting energy efficiencies throughout our country. So I hope my colleagues will join me in supporting this bill and the amendment.

Madam Chair, I reserve the balance of my time.

Mr. BARTON of Texas. I commend the Chair for her fairness in calling that last vote. I appreciate that sincerely.

Madam Chair, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

There was no objection.

Mr. BARTON of Texas. Madam Chair, the minority has no objection to this amendment. We support it and would urge its passage.

I yield back the balance of my time.

Mr. NYE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BURGESS

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–475.

Mr. BURGESS. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BURGESS:

Page 6, line 6, strike ''111'' and insert ''110''.

Page 12, line 16, strike ''112'' and insert ''111''.

Page 53, line 16, strike ''112'' and insert ''111''.

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

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

Page 67, line 3, strike ''111'' and insert ''110''.

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

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

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

Page 72, line 8, strike '', 110, and 111'' and insert ''and 110''.

The CHAIR. Pursuant to House Resolution 1329, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Madam Chair, this amendment is relatively simple in construct, but the issue is an important one. The issue is cost savings in our country. This amendment would strike the $12 million it has designated for advertising that will be paid for by the Federal Government.

Now, let's be honest. Energy efficiency sells itself. If consumers see lower bills, they use less electricity. It is inherently incentivized. The major manufacturers and retailers of the products listed in this bill know how to sell their wares. They have commercials on television, which I see when I'm home in my district every week: You can do it. We can help. They've been doing it for years.

The Environmental Protection Agency does not need to spend money on advertising when these retailers are already doing everything they can to tell people about these rebates and to get customers in their stores. They certainly know how to market Energy Star rebates. Why would this be any different?

If Members think their constituents aren't aware of the program, they can spread the word on their own, much like we did with Medicare prescription drug benefits and with the D–TV program. They can include it in their e-newsletters; they can post it on Twitter; they can post it on their Facebook pages; and they can mention it during their town halls.

Texas had a similar program that dealt with appliances. It was extremely popular. It sold out within the first hour that it was up and running, and this was without spending any amount on State funds to advertise.

Let's be honest with what we are doing. We are overspending to the point of bankrupting this country. Now, not only do we want to spend Federal dollars to help people buy water heaters, but we are going to spend taxpayer money to help the stores advertise to sell those same water heaters to those same people.

In this bill, under the Silver Star program, the $12 million for advertising could be put to other purposes. For example, it could provide 8,000 extra rebates for attic insulation, 96,000 rebates for new energy-efficient doors, 48,000 extra rebates for new natural gas tanks, 240,000 extra rebates for storm windows, and 24,000 extra rebates for energy-efficient window film installation.

If the goal of this bill is to make America more efficient, let's not begin by wasting $12 million to advertise the program. Let's use it to help more Americans buy energy-efficient products. It's a no-brainer.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MARKEY of Massachusetts. At this time, I yield myself 2 minutes.

Madam Chair, a philosopher once asked: If a tree falls in the middle of a forest and if there is no one around, does that tree make a sound? It is a

very deep, profound, philosophical question. Mr. BURGESS' amendment raises a similar question. If there is a great energy efficiency program and if people don't know about it, will it help to actually increase energy efficiency? The answer to that question, I think, is no. We actually need to have a plan to spread the word about Home Star to achieve the best results.

Now, I do agree that Lowe's and Home Depot will have a stake in getting the word out, but the truth is that those large chains aren't the only companies that are going to be part of this program. The local hardware stores will be as well. So we need to create a balance here of ensuring that people in rural America, who might have hardware stores right down the street from them, understand that they can go there as well. We need to make this program as accessible as possible and as successful as possible in this telescoped time frame that the program will be in existence. In a modern American, capitalistic culture, we know that advertising is the central means by which consumers learn about good products.

The gentleman from Texas, I am sure, is an educated consumer, especially about this program. He knows a lot about it. Yet there will be millions and millions of Americans who will not unless we augment what Lowe's and Home Depot might spend as part of their advertising programs.

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY of Massachusetts. I yield myself an additional 30 seconds.

We should augment what Lowe's, Home Depot, and other large chain stores do with programs to ensure that the other tens of thousands of small stores across the country, which will also be able to participate, will have consumers who understand that that is where they can go. I think it will dramatically enhance the attractiveness and the success of the program.

As a result, I would urge a ''no'' vote on the Burgess amendment.

I reserve the balance of my time.

Mr. BURGESS. I yield as much time as he may consume to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman from Texas. I am not going to consume a lot of time.

Madam Chair, I simply want to say this is a $12 million advertising campaign for free government money or loans at very low interest rates.

Bees don't need directions to find where the flowers are that they're going to pollinate to get the honey and to go back to the hive. Bank robbers don't need directions on how to find the banks where the money is.

Homeowners and contractors who qualify under this program don't need a $12 million program to find out where and how to get the money. As Dr. BURGESS pointed out, they will be immediately on the Internet, on the various Web sites, and on the toll-free hotline numbers, and all the other various things finding out how, where, and what the requirements are.

If all else fails, they can call Congressman MARKEY's office, and he will be happy to provide them with free assistance. If his office is overloaded, since mine is right next door, I will put them on a waiting list and will get back to them within 5 to 10 years.

So I support the Burgess amendment, and I would hope that we would adopt it.

Mr. MARKEY of Massachusetts. Would the Chair inform us as to how much time remains on both sides?

The CHAIR. The gentleman from Massachusetts has 2½ minutes remaining. The gentleman from Texas (Mr. BURGESS) has 1 minute remaining.

Mr. MARKEY of Massachusetts. I yield myself as much time as I have remaining, and I will complete debate.

Madam Chair, this amendment will make it very difficult for millions of Americans and for thousands of smaller stores across the country to be able to fully participate in the program. It will put a limit on how ultimately successful and democratic the access and opportunities are to this funding that we are creating in this legislation.

So I would urge a ''no'' vote on the Burgess amendment so that those smaller Main Street hardware stores all across the country will have the same ability to have it known that their stores are available to participate in the Home Star program in the same way we can be sure that Lowe's and Home Depot are using their incredible advertising capacities to let the public know that they can go there as well. I think if we have that balance this program will be very successful.

With that, I urge the Committee of the Whole to vote ''no'' on the Burgess amendment.

I yield back the balance of my time.

Mr. BURGESS. Madam Chair, this bill is not funded. It is an authorization bill. It depends upon appropriation. There is no pay-for put forward. It is never going to be appropriated. It is going nowhere. At the very least, let's be honest with ourselves. Save that $12 million for the American taxpayer.

Do we really believe that Home Depot, Lowe's, and even your neighborhood hardware stores are not at least going to put signs in the windows that these new Energy Star/Silver Star appliances and retrofits are here and available and that Federal money is available to help you install them in your homes?

The fact is that already people are attuned to these giveaways from the Federal Government. Let's not continue to enable these types of programs to waste money from the Federal Treasury when we literally have no money left to spend.

I urge a ''yes'' vote on the amendment and a ''no'' vote on the underlying bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BURGESS. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

□ 1345

AMENDMENT NO. 5 OFFERED BY MR. DEUTCH

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–475.

Mr. DEUTCH. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. DEUTCH:

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

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

The CHAIR. Pursuant to House Resolution 1329, the gentleman from Florida (Mr. DEUTCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. DEUTCH. Madam Chair, I yield myself such time as I may consume.

Madam Chair, the Home Star Energy Retrofit Act is an important bill that will create jobs, lower energy bills, and reduce harmful greenhouse gas emissions. Improving efficiency is one of the cheapest and quickest ways to reduce pollution, and I am pleased to support a bill that encourages consumers to consider a more energy-efficient option when retrofitting or repairing existing appliances or systems.

Residents of south Florida and other disaster-prone regions know far too well the process of home repair, as my constituents have had to replace roofs and windows after powerful and damaging storms.

The underlying bill offers rebates for renovations, and my amendment simply ensures that the program will still apply if a natural disaster removes or destroys existing equipment. If a repair is required as a result of a hurricane or other natural disaster, the repair may no longer involve existing equipment and would therefore be ineligible for a rebate. For people who are making these repairs, we should ensure that it is our policy to encourage them to consider the most energy-efficient equipment. That is the purpose of this amendment.

The amendment is limited in scope and will not alter the intent of the underlying bill. It will only apply to federally declared disaster areas and only

extend eligibility to an appliance or system destroyed by the disaster. For example, if a hurricane takes off a roof, this amendment will ensure that the homeowner still has access to a rebate for purchasing an energy-efficient roof even though there is no longer a roof to retrofit.

Fire season just began in California and hurricane season is right around the corner. We ought to be mindful of the challenges faced by Americans who live in regions vulnerable to natural disasters. This amendment ensures that a south Florida family can rebuild to a higher energy efficiency standard after a disaster and does not have to wonder why they don't receive the same tax incentive offer to any other homeowners who choose to renovate their homes.

I would like to commend Mr. WELCH, Chairman MARKEY, and Chairman WAXMAN for this important energy and jobs legislation and for accepting this amendment. I respectfully request that my colleagues join me in supporting this valuable, commonsense amendment and the underlying bill.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Chair, I rise in support of the Deutch amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BARTON of Texas. In the spirit of trying to get Members who wish to catch 3 o'clock planes out of town by 3 o'clock, the minority is prepared to accept the Deutch amendment and would encourage the majority in the same spirit to limit their comments on the upcoming Republican amendments so that all Members, regardless of party affiliation, may spend the evening at home in their districts with their loved ones.

We support the Deutch amendment.

I yield back the balance of my time.

Mr. DEUTCH. I appreciate the comments and the support, and I ask that my colleagues all support this amendment.

Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTCH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–475.

Mr. FLAKE. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:

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

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

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

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

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

The CHAIR. Pursuant to House Resolution 1329, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment is similar to amendments I have offered in the past on authorization bills. It simply states that none of the money authorized in this legislation for grant programs or for other purposes can be earmarked later by Members of Congress.

We are often told that we don't plan to earmark this money, but we have seen in the past that many of the grant programs or other moneys that are authorized are later earmarked. For example, the Emergency Operations Center in a FEMA bill, 60 percent of the funds for the grant program were later earmarked.

We can't have this, Madam Chair. If we're going to authorize a program, if we're going to say that moneys are available for specific purposes, we shouldn't come in later and simply take all that money from those accounts through earmarking.

These amendments have been accepted in the past by the majority, and I hope that this one will be as well.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Madam Chair, I rise in support of this amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. MARKEY of Massachusetts. Madam Chair, I support the gentleman's amendment.

Home Star must be funded at a level that would save or create 168,000 jobs, save energy in 3 million homes, and save consumers $9.2 billion over the next decade. These savings will not be realized if the authorization is decreased through earmarks.

I urge my colleagues to support the Flake amendment.

Madam Chair, I yield back the balance of my time.

Mr. FLAKE. I thank the gentleman for accepting the amendment.

Madam Chair, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–475.

Mr. GARRETT of New Jersey. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GARRETT of New Jersey:

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

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

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

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

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

The CHAIR. Pursuant to House Resolution 1329, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Madam Chair, last year The Washington Post ran a story entitled ''Energy Costs Generating Light Bulb Solutions.'' And the story talked about how energy efficiency programs that are being employed by local governments and local utilities are working here in D.C. And many of the programs, actually, when you looked into the article, sound a lot like the program that we are creating here today on the Federal level.

For example, according to the article, in Maryland power companies at a local level began offering all customers energy home audits for free if they simply installed power-saving, energy-efficient light bulbs in the house. Later in that article, one of the persons who had taken advantage of the program, D.C. resident Elizabeth Fox, said this: She was thrilled to take advantage of this local program, an existing city program, to get a lengthy, free audit of a 100-year-old drafty house that she lived in in the northwest. She said, ''We got a written report we kept referring back to while we were renovating the third floor of the house.'' She added with that with the new insulation, a super-efficient washer, dryer, hot-water heater, and air conditioner, still her heating bills in the house stayed around $500. So she said, ''I can't say we've stopped the leaky air.'' As a matter of fact, with the third floor now in use for the first time ever because of all these efficiencies, she said, ''Our energy bills actually stayed exactly the same.''

So the article raises two important questions today for us here: the first question is if the State and local governments and local power companies have already taken the initiative to create these programs on a local level on their own, why are we creating a redundant program here on the Federal

level to do the same thing? Think about it. No doubt, local companies and governments know to a much greater extent than we in Congress whether creating these incentives for energy efficiencies really work from a financial point of view.

But the article also makes a broader point, and this is it: when we improve energy efficiency, we lower the cost of using energy, and, unsurprisingly, this also increases the demand for the energy. This has been documented way back since 1865, and no one has ever refuted it. And as pointed out in this Washington Post article, when she put in all these energy-efficient appliances and what have you, her energy use still stayed the same.

Here is a chart over here which sort of points this out. From 1991 to 2005, energy consumption of major appliances, how much that each use, actually has been going down, down, down for air conditioners, refrigerators, clothes washers, and the like. But look at what U.S. per capita electricity consumption has been. It has basically been going up. And why is that? That's because when you get these appliances that are more efficient, you end up using more of them and for longer periods of time. So U.S. per capita energy consumption increases even though we get even more energy-efficient appliances.

If you try to achieve energy efficiency on the demand side of the equation, as this legislation would do, we also have to be successful at addressing the supply side. And that's why I approach this issue of ''all of the above'' when it comes to energy policy.

The Democrat majority may continue to rewrite the laws in this country, but one thing they haven't been able to figure out how to do is rewrite the laws of economics.

So needless to say, I remain skeptical about the benefits of this bill, and that's why I am proposing an addition to this bill, basically a little study by the GAO to conduct an audit of the program to find out one way or the other if the programs created by this bill really work. My amendment would direct the GAO to do a couple of things, do a study over the next 2 years to find out the following: How much money really have we saved after we have spent all this money for efficiency? How much energy was really saved by all this? And finally, putting those together, whether the savings exceeded the cost of implementing this program.

When you consider the claims by the proponents of this legislation that this bill will save money, will save energy, and create thousands of jobs, I hope they won't object to this additional study here. But at a time when we have a trillion dollars in deficits in this country as far as the eye can see, at the very least the American taxpayer should know if his or her dollars are being spent efficiently.

Madam Chair, I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Madam Chair, I rise in support of the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. MARKEY of Massachusetts. Madam Chair, I yield myself 2 minutes.

I support the gentleman's amendment. The gentleman is seeking to have the GAO determine if the Silver and Gold Star programs are cost effective. We believe that those programs will save consumers $9.2 billion over the next 10 years. We do believe that it will create 168,000 jobs, saved or created. And we do believe that it will, in fact, save the electricity equivalent to four 300-megawatt coal-fired plants from ever having to be built in our country just in 2011 alone. Home Star is designed to be cost efficient; so I believe that we will find the program to be very successful. But we don't object to a GAO study on the matter, and I would just express my support for the amendment.

Madam Chair, I yield back the balance of my time.

Mr. GARRETT of New Jersey. I appreciate the gentleman's acceptance of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS. BACHMANN

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–475.

Mrs. BACHMANN. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. BACHMANN:

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

TITLE III—WASTE, FRAUD, AND ABUSE

SEC. 301. REPORT.

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

The CHAIR. Pursuant to House Resolution 1329, the gentlewoman from Minnesota (Mrs. BACHMANN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Minnesota.

□ 1400

Mrs. BACHMANN. Madam Chair, I yield myself such time as I may consume.

My amendment is founded on the principle that Congress has a certain fiduciary duty and responsibility to ensure that taxpayer dollars are not wasted on ineffectual and inefficient government programs.

My amendment will require the Department of Energy's Inspector General to independently report to Congress on incidents of waste, fraud, and abuse occurring in programs created by this bill. Further, the Inspector General will be required to include recommendations to prevent additional waste, fraud, and abuse.

I would direct our attention, Madam Chair, to the poster that is to my left. This is a phony project that was sent by the Government Accounting Office to the Department of Energy for the purpose of determining whether or not the Department of Energy would actually certify this project. And yes, it is actually a feather duster that had been taped to a space heater. Unfortunately, the Department of Energy did certify this project for the Energy Star program.

My amendment, the Bachmann amendment, would require the Inspector General's report be submitted by July 1, 2012. And as such, Congress would have the opportunity to reevaluate the programs in this act and correct them if necessary. Utilizing Congressional Budget Office estimates, this amendment could enable the effective oversight of over 1.2 billion United States taxpayer dollars.

Madam Chair, in order to improve government accountability and to restore a measure of fiscal integrity in Washington, I would urge my colleagues to join me in supporting this amendment.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. I rise in support of the Bachmann amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. MARKEY of Massachusetts. I yield myself 2 minutes.

Madam Chair, for nearly 20 years, the Energy Star program has been raising awareness about energy efficiency and helping consumers reduce their energy bills. And I share my colleague's astonishment at the March GAO report that showed how easy it was to obtain Energy Star certification for products that didn't even exist.

We need to do all we can to restore the integrity of the Energy Star program. And I want to assure all of the Members that we have common cause in achieving that goal. But I also similarly want to assure all Members that no similar danger exists for waste and fraud in the Home Star program as opposed to the Energy Star program.

First, only real, proven energy-saving technologies are included in Home Star. A group of technical experts provided extensive input to establish a specific list of Silver Star products. Second, in contrast to Energy Star, which relied on self-certification of products, self-certification, the Home Star program uses an independent third-party quality assurance process to ensure that work is performed as promised.

Finally, Home Star relies on a professional and certified workforce to install energy efficiency measures. Under Silver Star, contractors must be licensed, insured, and warranted. Under Gold Star, contractors must be certified by the Building Performance Institute and other reputable organizations. We must ensure that Home Star lives up to its promises.

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY of Massachusetts. I yield myself 1 additional minute.

I encourage my colleagues to defend the bill's quality assurance and certification provisions to guarantee that this program creates jobs and saves energy, as intended.

I support the amendment of the gentlelady. I think it will add a reinforcement to a program which we have already constructed that ensures that the kind of fraud that might be found in other kinds of programs are not in fact created in this program.

I urge an ''aye'' vote on the amendment of the gentlelady.

I reserve the balance of my time.

Mrs. BACHMANN. I thank the gentleman from Massachusetts for his support of my amendment, and I appreciate that, and urge my colleagues also to support the amendment as well.

I yield back the balance of my time.

Mr. MARKEY of Massachusetts. I yield back the balance of my time and encourage Members to vote ''aye'' on the Bachmann amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–475 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. BARTON of Texas.

Amendment No. 4 by Mr. BURGESS of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. BARTON OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BARTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 237, not voting 19, as follows:

[Roll No. 252]

AYES—180

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—237

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Barrett (SC)
Blackburn
Bonner
Campbell
Castle
Davis (AL)
DeGette
Faleomavaega
Guthrie
Hoekstra
Kennedy
McCollum
Melancon
Mollohan
Moran (VA)
Obey
Pitts
Platts
Wamp

□ 1435

Messrs. SPRATT, SALAZAR, CAPUANO, CONYERS, RUSH, YARMUTH, FATTAH, WILSON of Ohio, SCOTT of Georgia, RANGEL, BRALEY of Iowa, McNERNEY, ACKERMAN, PASCRELL, BUTTERFIELD, FARR, HODES, SCHRADER, CARNAHAN, BERMAN, KAGEN, CLEAVER, KUCINICH, PERRIELLO, OLVER, MARKEY of Massachusetts and Mrs. CAPPS, Ms. HARMAN, Ms. MOORE of Wisconsin, Ms. SLAUGHTER, Ms. TSONGAS and Ms. SPEIER changed their vote from ''aye'' to ''no.''

Messrs. GALLEGLY, ALEXANDER, MANZULLO, GARY G. MILLER of California and BOEHNER and Ms. MARKEY of Colorado changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. BURGESS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 228, not voting 18, as follows:

[Roll No. 253]

AYES—190

Aderholt
Alexander
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Petri
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sanchez, Loretta
Scalise
Schauer
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—228

Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—18

Akin
Barrett (SC)
Blackburn
Bonner
Brown, Corrine
Campbell
Davis (AL)
DeGette
Faleomavaega
Guthrie
Hoekstra
Kennedy
McCollum
Melancon
Mollohan
Obey
Pitts
Wamp

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1442

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Ms. EDWARDS of Maryland, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes, pursuant to House Resolution 1329, she reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BARTON of Texas. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARTON of Texas. Mr. Speaker, in its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Barton of Texas moves to recommit the bill H.R. 5019 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 6, lines 3 through 6, strike paragraph (12) (and redesignate the subsequent paragraphs accordingly).

Page 11, line 24, through page 12, line 1, strike ''notice of'' and all that follows through ''the amount'' and insert ''notice of the amount''.

Page 12, line 2, insert ''on the homeowner's behalf'' after ''apply for''.

Page 12, line 5, strike ''and''.

Page 12, lines 6 and 7, strike subparagraph (B).

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

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

(6) certifying that no employee has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault;

Page 12, line 16, strike ''112'' and insert ''110''.

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

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

Page 21, lines 14 through 16, strike ''to participating contractors and vendors, to reimburse those contractors and vendors for discounts provided to homeowners'' and insert ''to homeowners to reimburse the homeowners for work provided by participating contractors and vendors''.

Page 25, lines 18 through 21, strike ''to participating contractors and vendors, to reimburse them for discounts provided to the owner of the home for the retrofit work'' and insert ''to homeowners to reimburse the homeowners for work provided by participating contractors and vendors''.

Page 35, line 24, through page 36, line 1, strike '', as a function of the discount the contractor or vendor provides to the homeowner for the installed measures,''.

Page 39, lines 12 and 13, strike ''discount from a contractor or vendor for which a rebate is provided under subsection (a)'' and insert ''rebate''.

Page 42, lines 6 through 8, strike ''to participating accredited contractors and vendors, to reimburse them for discounts provided to the owner of the home for the retrofit work'' and insert ''to homeowners to reimburse the homeowners for work provided by participating accredited contractors and vendors''.

Page 48, lines 2 and 3, strike ''discount from a contractor or vendor for which a rebate is provided under this section'' and insert ''rebate''.

Page 49, lines 16 and 17, strike ''Secretary'' and all that follows through ''may'' and insert ''Secretary may''.

Page 49, lines 18 and 20, redesignate clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

Page 49, line 22, strike ''; and'' and insert a period.

Page 49, line 23, through page 50, line 3, strike subparagraph (B).

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

(g) EXCLUSION.—For purposes of this section, energy savings measures shall not include the installation or replacement of pool heaters.

Page 52, line 9, insert ''and'' after the semicolon.

Page 52, line 11, strike ''and''.

Page 52, lines 12 through 22, strike clause (iv).

Page 53, line 16, strike ''112'' and insert ''110''.

Page 58, lines 6 through 16, strike section 109.

Page 58, line 17, redesignate section 110 as section 109.

Page 59, line 7, through page 65, line 16, strike section 111.

Page 65, line 17, redesignate section 112 as section 110.

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

Page 66, line 18, insert ''and'' after the semicolon.

Page 66, lines 19 through 21, strike subparagraph (D).

Page 66, line 22, redesignate subparagraph (E) as subparagraph (D).

Page 67, lines 1 through 3, strike paragraph (2).

Page 67, line 4, redesignate paragraph (3) as paragraph (2).

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

Page 69, line 4, strike ''subsection (b)(3)(B)'' and insert ''subsection (b)(2)(B)''.

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

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

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

Page 72, line 8, strike '', 110, and 111'' and insert ''and 109''.

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

(j) ADMINISTRATIVE EXPENSE PROHIBITION.—No funds provided under this title shall be used for the purposes of conducting travel to gambling or gaming establishments in connection with official duties related to this title.

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

TITLE III—DEFICIT NEUTRALITY

SEC. 301. SUNSET.

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

Mr. BARTON of Texas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WAXMAN. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. WAXMAN. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will continue to read.

The Clerk continued to read.

□ 1445

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. I thank the distinguished Speaker.

Now that the Members know exactly what is in the motion to recommit—I am sure you all listened to every word that the Clerk read—let me explain it in Texas terms very quickly before I yield to Mr. LATTA.

The first thing that the motion to recommit would do would be to sunset the legislation if it has a negative effect on the Federal budget deficit. Mr. LATTA is going to speak about that in a second.

It would change the rebate mechanism in the pending bill so that the money would go to the homeowner instead of to the contractor. We think this would be more efficient and less susceptible to fraud.

It strikes the $12 million EPA public information campaign which was the purpose of the Burgess amendment which was defeated earlier.

It strikes the $324 million Home Star energy efficiency loan program.

It would exclude pool heaters from the Gold Star program. If people have enough money to have a home swimming pool in their backyard, they probably don't need a government program for a home swimming pool heater.

It would disqualify participation by homeowners with a gross annual income of over $250,000. As President Obama has pointed out, if you make more than $250,000, you're doing pretty well.

It would require qualified contractors to certify that no employee they employ has been convicted of a crime of child molestation, rape, or any other form of sexual assault.

And, finally, it would prohibit any use of the Home Star funds for folks on government business traveling to areas where there are establishments for gaming.

With that, I would yield to my good friend from Ohio (Mr. LATTA) for him to talk a little more about his specific deficit reduction amendment.

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the motion to recommit for H.R. 5019. As I stated earlier during floor debate, I have very serious concerns that my amendment regarding deficit neutrality was not accepted through the rules process. The majority has not allowed the debate to occur regarding this budget deficit issue.

This MTR will ensure that this act is sunsetted if the legislation has a negative net effect on the Federal budget deficit. I feel that if this new program is important enough to authorize, it should be important enough for us to find a way to pay for it. I am concerned that the majority could not give any assurance that this bill will indeed be paid for without increasing the deficit.

While I support the incentives to help provide energy efficiency, I am very concerned about the $6.6 billion price tag of this legislation. At a time when we are in a national deficit crisis, it is not appropriate to add $6.6 billion in spending to the deficit. As a Congress, we absolutely must stop this excessive spending. President Obama submitted his administration's fiscal year 2011 budget proposal with a record-breaking cost of $3.8 trillion. This budget proposal includes a $2 trillion tax increase over the next 10 years, and projected record deficits. This proposal will double our Nation's debt in 5 years and triple it in 10 years from fiscal year 2008 levels. CBO has stated that under the current spending levels, by 2020, American taxpayers will be paying $2 billion per day in interest on the national debt. It also estimates that by 2020 the debt will be $20 trillion.

This simply is not the time for a new $6.6 billion government program. That is why I offered the amendment to the legislation regarding the national deficit and why I urge you to support the motion to recommit. It ensures fiscal responsibility and ensures taxpayer dollars will be spent wisely.

I urge a ''yes'' vote on the MTR.

Mr. BARTON of Texas. Mr. Speaker, the substantive parts of the motion to recommit are pretty straightforward. It would sunset the legislation if there is a negative net effect on the Federal budget deficit. That is the Latta language that we have already spoken to.

It would change the rebate mechanisms so that the rebates go to the homeowner and not to the contractor. This would limit fraud and abuse.

It strikes the $12 million EPA public information campaign. As I pointed out in my floor statement, bees know where the honey is, bank robbers know where the bank is, teenage boys know where the teenage girls are, the public will know how to get this money.

And finally, it strikes the Home Star energy efficiency loan program. We already have record defaults in the home mortgage industry. We don't need to be leveraging that any bit more. With that, I would ask for a ''yes'' vote on the motion to recommit.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I withdraw my reservation, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker and my colleagues, this bill is modeled on a law that worked. We called it the Cash for Clunkers bill. It encouraged people to buy cars. It produced more jobs. It produced energy efficiency as newer cars that were purchased were less polluting than the older ones. And the bill we have before us is one that is strongly supported by a coalition of the National Association of Manufacturers, the environmentalists and the Chamber of Commerce.

So what does this motion to recommit do? It undermines the basic structure of the bill. It eliminates the rebates to contractors. It eliminates the loan program. It eliminates the public education campaign. It creates burdensome procedures for consumers to claim rebates, and it creates burdensome income thresholds as well.

We have worked hand in hand with the contractors, the NAM, the Chamber, and others to craft this bill. This motion to recommit is a good thing to vote for if you are against the bill; but otherwise, it is filled with a lot of gimmicks. For example, it says no funds provided under this title shall be used for the purposes of conducting travel to gambling or gaming establishments in connection with official duties related to the title. What is that all about? It was just thrown in. It was never an issue that was raised in committee, in hearings. It was just thrown in there.

If you believe that this bill makes sense because it will provide employment to construction workers, it will make homes more energy efficient, it will save families billions of dollars on their energy bill, if you think that is important, because the construction industry has the highest unemployment rate of any sector in the Nation, one in four are unemployed, stand with the Chamber, the NAM, your local hardware stores, your carpenters, your local contractors and businesses, and vote against this motion to recommit and vote for final passage.

□ 1500

Mr. Speaker, I would now like to yield to the gentleman from Vermont, the author of the legislation.

Mr. BARTON of Texas. Would the gentleman yield briefly for an answer to his question?

Mr. WAXMAN. I'm sorry. I do not have extra time.

Mr. WELCH. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER pro tempore. The gentleman from California has 2½ minutes remaining.

Mr. WELCH. Mr. Speaker, we have a common goal here, and that is to put the 25 percent of construction workers who are out of work back to work. Home Start helps them do that. It will help homeowners who want to save energy and save on their fuel bills to do that. This bill accomplishes that. And we want jobs in America. Mr. Speaker, 90 percent of all the materials that go into refitting and insulating homes are manufactured in the United States of America, a common goal. This is a good bill.

Mr. Speaker, I want to acknowledge that it is a better bill because of the active contributions and participation of our colleagues on the other side. I can name numerous additions. Mr. BARTON, thank you for the specific sunsets so that we can kick the tires after 2 years. Mr. SHADEGG, electric tankless hot water heaters are in this bill because of you. Mr. SHIMKUS, geothermal heat pumps are a good idea that we incorporated into this bill. Mr. BUYER, you included a study so we can learn from the success of this program. And I want to thank, of course, Mr. EHLERS, who understands that less is more. The less energy we use, the better.

The difficulty with this motion to recommit is all that good work that was done on your side to make this a better bill will kill the bill. It will impose enormous burdens on the homeowner. What makes sense here and why the former Governor of Michigan likes this so much is that it is simple. A homeowner who wants to retrofit, insulate his or her home, all they will have to do is go down to the contractor. They don't have to hassle with paperwork and with government. That's the reason why we designed it this way, to make it easy for people to use and contractors to use.

We have a chance in this legislation to take a practical step to move to use less energy rather than more; and whether you're from a coal State, a nuclear State, a hydro State, that's a good thing. We have a chance to put folks who are out of work back to work. We have red districts and blue districts, but we've got carpenters and plumbers and heaters who are out of work in both districts. We share the goal of those folks going back to work. We've got manufacturers in this country that have capacity and that want to put people back to work in their communities. We can do it with this legislation.

I urge a ''no'' vote on this motion to recommit and to take that step together in building this country and this economy.

Mr. BLUMENAUER. Mr. Speaker, I will vote against the Motion to Recommit on the Home Star Energy Retrofit Act because it undermines the underlying legislation. The Home Star legislation will help homeowners, the environment, and the construction industry.

This Motion to Recommit is a political ploy. It aims to solve problems that no one has shown exist. It brings up issues that were never raised in Committee or on the Floor during consideration of the bill.

Specifically, this Motion removes provisions in the legislation that I strongly support, such as the energy efficiency loan program, which provides important tools for states to help consumers make energy efficiency upgrades.

The Motion adds additional burdens for contractors who are performing the work, sowing doubt and confusion in the program. At a time when we are trying to stimulate the economy and create jobs, it doesn't make sense to add additional meaningless procedural hurdles. The authors of the Motion claim to be preventing money from being spent on child molesters and gambling. Money from this bill is not going to be spent on those items anyway. No one has demonstrated that is an issue we need to deal with. If so, there are already anti-fraud provisions in the underlying legislation that would prevent this type of activity. The Motion contains no enforcement mechanisms, so any additional prohibitions are meaningless.

This Motion is another example of how the Republican leadership has chosen to work to score political points instead of taking seriously the challenges facing our country.

Mr. WAXMAN. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 346, nays 68, not voting 16, as follows:

[Roll No. 254]

YEAS—346

Ackerman	Burgess	DeLauro
Aderholt	Burton (IN)	Dent
Adler (NJ)	Butterfield	Deutch
Akin	Buyer	Diaz-Balart, L.
Alexander	Calvert	Diaz-Balart, M.
Altmire	Camp	Dicks
Arcuri	Cantor	Doggett
Austria	Cao	Donnelly (IN)
Baca	Capito	Doyle
Bachmann	Capuano	Dreier
Bachus	Cardoza	Driehaus
Barrow	Carnahan	Duncan
Bartlett	Carney	Edwards (MD)
Barton (TX)	Carson (IN)	Edwards (TX)
Bean	Carter	Ehlers
Berry	Cassidy	Ellison
Biggert	Castle	Ellsworth
Bilbray	Castor (FL)	Emerson
Bilirakis	Chaffetz	Eshoo
Bishop (GA)	Chandler	Etheridge
Bishop (NY)	Childers	Fallin
Bishop (UT)	Coble	Fattah
Blunt	Coffman (CO)	Flake
Boccieri	Cohen	Fleming
Boehner	Cole	Forbes
Bono Mack	Conaway	Fortenberry
Boozman	Connolly (VA)	Foster
Boren	Cooper	Foxx
Boswell	Costa	Franks (AZ)
Boucher	Costello	Frelinghuysen
Boustany	Courtney	Gallegly
Boyd	Crenshaw	Garamendi
Brady (PA)	Crowley	Garrett (NJ)
Brady (TX)	Cuellar	Gerlach
Braley (IA)	Culberson	Giffords
Bright	Cummings	Gingrey (GA)
Broun (GA)	Dahlkemper	Gohmert
Brown (SC)	Davis (CA)	Gonzalez
Brown-Waite, Ginny	Davis (KY)	Goodlatte
Buchanan	Davis (TN)	Gordon (TN)
	DeFazio	Granger

Graves
Grayson
Green, Al
Green, Gene
Griffith
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hodes
Holden
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—68

Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Blumenauer
Capps
Chu
Clarke
Clay
Cleaver
Clyburn
Conyers
Davis (IL)
Delahunt
Dingell
Engel
Farr
Filner
Frank (MA)
Fudge
Grijalva
Hastings (FL)
Heller
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Kanjorski
Kilpatrick (MI)
Lee (CA)
Markey (MA)
McDermott
Michaud
Moore (WI)
Moran (VA)
Nadler (NY)
Napolitano
Oberstar
Olver
Pallone
Pascrell
Payne
Pingree (ME)
Reyes
Rothman (NJ)
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Sires
Stark
Stupak
Thompson (MS)
Titus
Towns
Velázquez
Waters
Watson
Watt
Waxman
Welch
Woolsey

NOT VOTING—16

Barrett (SC)
Blackburn
Bonner
Brown, Corrine
Campbell
Davis (AL)
DeGette
Guthrie
Hoekstra
Kennedy
McCollum
Melancon
Mollohan
Obey
Pitts
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1537

Messrs. HOLDEN, POMEROY, ROSS, COURTNEY, Ms. ZOE LOFGREN of California, Messrs. MATHESON, PASTOR, Mrs. HALVORSON, Messrs. SCHIFF, WALZ, LYNCH, BARROW, HARE, Ms. HARMAN, Messrs. WEINER, HEINRICH, PETERSON, DEFAZIO, ETHERIDGE, HODES, POLIS, Ms. SPEIER, Messrs. SMITH of Washington, MEEK of Florida, RAHALL, DRIEHAUS, SALAZAR, COSTELLO, Ms. MARKEY of Colorado, Ms. DELAURO, Messrs. CARDOZA, MOORE of Kansas, WU, LIPINSKI, RODRIGUEZ, Mrs. DAHLKEMPER, Mr. DICKS, Ms. SLAUGHTER, Mr. QUIGLEY, Ms. KILROY, Messrs. SERRANO, KISSELL, PERLMUTTER, HIMES, BACA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YARMUTH, Mrs. MALONEY, Messrs. SPRATT, KIND, Ms. SUTTON, Mr. KAGEN, Ms. KAPTUR, Mr. BOUCHER, Mrs. DAVIS of California, Messrs. MEEKS of New York, LEVIN, TANNER, GORDON of Tennessee, VISCLOSKY, LARSEN of Washington, PRICE of North Carolina, KLEIN of Florida, LANGEVIN, MCGOVERN, CAPUANO, Mrs. MCCARTHY of New York, Mr. CARNAHAN, Ms. WASSERMAN SCHULTZ, Messrs. MILLER of North Carolina, WILSON of Ohio, NEAL, TONKO, LARSON of Connecticut, Ms. SCHWARTZ, Messrs. LUJÁN, PATRICK J. MURPHY of Pennsylvania, HIGGINS, KUCINICH, ISRAEL, CUELLAR, BISHOP of New York, Ms. BEAN, Messrs. HALL of New York, AL GREEN of Texas, COOPER, RUPPERSBERGER, DEUTCH, BRALEY of Iowa, BOSWELL, VAN HOLLEN, BERRY, ORTIZ, FATTAH, CARSON of Indiana, SCOTT of Georgia, MURPHY of Connecticut, LOEBSACK, BISHOP of Georgia, GONZALEZ, DOYLE, BRADY of Pennsylvania, Mrs. LOWEY, Messrs. GARAMENDI, TIERNEY, ELLISON, KILDEE, BUTTERFIELD, CUMMINGS, Ms. MATSUI, Mr. JACKSON of Illinois, Ms. CASTOR of Florida, Mr. THOMPSON of California, Ms. TSONGAS, Mr. SESTAK, Ms. JACKSON LEE of Texas, Messrs. JOHNSON of Georgia, SHERMAN, INSLEE, GEORGE MILLER of California, Ms. EDWARDS of Maryland, Messrs. DOGGETT, LEWIS of Georgia, Ms. ROYBAL-ALLARD, Messrs. GUTIERREZ, SNYDER, CROWLEY, ACKERMAN, Ms. ESHOO, Mr. COHEN, Ms. RICHARDSON, Messrs. GENE GREEN of Texas, RANGEL, SARBANES, and GRAYSON changed their vote from ''nay'' to ''yea.''

Messrs. CONYERS and PALLONE changed their vote from ''yea'' to ''nay.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 5019, back to the House with an amendment.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:

Page 6, lines 3 through 6, strike paragraph (12) (and redesignate the subsequent paragraphs accordingly).

Page 11, line 24, through page 12, line 1, strike ''notice of'' and all that follows through ''the amount'' and insert ''notice of the amount''.

Page 12, line 2, insert ''on the homeowner's behalf'' after ''apply for''.

Page 12, line 5, strike ''and''.

Page 12, lines 6 and 7, strike subparagraph (B).

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

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

(6) certifying that no employee has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault;

Page 12, line 16, strike ''112'' and insert ''110''.

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

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

Page 21, lines 14 through 16, strike ''to participating contractors and vendors, to reimburse those contractors and vendors for discounts provided to homeowners'' and insert ''to homeowners to reimburse the homeowners for work provided by participating contractors and vendors''.

Page 25, lines 18 through 21, strike ''to participating contractors and vendors, to reimburse them for discounts provided to the owner of the home for the retrofit work'' and insert ''to homeowners to reimburse the homeowners for work provided by participating contractors and vendors''.

Page 35, line 24, through page 36, line 1, strike '', as a function of the discount the contractor or vendor provides to the homeowner for the installed measures,''.

Page 39, lines 12 and 13, strike ''discount from a contractor or vendor for which a rebate is provided under subsection (a)'' and insert ''rebate''.

Page 42, lines 6 through 8, strike ''to participating accredited contractors and vendors, to reimburse them for discounts provided to the owner of the home for the retrofit work'' and insert ''to homeowners to reimburse the homeowners for work provided by participating accredited contractors and vendors''.

Page 48, lines 2 and 3, strike ''discount from a contractor or vendor for which a rebate is provided under this section'' and insert ''rebate''.

Page 49, lines 16 and 17, strike ''Secretary'' and all that follows through ''may'' and insert ''Secretary may''.

Page 49, lines 18 and 20, redesignate clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

Page 49, line 22, strike ''; and'' and insert a period.

Page 49, line 23, through page 50, line 3, strike subparagraph (B).

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

(g) EXCLUSION.—For purposes of this section, energy savings measures shall not include the installation or replacement of pool heaters.

Page 52, line 9, insert ''and'' after the semicolon.

Page 52, line 11, strike ''and''.

Page 52, lines 12 through 22, strike clause (iv).

Page 53, line 16, strike ''112'' and insert ''110''.

Page 58, lines 6 through 16, strike section 109.

Page 58, line 17, redesignate section 110 as section 109.

Page 59, line 7, through page 65, line 16, strike section 111.

Page 65, line 17, redesignate section 112 as section 110.

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

Page 66, line 18, insert ''and'' after the semicolon.

Page 66, lines 19 through 21, strike subparagraph (D).

Page 66, line 22, redesignate subparagraph (E) as subparagraph (D).

Page 67, lines 1 through 3, strike paragraph (2).

Page 67, line 4, redesignate paragraph (3) as paragraph (2).

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

Page 69, line 4, strike ''subsection (b)(3)(B)'' and insert ''subsection (b)(2)(B)''.

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

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

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

Page 72, line 8, strike '', 110, and 111'' and insert ''and 109''.

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

(j) ADMINISTRATIVE EXPENSE PROHIBITION.—No funds provided under this title shall be used for the purposes of conducting travel to gambling or gaming establishments in connection with official duties related to this title.

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

TITLE III—DEFICIT NEUTRALITY

SEC. 301. SUNSET.

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

Mr. WAXMAN (during the reading). I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 246, nays 161, not voting 23, as follows:

[Roll No. 255]

YEAS—246

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Butterfield
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—161

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bilirakis
Bishop (UT)
Blunt
Boehner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Harper
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pascrell
Paul
Paulsen
Pence
Petri
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Barrett (SC)
Blackburn
Blumenauer
Bonner
Boyd
Brown, Corrine
Campbell
Davis (AL)
DeGette
Delahunt
Filner
Guthrie
Hastings (WA)
Hoekstra
Kennedy
McCarthy (CA)
McCollum
Melancon
Mollohan
Obey
Pitts
Wamp
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois) (during the vote). There are 2 minutes remaining in this vote.

□ 1544

Mr. BOREN changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1545

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1334

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Owens (to rank immediately after Mr. Murphy of New York).

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Patrick Murphy of Pennsylvania.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Garamendi (to rank immediately after Mr. Owens), Mr. Boswell (to rank immediately after Mr. Garamendi), Mr. Johnson of Georgia (to rank immediately after Mr. Boren).

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Deutch (to rank immediately after Mr. McMahon).

(5) COMMITTEE ON HOMELAND SECURITY.—Mr. Owens (to rank immediately after Ms. Titus).

(6) COMMITTEE ON THE JUDICIARY.—Mr. Deutch (to rank immediately after Ms. Chu), Mr. Polis.

(7) COMMITTEE ON NATURAL RESOURCES.—Mr. Luján (to rank immediately after Mr. Heinrich).

(8) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Garamendi (to rank immediately after Mr. Peters).

(9) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Johnson of Georgia.

Mr. LARSON of Connecticut (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Ms. CHU). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purposes of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow. In addition, we will consider H.R. 5116, the America COMPETES Act.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I noticed that the gentleman from Maryland, the majority leader, did not mention the budget or the Afghan-Iraq supplemental for next week's schedule. And I know that in our last week's colloquy the majority leader, the gentleman from Maryland, stated that he would consider these two items as soon as possible. So I would ask the gentleman if he has an update about floor consideration for either the budget resolution or the supplemental bill for Afghanistan and Iraq.

Mr. HOYER. We are still working on the budget. I will hopefully bring that forward when it is ready, obviously when the Budget Committee considers it. As it relates to the Afghan-Pakistan supplemental, the President requested, as you know, approximately $33 billion in his budget at the beginning of the year. The Defense Department says that the money that they have will be depleted sometime this summer. It's important, obviously, therefore, that we move soon. And I hope to do that.

I would hope that when we move this bill forward that we will see bipartisan support for it, obviously to support our troops in harm's way, carrying out a policy that I know, as the gentleman has observed before, the Republican whip himself and others have indicated their support of the President's policy in Afghanistan. This money for Afghanistan and Pakistan will fund those efforts. And I am hopeful when we do bring it forward that we will have bipartisan support for that piece of legislation.

Mr. CANTOR. I thank the gentleman.

Just to clarify, Madam Speaker, does the gentleman expect either of these items to come to the floor prior to the Memorial Day recess?

Mr. HOYER. I am hopeful that that will be the case, yes.

Mr. CANTOR. I thank the gentleman.

I would ask the gentleman also, Madam Speaker, when does he expect the tax extender bill to come to the floor? I know Chairman LEVIN has alluded to it coming to the floor any time within the next 2 weeks. I would further ask the gentleman, Madam Speaker, does he expect that to be a 1- or a 2-year extension?

Mr. HOYER. The committee has not acted, so I can't answer the second question per se on the 1 or 2 years. I will tell the gentleman that it is still my expectation, as Chairman LEVIN said, that that bill, the jobs bill with the extenders in it, will come forward within the next 2 weeks.

Chairman BAUCUS and Chairman LEVIN are discussing that bill. I am hopeful that they will reach agreement and can reach agreement on a bipartisan basis in the House and in the Senate. We are working toward that end. We believe this will be an important bill for business, an important bill for job growth, and an important bill to extend some of those items that, as the gentleman knows, some of them will expire in terms of authorization either by the end of this month or by June 2.

Mr. CANTOR. I thank the gentleman for that, and would inquire further, Madam Speaker, from the gentleman, I don't know if I am asking, Madam Speaker, whether it is his sense or preference about the length of the extension and whether we can expect or he would expect there to be a 1- or 2-year extension.

Mr. HOYER. I would prefer that perhaps we do it for a longer period of time than 1 year. Two years would be acceptable. However, the problem, of course, is paying for things. As the gentleman knows, when these bills were considered, one of the things that the minority did with their MTR was to include more spending in and strike the pay-fors, which exacerbated the bill to the tune of about $100 billion. So I think the committee is dealing with what they can pay for.

There will be some things, obviously, that we have accepted as emergencies caused by the severe economic downturn. But I think the length of time will probably be dictated by the issue of how we pay for things.

Mr. CANTOR. I thank the gentleman.

I would reiterate, Madam Speaker, to the gentleman that Republicans stand ready to work with him in terms of trying to live up to the expectations that families across this country are having to live up to, which is to work in a fiscally responsible manner on a budget blueprint for the year, and am hopeful that Congress can deliver on that prior to the Memorial Day break.

With nothing further, Madam Speaker, I yield back the balance of my time.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 11, 2010, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

A NEW INTERNATIONAL FISCAL CONSERVATISM

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, today's volatility in the stock market teaches us two lessons: first, the United States, our Treasury Secretary, and our President must advance a new International Economic Stabilization plan based on tremendous cuts in European government spending. Over 60 percent of Greece's GDP is in the public sector. With debts rising to 100 percent of national income, their ability to repay