

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

IN THE HOUSE OF REPRESENTATIVES

April 14, 2010

Mr. WELCH (for himself, Mr. EHLERS, Mr. MARKEY of Massachusetts, Mr. WAXMAN, and Mr. CARDOZA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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 that is accredited--

(A) by the BPI; or

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

(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; or

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

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

(A) intended for habitation; and

(B) intentionally heated or cooled.

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

(7) ELECTRIC UTILITY- The term 'electric utility' means any person, 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 3(b).

(10) GOLD STAR HOME ENERGY RETROFIT PROGRAM- The term 'Gold Star Home Energy Retrofit Program' means the Gold Star Home Energy Retrofit Program established under section 6.

(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 12.

(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 3(c).

(17) 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.

(18) 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.

(19) REBATE AGGREGATOR- The term 'rebate aggregator' means an entity that meets the requirements of section 4.

(20) RESNET- The term 'RESNET' means the Residential Energy Services Network.

(21) SECRETARY- The term 'Secretary' means the Secretary of Energy.

(22) 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 5.

(23) 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.

SEC. 3. HOME STAR RETROFIT REBATE PROGRAM.

(a) In General- The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) Federal Rebate Processing System-

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

(A) establish a Federal Rebate Processing System which shall serve as a database and information technology system 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 Act.

(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 Act 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 Act 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 Act, 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; and

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

(d) Administrative and Technical Support- Subject to section 13 (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 Act.

(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 Act.

(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 Act.

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

(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.

(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 Act.

(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 Act 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 Act 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 Act 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 Act 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 Act.

(3) COOPERATION- An Indian tribe may cooperate with a State or the Secretary to ensure that all of the requirements of this Act 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 7, or if at any later time the Secretary determines that a State is no longer prepared to carry out section 7, 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 7.

(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 7 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 Act.

(j) Limitation- Rebates may not be provided under both section 5 and section 6 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 Act, 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 Act.

(l) Public-Private Partnerships- A State that receives a grant under this Act 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 Act 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 Act 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 Act shall relieve any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

SEC. 4. 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.

(b) Availability- Not later than 90 days after the date of enactment of this Act, 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 Act;

(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 Act; and

(7) maintain information regarding contractors' fulfillment of the requirements of section 3(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;

(D) an electric utility or a natural gas 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 Act;

(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 Act.

(e) 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. 5. 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, in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that--

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

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

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

(D) cover at least--

(i) 100 percent of an accessible attic; or

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

(3) Duct seal or replacement that--

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

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

(4) Wall insulation that--

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

(B) is to full-stud thickness; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) meets or exceeds--

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

(ii) in the case of a 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 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.

(c) Installation Costs- Measures described in paragraphs (1) through (12) of subsection (b) shall include expenditures for labor and other installation-related costs 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)(10)(C) for each home;

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

(D) \$50 for each storm window described in subsection (b)(11), with a minimum of 5 storm windows and a maximum of 12; and

(E) \$250 each for a maximum of 4 electric tankless water heaters described in subsection (b)(10)(F) for each home.

(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 always 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 or the State 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 or the State 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 Act 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 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) 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;

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

(C) 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 6.

(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. 6. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) In General- A Gold Star Home Energy Retrofit Program rebate shall be awarded, subject to subsection (c), 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) 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 as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

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

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

(ii) an equivalent performance test established by the Secretary, 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.

(c) Amount of Rebate- Subject to subsection (d)(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.

(d) 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 always 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 Act 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 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.

(e) 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. 7. QUALITY ASSURANCE.

(a) Quality Assurance Framework-

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

(2) IMPLEMENTATION- The State shall--

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

(B) implement the quality assurance framework not later than 90 days after the plan is submitted to the Secretary under paragraph (1).

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

(A) maintenance of a list of such qualified contractors and accredited contractors;

(B) minimum standards for such qualified contractors or 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 or women-owned small business enterprises;

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

(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; and

(F) 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 has not taken the steps required under this subsection, the Secretary shall provide to the State a period of at least 90 days to comply before suspending the participation of the State in the Home Star Retrofit Rebate Program.

(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 Act, 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 Act 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. 8. REPORT.

(a) In General- Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on this Act.

(b) Contents- The report shall include a description of--

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

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

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

(4) the beneficiaries who received the efficiency improvements;

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

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by rebates provided under this Act; 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. 9. TREATMENT OF REBATES.

(a) In General- For purposes of the Internal Revenue Code of 1986, rebates received under this Act--

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

(2) shall reduce any credit allowed under section 25C or 25D of that Code for eligible work performed in the home of the homeowner by the amount of any rebate provided under this Act for the eligible work.

(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. 10. 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. 11. PENALTIES.

(a) In General- The Secretary may--

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

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

(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 Act.

SEC. 12. 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) principally funded--

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

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

(b) Establishment- The Secretary shall establish a Home Star Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for 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 5 and 6; and

(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).

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

(e) Qualified Financing Entities- Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State--

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

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

(A) will use a quality assurance program established under this Act 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. 13. FUNDING.

(a) Authorization of Appropriations-

(1) IN GENERAL- Subject to subsection (j), there are authorized to be appropriated to carry out this Act \$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 Act.

(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 Act;

(B) development 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 12.

(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 7, 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.).

(4) WITHHOLDING OF FUNDS- To the extent that the Secretary assumes the responsibilities of a State under section 3(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 Act with respect to its tribal lands pursuant to section 3(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 Act.

(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 Act 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 Act, 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 5(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.