

**AMENDMENT****OFFERED BY MR. MATHESON OF UTAH**

Page 229, lines 4 through 22, amend paragraph (3)

to read as follows:

1 “(3) VIOLATIONS.—Violations of this section
2 shall be defined as follows:

3 “(A) If the building is subject to the re-
4 quirements of a State energy efficiency building
5 code with respect to which a certification has
6 been accepted by the Secretary under sub-
7 section (e)(2)(B) or a local energy efficiency
8 building code with respect to which a certifi-
9 cation has been accepted by the Secretary pur-
10 suant to subsection (e)(6)(B), a violation shall
11 be determined pursuant to the relevant provi-
12 sions of the State or local code.

13 “(B) If the building is subject to the re-
14 quirements of a national energy efficiency build-
15 ing code adopted under subsection (c)(1)(A)(i)
16 or made applicable under paragraph (1) of this
17 subsection, a violation shall be defined by the
18 Secretary pursuant to subsection (g).”

Page 235, line 17, amend subsection (g) to read as follows:

1 “(g) ENFORCEMENT PROCEDURES.—The Secretary
2 shall propose and, not later than three years after the date
3 of enactment of the American Clean Energy and Security
4 Act of 2009, shall determine and adopt by rule what shall
5 constitute violations of the energy efficiency building codes
6 to be enforced pursuant to this section, and the penalties
7 that shall apply to violators. To the extent that the Sec-
8 retary determines that the authority to adopt and impose
9 such violations and penalties by rule requires further stat-
10 utory authority, the Secretary shall report such determina-
11 tion to Congress as soon as such determination is made,
12 but not later than one year after the enactment of the
13 American Clean Energy and Security Act of 2009.”.

