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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You are our God alone. Early to You we lift our hearts in praise. We look to You today to sustain us, for because of You we live and move and breathe. By Your power, we find life and joy and peace. Today, help us to focus on Your love that can make us messengers of understanding and purveyors of justice to our Nation and world.

Lord, give to our lawmakers the peace that the world can't give, protecting them from seen and unseen dangers. Encompass them with Your strength and meet their every need.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 12, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks there will be an hour of morning business. The majority will control the first half and the Republicans will control the final half.

Following morning business the Senate will consider S. 1392, the energy savings and industrial competitiveness legislation. We may have some votes today. We will work and see if we can come up with some energy-related amendments on which we can vote.

ENERGY EFFICIENCY

Mr. REID. Mr. President, America has and had for so many years the most brilliant, innovative, and imaginative scientists in the world. Many of them have worked hard to develop new environmentally friendly energy sources. That is one area in which we have been so good.

Every year over the last many years during the month of August I host an energy summit in Las Vegas. We have had Governors and Presidents and all kinds of Cabinet officers there. It is a bipartisan event. One of the activities we do there is recognize some of the smartest and most creative inventors and investors in the world to show their latest discoveries, and there are lots of them. This past August I learned about an American company that is developing high-tech batteries. It has great potential. They want to store solar power for use long after the Sun goes down. I met the inventor of a flying wind turbine that looks like a cross between a giant kite and a small plane.

On the Nevada and California border just a few miles from Las Vegas there is an amazing project going on out there. They have hundreds and hundreds of thousands of solar panels—mirrors. They have three very tall towers that look like skyscrapers, and they harness the Sun. The reason this invention is so terrific is that one of the problems we found with solar energy is that when the Sun goes down, it is not producing energy anymore. This will no longer be the case because these large skyscrapers have molten salt stored in them. During the day it heats up, and when the Sun goes down it still produces energy. It is amazing. That is now 98 percent completed.

I am constantly amazed by the ingenuity of the clean energy that brings a bright spot during the darkest of economic times. But Americans cannot just rely on scientists and inventors to solve our energy dilemma and break our reliance on polluting fossil fuels. We need to be part of the solution instead of part of the problem, and that will mean reducing our energy consumption at home and at work. That is what the Shaheen-Portman legislation is all about.

Being more efficient at home—we can start with small choices, such as replacing a burned out lightbulb with an energy-efficient one, buying more efficient appliances, which are out there, so we can do that. We can install thermostats that turn the heat or the air down when no one is home. It can be regulated remotely. The effect of these choices and many more is real.

We also need to make the buildings we live in and work in, as well as the technology inside those buildings, more efficient. What has happened for generations here in America is that

you design a building and give the specifications, but then people come in and build it as cheaply as they can. At the time it is constructed, the construction company wants to get it done as quickly and cheaply as possible. As a result, the insulation is not good and the air-conditioning equipment and appliances are not as good as they could be. So we need to make the buildings we work in, as well as the technology inside those buildings, more efficient.

Much of the electricity created in America is wasted. When I was a boy growing up in rural Nevada, less than a mile from our home were these massive power lines coming from the Hoover Dam, extending to California—lots of them. We used to be amazed. We would stand under them and hear the electricity popping and snapping. It went from Boulder City to L.A. Think of all of the electricity lost while transmitting that electricity down there. So much of the electricity we use in America today is wasted. Just heating and cooling our homes and offices with outdated technology is one way we waste so much electricity. The legislation before the Senate will spur the use of energy-efficient technologies. Here is what Senators SHAHEEN and PORTMAN named the legislation: the Energy Savings and Industrial Competitiveness Act. It will spur the use of energy-efficient technologies in private homes, commercial buildings, as well as in the industrial sector—all at no cost to taxpayers. I commend Senators SHAHEEN and PORTMAN for their persistence and dedication in bringing this bill to the floor. I thank Senator WYDEN, chairman of the full committee, and Ranking Member MURKOWSKI for their able management of this measure.

Investing in energy efficiency is one of the fastest and most effective ways to grow our economy. This legislation will make our country more energy independent, protect our environment, and will also save consumers and taxpayers money by lowering their energy bills.

It is estimated that this measure would save American families today $14 billion per year and will create more than 150,000 new jobs, according to some of the studies surrounding this legislation. This bipartisan bill makes it easier for the private sector to adopt efficient technology.

By 2030—even as a young man presiding, the Senator understands how quickly 2030 will get here—this legislation will reduce Americans' CO_2 emission as much as taking nearly 17 million cars off the road. The bill creates incentives for companies to use technology that is already available right off the shelf. It is technology that can be used in every State in the Nation, and it will pay for itself right away through savings and energy.

The Federal Government also has an important role to play in saving energy, and we have not done very well in the past. The Federal Government is the Nation's single largest energy consumer of electricity. No one is a bigger customer for electricity in America today than the Federal Government. Reducing the government's energy use will not only be good for the environment, it will save taxpayers lots of money.

I am aware that Senators wish to offer amendments. I have been told by Senator SHAHEEN that there are 18 bipartisan amendments to be offered. I look forward to working with them and the bill's managers to help American businesses and consumers play an active role in reducing our Nation's energy consumption. While some of the answers to America's energy dilemma will come from inventors and researchers, others must begin in the places we live and work.

There has been a lot of happy talk about what a great piece of legislation this is—and it is. I have worked with Senator SHAHEEN and Senator PORTMAN. They said there will be amendments and that all the amendments are bipartisan. Of course, we have been totally diverted from what this bill is all about. Why? Because the anarchists have taken over. They have taken over the House, and now they have done the same in the Senate.

The Speaker could not pass a simple CR today. When asked at a press event yesterday—as I heard reported on the news today—they said: What is next?

He said: If you have a couple of ideas, give them to me, and they will be shot down also.

We are in a position here where people who don't believe in government—and that is what the tea party is all about—are winning. That is a shame. There has not been a single amendment allowed to be offered in this legislation that has anything to do with energy. There are all kinds of different issues, such as defunding ObamaCare.

As the fiscal year comes to an end, I guess that is what it is all about: You do what we want and get rid of ObamaCare or we won't fund the government. The President of the United States has said he is not going to negotiate dealing with the debt ceiling.

If the Republicans in the House can't pass a simple funding resolution for a short time, then it will shut down because of that. The government can't fund unless we have activity here.

Even though I gave all the reasons why we need to do this Energy bill—and Senators SHAHEEN and PORTMAN have been talking to me for months and months: Let's do this bill. They said there won't be amendments on it unless they relate to energy. So here we are. Where are we? Where we have been this whole year. What have we accomplished? Not much.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

OBAMACARE

Mr. MCCONNELL. Mr. President, I did a lot of listening over the past several weeks in meetings and events all across Kentucky. Last week I participated in my 51st hospital townhall since 2011, and one thing kept emerging over and over: Kentuckians are really, really worried about ObamaCare. They read the same stories we have about businesses being forced to cut hours and eliminate health care and about people being laid off. They read about how the rollout of this massive law is becoming a massive mess and how their personal information could be compromised by scam artists. I know there are some who supported the law who are thinking: Well, they will learn to like it. But it is precisely the kind of ''we know what is good for you'' attitude that is so upsetting to my constituents. That is what got us into this mess in the first place.

So let's at least get this much straight: The doctors, the nurses, the health care professionals, the patients, and everyday Kentuckians I have been speaking with on this issue are not ignorant of the facts. They know what they are talking about. A lot of them know more about health care than those who voted for this law ever will.

The fact is that the more my constituents seem to know about ObamaCare, the more worried they tend to be. That is true for the business owners too. One small business owner in Murray wrote to me about how she is looking at premium increases of nearly 90 percent. I think she summed up the situation pretty well. She wrote:

> Government is crippling the businesses that are keeping this country going.

Another constituent wrote to me to say that as a matter of conscience, he doesn't want to let his employees go uninsured but that realistically he may no longer have a choice. One of Kentucky's biggest employers recently announced plans to stop providing health care to spouses of 15,000 of its employees—also due in part to ObamaCare.

This is part of a growing trend across America. These are just some of the human costs of this law, and it hasn't even fully come online yet. So it is small consolation for business owners in my State that they will have a little more time to work through this mess after the President's decision to delay the so-called employer mandate for a year. They get a reprieve for a year, and then the mess comes along a year later.

Interestingly enough, just yesterday the country's largest union federation, the AFL–CIO, outlined serious flaws in ObamaCare that could hurt its members too. Apparently, they came very close—very close—to calling for outright repeal. This is the AFL–CIO that came very close to calling for outright repeal. News reports suggested a lot of harsh words were said. I don't think I can even quote all of it on the floor.

But one union leader implied that ObamaCare could lead to the federation losing three-quarters of its membership in just the next few years. This is the AFL–CIO—the biggest supporter the President had—coming this close to calling for outright repeal.

So we know Big Labor is leaning on the President. We know they want him to let them rewrite the same law they helped ram through, and apparently he is listening to them.

But what about everybody else who is not in Big Labor? What about the single mom in Bowling Green who will not be able to cover rent if her hours are, in fact, cut as she anticipates they will be? What about the recent college graduate in Louisville who is barely scraping by as it is and who will not be able to afford a premium increase? What about the families from Covington to Paducah who are worried sick about this law? Doesn't the administration think those folks deserve some relief too? The same kind of delay at least businesses will get? Republicans do. That is why the Republican-led House of Representatives passed a bill on a bipartisan basis—that means Democrats voted for it too—before the August recess to do just that. Last month I tried to pass that same bill in the Senate, but the Washington Democratic leadership blocked it. I am not sure why.

This legislation is just common sense. It is the fair thing, the right thing to do. So today I am going to try again. Yesterday, along with a number of my colleagues, I filed an amendment to the Portman-Shaheen bill that would provide the same reprieve for individuals the administration has already offered to businesses. This time I hope my colleagues on the other side will join me in supporting it, as a number of Democrats did over in the House.

I know they all got an earful when they were home last month. So maybe they have reconsidered the wisdom and fairness of their earlier position. Maybe now they think individuals and families should be treated no differently than businesses when it comes to protecting them from ObamaCare. This same legislation, as I indicated, attracted votes from both Republicans and Democrats in the House, and there is no reason for blocking it in the Senate.

We need to pass a 1-year delay—a 1-year delay—of ObamaCare for everyone. That is what the amendment I filed would do. Then we need to enact what Kentuckians and Americans truly need, a full repeal of this job-killing mess of a law—job-killing mess of a law; that is what it is—and what I intend to keep fighting for. As I said earlier, union members who pushed for this bill now are turning against it in droves, so are businesses and so are our constituents. I don't care what party people are in, we will hear from them. So let's take this first step together. Let's delay ObamaCare mandates for families right now, just as the White House did for businesses, while there is still time to do it. Then let's work together, Democrats and Republicans, to repeal the law for good and replace it with the kind of commonsense, step-by-step reforms that will actually lower costs.

That is what Kentuckians want, that is what Americans want, and anybody who actually listened to their constituents last month already knows what I just said.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders and their designees, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OBAMACARE

Mr. BARRASSO. Mr. President, I come to the floor today to talk about a new CNN poll that came out yesterday. It says support for the President's health care law appears to be ''waning.'' CNN polling director Keating Holland talks about this. He says that support has dropped in virtually all demographic categories, but it has fallen the farthest among two core Democratic groups: women and Americans who make less than $50,000 a year.

He goes on to say:

> Those are also the two groups that are most likely to pay attention to health insurance issues and possibly the ones most likely to be affected by any changes. That may be particularly true for lower-income Americans who are most likely to have part-time jobs, be on Medicaid, or not currently have health insurance and thus be the first to have to navigate the new system.

So there is the story from CNN polling yesterday: Support for the President's health care law appears to be waning.

I have spent a lot of time, as the Presiding Officer has, over the last month traveling around my State, listening to constituents, hearing what is on people's minds. That is what I did back in Wyoming over the last month. I do it every weekend, meet with lots of people. We have had lots of county fairs and rodeos, townhall gatherings.

One thing that came up just about everywhere I went was the concern that so many folks still have about the President's health care law. Some are confused, many are upset, and many more are angry, angry that the law is doing serious damage to middle-class jobs and to people's paychecks. Even the insurance coverage many people already had and liked, there are things they are going to lose.

Republicans have warned from the beginning that the President's law created too much redtape, too many new taxes, new fees, and expensive mandates. As a result, people are going to end up paying a lot for health insurance.

Well, for months now, Americans have been seeing exactly that. One of the latest numbers that really stuck out was from Delta Air Lines. They say they are going to be paying about $100 million more to cover their employees next year. All of the mandates in the health care law, the President has said so many of these are free. They are not free. Somebody has got to pay for them. Just covering workers' children up until age 26—it is about 8,000 young people covered by Delta Air Lines, added to their policy—is going to cost them an extra $14 million next year.

Remember, the President said health care costs were supposed to go down, not up. He also said that for 85 to 90 percent of Americans who already have health insurance, the only impact, he said, of the law was that their insurance was better than it has ever been before.

Well, that does not seem to be the case. All you need to do is pull out today's New York Times business section, first page, B–1, above the fold, ''Unions' Misgivings on Health Law Burst Into View.'' Labor delegates level criticism at Congress and the President. It seems the President's promises to people who believed him that they could keep what they had if they like it—they are now saying: Mr. President, something has to change here. You know, you have not leveled with us. What we are seeing now coming out of this administration is not what you promised us.

It is not just the New York Times. Today's Investors Business Daily, above the fold, first page, ''ObamaCare Hitting Union Members—And They're Upset.'' Unionized part-timers losing health insurance; full-timers losing hours. That is not what the President promised.

What this means is people are not just losing their health care, their insurance, it is affecting their jobs and it is affecting their paychecks.

Another step some employers have had to take is to drop coverage for spouses who can get their insurance elsewhere. The President said that was not going to happen. He said, if you like the insurance you have, you will

be able to keep it. But once again the President has failed to see how much harm his health care law will do to middle-class Americans. Those hard-working people are now paying the price. In a recent memo to employees, the shipping company UPS said it plans to exclude 15,000 spouses from its insurance plan. They cited the health care law as the top reason for the switch.

It is not just businesses. The University of Virginia recently announced plans to drop spousal coverage for some of its employees too. The President is berating colleges about the cost of tuition, but yet his own mandates are making it more expensive for colleges to provide insurance for members of their faculty. So, of course, they pass those costs on to the students. The school said the President's health care law would add $7.3 million to the cost of its health plan in 2014. So just like UPS, if a worker's husband or wife can get insurance from their own employer, the University of Virginia will not be covering them anymore, even if it is insurance that they have and they like, the President said they could keep. The school directly laid some of the blame on the health care law. It is not something the President admitted might happen, and it is not something he is eager to talk about now.

He is also not eager to talk about his promise to cut the price people pay for insurance. President Obama promised that by the end of his first term he would lower people's premiums by $2,500 per family per year. He did not say this once; he said it over and over, at least 19 times. He did not misspeak. It was a practiced line, an intentional line, an intentional part of his stump speech.

He did not say premiums would go down if Congress passes a perfect law that takes effect the first day in office. He did not tell the audience it would be $2,500 less than the projected rate of growth someone estimated we would have otherwise. He chose to ignore all of that, to leave out every caveat he could have included. He said, $2,500 less by the end of his first term, period.

Every person, every audience, knew what the President was promising. Well, now we know President Obama broke that promise, like so many others. He and his supporters should stop trying to explain it away and admit they failed.

According to the Kaiser Family Foundation, the average family premium has soared by almost $3,000 since the President took office. That is not a prediction about what will happen over the next 4 years; it is a simple, indisputable fact about how much more people are already paying. So you have people who are losing their insurance plans that the President's health care law taxes too heavily. You have other people losing the insurance they have now because employers are dropping coverage for spouses. You have some people who will keep their insurance but they are going to have a lot less money in their paycheck because costs are going up, thanks to the health care law. You have a lot of people the President's health care law is really hitting in the wallet. It is because we are continuing to see towns and counties and school districts having to cut back the hours of their workers. They need to keep more employees at a part-time status in order to reduce the burdens and expenses of the health care law. Over the past month, even more places have had to take these steps.

Middletown Township in New Jersey said they would cut the hours of 25 people. A county in Texas said it would do the same. Another county in Florida figured it would cost them more than $1 million to cover all of their part-time workers under the health care law. So they are already reducing the hours for some of these people and they are planning to make additional cuts.

The Obama administration is brushing off these reports. They are saying it is only anecdotal evidence. Anecdotal? These are not anecdotes, these are people's jobs. One of the analysts out there found 258 different employers have cut work hours, cut jobs, or taken other steps to avoid ObamaCare's costs—258 employers across the country, many of them school districts, counties, communities, some private businesses, and more are coming forward every day. They are limiting the hours they can pay busdrivers, librarians, coaches, substitute teachers, and middle-class workers. The Obama administration says, everything is fine because some of these workers will get a subsidy to help buy their expensive insurance.

Well, the people I talk to are not looking for a subsidy, they are looking for a job. They are looking for more hours. They are looking for the ability to take home a paycheck comparable to the paycheck they may have had last year but it is going down because their hours have been cut. They want the Obama administration to stop making it so tough for them to find full-time work. They want to go back to the insurance they had before the President's health care law went into effect. Instead, they are getting more bad news, more signs that the health care law is a trainwreck that is going to hurt the middle class even more.

We all knew the health care system in this country had problems and needed to be fixed. Costs were rising year after year. Too many people were having trouble getting the care they needed. Democrats could have sat down with Republicans to write a law to help those people. Instead, President Obama and Democrats in Congress, who were in charge of the House and the Senate, passed their plan, a one-sided plan, a plan that today is failing the American people. They did it without Republican support, and they did it without seriously considering our ideas.

Washington Democrats promised reform, but the reform they promised is not what is delivered in this 2,800-page health care law. With over 100,000 pages of regulations, it is hard for anyone to understand or comply with.

Republicans have voted to repeal this failed law and start over with reforms that solve the biggest problems families face today. We are going to keep trying to get that done. If Democrats are serious about helping middle-class Americans, they will join us.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. COATS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COATS. Mr. President, since its inception, ObamaCare has remained consistent in one regard: an alarming pattern of delays, glitches, and overturned provisions, not to mention failure to meet certain promises that were made when this bill was passed.

First, Congress repealed the law's 1099 mandate after realizing this provision would drastically increase expenses on every business, charity, and local government entity. Then Congress repealed the law's long-term care program in 2012 after the administration admitted this wouldn't work.

Next came a slough of waivers. Rather than admit ObamaCare would drive up costs, the administration created a program that has granted more than 1,700 waivers covering more than 4.1 million people. A lot of other Americans are saying: Hey, how about our waiver? Why did these 1,700 waivers covering 4.1 million people go to them and not to us?

Even meeting its own deadlines for implementation seems to be too difficult for the White House. According to the Congressional Research Service, as of May 31, 2013, the administration had yet to meet half, only 41 of 82, of the deadlines legally required by the Congress under this legislation.

But in June 2013, President Obama claimed: ''I think it is important for us to recognize and acknowledge this is working the way it's supposed to.''

Really? There are 1,700 waivers for people who couldn't comply with this, repeals enacted by Congress, and it is working the way it is supposed to? Is that what they intended when they passed the bill? It is not what they promised. A month later the President's team announced the delay of another key ObamaCare component, the employer mandate—a 1-year delay—while maintaining implementation of the individual mandate. Individuals, yes; employers, no.

We know they are not able to comply, that the downside of complying with this under this timetable doesn't work, so we force individuals to comply with the law and the mandate to buy health insurance or pay a tax, but we take that burden away from employers.

Is that fair? Is that fair, to give it to part of the country, give it to employers? How about the other half, the employees? How about the other individuals who don't fall under those plans? Yesterday the nonpartisan Congressional Budget Office released a report of 19 instances in which portions of ObamaCare had been changed, rescinded, repealed, or delayed—19 separate times when it has either been changed, repealed, rescinded, or delayed.

The report specifically found the President has signed 14 laws, several of these with multiple provisions, that each amend, rescind, or repeal part of ObamaCare. The administration also has delayed at least five significant provisions of the law.

What does all of this tell us? It tells us that even the President and his administration recognized the health care law they wrote and they passed—not one single vote of support from the opposing party. They recognize this is not going as promised or planned.

Recognizing the impact his health care law is having on job creators, the President decided to give relief to businesses. As I said before, don't all Americans deserve the same break? Don't we all deserve some relief?

While it is a necessary step, even the delay of the employer mandate came too late for many Hoosiers, whose companies have been forced to drop employees or cut back their hours to less than 30 hours per week, the threshold at which ObamaCare kicked in for companies.

In recent weeks newspapers across Indiana had been filled with stories of companies and school systems that have reduced hours to avoid the ObamaCare requirements. All this is coming at a time of continued, chronic, high unemployment. People are working two and three part-time jobs to keep their heads above water, only to barely keep the bills paid at a time when our economy is growing at half the rate it should.

We are not putting people back to work and people are actually dropping out of the job search category. We add this burden on them.

Let's take a moment and consider the contrast between these reports, the promises made by those who authored and those who have supported and voted for it. This administration continues to say it is working as planned.

When President Obama signed his health care reform package into law back in March 2010, he said the reforms would ''lower costs for families and for businesses'' and ''help lift a decades-long drag on our economy.''

A law that was supposed to help workers, employers, and families in our economy is, instead, doing the exact opposite. I have heard the same sentiments over and over—and I continue to hear from Hoosiers as I travel across the State—this law is not helping, it is hurting.

We need to repeal this law and replace it step by step with reforms that lower costs, increase access to care, and empower patients, not bureaucrats in Washington.

I have voted more than two dozen times to repeal, defund, and strip provisions from ObamaCare. It is a principle I share with all of my colleagues on the Republican side, and I will continue to support these efforts.

However, I believe the best way to stave off this coming train wreck—as described by a Democratic Senator who was instrumental in writing the bill—is to delay implementation of the ObamaCare mandates for 1 year.

The President has already determined he is going to delay the employer mandate, so let's add to that the delay of the individual mandate which essentially delays the implementation of this law for a year so we have the opportunity to do what we need to do legislatively. We need to repeal this law and replace it with sensible legislation—rational and cost-effective legislation—that actually addresses the problem we are dealing with. It also gives the American people a chance to basically tell the White House: This ain't working.

We need to make a difference here. This can be an issue American people can debate throughout 2014 while it is delayed and then express their concerns at the ballot box in November of 2014.

As a consequence of this, I have introduced legislation, supported now by over 30 Senators, which would delay the individual mandate until January 2015. I am pleased the minority leader, Senator MCCONNELL, has agreed to take up this bill to lead the effort, to join me in not only having this body examine this bill, debate it, and vote on it, but to join the House, which has already passed.

My Indiana colleague in the House, Congressman TODD YOUNG, introduced this legislation in the House of Representatives, and it passed with bipartisan support. Even the members of the President's own party have recognized this train wreck that is coming and have chosen, in significant numbers, to support the Republican effort of my colleague from Indiana, Congressman YOUNG.

I am carrying this ball here in the Senate. I am pleased the minority leader, as I stated, Senator MCCONNELL, is willing to take this up. We already have the support of more than 30 Senators, and I expect that will grow and hopefully it will be bipartisan support.

The bill is identical to legislation the Republicans passed in the House. I am proud that fellow Hoosier Congressman TODD YOUNG has authored that bill.

If Democrats, Republicans, and a majority of the Americans agree this law is not working, then let's do something now before ObamaCare's full impact on our economy takes effect.

I urge the majority leader to allow a vote on this amendment that will be offered and give all Americans the same protection this administration has provided to businesses—to give that to individual Americans. After all, it is simply a matter of fairness. The administration, having decided to waive for a year the implementation of the employer mandate, needs to waive for a year the implementation of the individual mandate in fairness to the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. FLAKE. I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FLAKE. I come to the floor today to urge my colleagues to do everything we can to ensure ObamaCare is delayed. Like the Senator from Indiana who just spoke, we know this law is not ready for prime time. The President has delayed certain parts of it, a number of parts of it.

The individual mandate has been delayed. If we are going to delay the employer mandate, it would make sense to delay the individual mandate as well.

I have introduced S. 1490. This would delay by 1 year all provisions of the Affordable Care Act that are supposed to take effect on January 1, 2014, or later.

In addition, it would suspend all taxes, including the tax on medical devices associated with the law for 1 year.

I am also a cosponsor of the legislation introduced by Senator COATS. The minority leader has offered this legislation as an amendment to the energy efficiency legislation which is on the floor now. It would also delay the individual employer mandates for 1 year.

Like many of my colleagues, I have opposed ObamaCare from the beginning. I have voted against this legislation time and time again. I think the count is 37 times in the House to repeal it. Obviously I did not support it in the first place. Even the law's strong advocates agree there are issues with implementation under the current timeline and that a positive immediate next step for all Americans would be to delay this harmful law.

January 1, 2014, marks a rollout of some of the most fundamental parts of the law. The CBO estimates some 37 million will join the individual exchanges that are scheduled to open their enrollment period in less than 3 weeks from now, and all of our constituents will start feeling the pain if the law isn't ready from the outset. As I mentioned, even the President has conceded the health care law is not ready by issuing a combination of waivers and delays for certain parts of the law.

He did it for the employer mandate a while ago. If we do it for the employer mandate, it makes sense to do it for the individual mandate as well. Because of the delay of this employer mandate starting in 2014, many individuals will be using the honor system to

verify their income and whether they have access to employer-provided health coverage. Without an appropriate verification system in place, individuals will have an incentive to report a lower income to receive more subsidies than they qualify for. This will ultimately raise the cost for everyone else.

On the individual exchanges, just 2 weeks ago HHS delayed the signing of final agreements for insurance plans that are going to be sold on the exchanges starting October 1. This comes on top of a report issued by GAO this past June cautioning that the health care law could miss the October 1 open enrollment date because of missed deadlines and delays in several areas. The administration has also delayed the cap on out-of-pocket expenses that was intended to go into effect in 2014.

If this wasn't enough, there are also privacy and fraud concerns. There is great apprehension over the new Federal navigators who are hired by the Federal Government to help individuals weed their way through the new paperwork and enrollment guidelines of the Affordable Care Act. These navigators receive no antifraud training, and the administration recently announced the training for these individuals would be reduced from 30 to 20 hours. Further, these individuals will have access to consumers' private and personal data without having any minimum eligibility criteria or background checks.

I could continue to list the pitfalls this law has already faced, but the point is clear: The law is simply not ready for prime time. Implementing this law before it is ready will only force taxpayers into a system riddled with potential fraud, certain gridlock, and increase costs for all. As lawmakers, we have a responsibility to our constituents. If a law is not ready, we need to delay it for everyone. That is why I urge my colleagues to support the minority leader's amendment coming up on this legislation on the floor today and any other legislative vehicle to grant taxpayers a 1-year delay for the Affordable Care Act to ensure the least harmful path forward.

Simply put, I believe a total delay of ObamaCare is the fairest way and most realistic plan to prevent the law from wreaking havoc on all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I strongly support the previous two speakers in their attempts to delay a law that is clearly not ready for prime time. In that spirit, I again put forward my proposal to make sure there is no Washington exemption from ObamaCare. This, I believe more than anything else, will ensure that Washington doesn't impose something unduly burdensome—not ready for prime time—on America if it is living under the same rules.

Unfortunately, that is not the case right now. This special OPM rule, which was made up out of thin air, in my opinion, and unveiled in draft form a little over 1 month ago, creates a huge Washington exemption—a special deal—particularly for Members of Congress and our staff.

We need to say no Washington exemption, and my amendment on the bill that is on the floor now, and my separate bill of the same substance, the No Exemption for Washington from ObamaCare Act, will do just that. It will say all Members of Congress, all congressional staff, the President, the Vice President, and all of their political appointees have to go to the exchanges for their health care—the fallback option for every American—and they have to do that under the same rules, under the same parameters as every other American does—no special deal, no special exemption, no special subsidy.

I urge my colleagues to support this measure as an amendment on the bill that is on the floor now or as a freestanding bill.

With regard to the posture of the bill on the floor now, I have no desire to hold up any other amendments. I am eager to move forward with those amendments and with mine. I simply need assurance that my amendment will get a fair vote, particularly before October 1. This is very time sensitive because October 1 is when the OPM rule will otherwise take effect. I am eager to come to an agreement so all of us can move forward with this proposal and this vote and others in a constructive way, and I look forward to that happening.

I would add this doesn't have to happen on this bill. This can happen regarding my stand-alone bill or in other ways, as long as that is assured before October 1.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1392, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1392) to promote energy savings in residential buildings and industry, and for other purposes.

Pending:

Wyden (for Merkley) amendment No. 1858, to provide for a study and report on standby usage power standards implemented by States and other industrialized nations.

Mr. WYDEN. Mr. President, when the Senate began debate on the bipartisan energy efficiency bill yesterday, I thought it was important to start by putting the discussion in the context of what I know Senators heard all summer long. All summer long Senators heard from folks at home who said: Look, when the Senate goes back into session in September, what you folks have to do is knock off some of this bickering, this pettiness, which seems like a kind of glorified food fight, and get serious about real issues, get serious about those kinds of concerns that are most important to us here at home—energy, creating good-paying jobs, the infrastructure, and all of those bread-and-butter questions that go right to the heart of how middle-class people in America improve their standard of living.

I was struck yesterday—and I especially appreciate the tone brought to this discussion by the Senator from New Hampshire and the Senator from Ohio—by how the Senate reflected and got, in those first few hours of the debate, the message from the summer. It seemed this body heard the American people saying: Knock off this pettiness and this bickering and get serious about real issues, and that means doing it in a bipartisan way. In the first couple hours of this discussion, we had five amendments that were bipartisan, and all of them stemmed, in effect, from Senators on both sides of the aisle who were responding to this kind of welling up of the benefits of energy savings and how those energy savings help to create good-paying jobs and a cleaner environment.

For the first couple hours, we had Senator after Senator coming in these bipartisan kind of pairs to discuss real issues. So I am just going to spend a few minutes talking about how that unfolded.

The first one that came up was the Inhofe-Carper amendment. Those two might not agree on every possible cause but certainly they said: Look, we ought to include thermal energy in the definition of renewable energy as part of the Federal energy purchases that take place. That probably is too logical for some—and certainly if you want to spend your time on polarizing fights you might not be that interested in the Inhofe-Carper amendment—but I said I was going to back that because two Senators did a lot of good, constructive work and they came to us early on with a good idea.

Then we heard from Senator COLLINS and Senator UDALL about another practical idea to reduce redtape—to reduce bureaucracy and redtape—so we could maximize energy efficiency programs in our schools.

We also heard about a useful amendment from Senators BENNET and

AYOTTE in terms of recognizing the efficiency achievements of commercial building tenants. This space constitutes about 41 percent of all the energy that is used in our country, and so two Senators said here is an opportunity to again promote the efficiency and the visibility of the programs that work.

Then we had a useful amendment offered by Senators KLOBUCHAR and HOEVEN to assist nongovernmental organizations. These are the churches and the senior citizens groups and the programs for kids. These are the nonprofits. And what that bipartisan coalition wanted to do was to assist nongovernmental organizations in making these energy-efficient improvements.

Then as the fifth part of this discussion we had the Landrieu-Wicker-Pryor amendment to improve the way in which various governmental agencies select the Green Building Program certification systems for Federal agency use—again, something designed to reduce some of the bureaucratic redtape that is associated with how these programs are implemented.

So there you are. The first five amendments are bipartisan. They are in response to this kind of welling up, as I would characterize it, to the opportunity that this bill presents.

We received letters from a number of organizations just today—the National Association of Manufacturers, the American Council for an Energy-Efficient Economy, the Business Roundtable, the Alliance to Save Energy, and the Natural Resources Defense Council—all of which wrote to Majority Leader REID and Minority Leader MCCONNELL to express their support for this legislation. I ask unanimous consent to have printed in the RECORD this letter.

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

SEPTEMBER 11, 2013.

MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: We write representing a broad spectrum of interests to express our support of S. 1392, the Energy Savings and Industrial Competitiveness Act, introduced by Senators Shaheen (D–NH) and Portman (R–OH). This bill reflects a bi-partisan, consensus agreement on a set of energy policies that will benefit the economy, advance energy security, and improve the quality of the environment. All agree that expanding energy efficiency is in the national interest and this legislation would increase energy efficiency opportunities for businesses, consumers, and the federal government.

S. 1392 is built on a consensus principle and the broad support it has received is the product of that principle. It is our hope that the Senate will proceed with full consideration of this bill in a manner that gives it the best opportunity to move forward in the legislative process.

Thank you for your consideration and we look forward to continuing to work with you and the Senate to support federal energy efficiency policies that benefit all Americans.

Sincerely,

NATIONAL ASSOCIATION OF MANUFACTURERS.
NATURAL RESOURCES DEFENSE COUNCIL.
AMERICAN COUNCIL FOR AN ENERGY-EFFICIENT ECONOMY.
ALLIANCE TO SAVE ENERGY.
BUSINESS ROUNDTABLE.

Mr. WYDEN. The reason they wrote this kind of letter is that the American Council for an Energy-Efficient Economy has estimated that just 10 of the efficiency amendments—most of which were introduced and heard by our energy subcommittee on June 25—would increase, by 2030, the number of jobs created by 10,000. So 10,000 jobs, and we have just 10 of those amendments that would make that kind of difference, and the amendments would increase energy savings by over 10 percent and increase the annual savings by 2030 by $1.5 billion.

The Business Roundtable, the National Association of Manufacturers, the leading environmental groups—that is not exactly a coalition that comes together for every important energy issue, every important environmental question all the time. But they are there on this one, and they are there to a great extent because they understand that modernizing energy policy and having an ''all of the above'' energy policy means you have to pass legislation like the Shaheen-Portman bill and the useful amendments that are associated with it.

Senators come to the floor here in the Senate constantly to talk about how they are for an ''all of the above'' energy policy. It is almost obligatory that you mention it three or four times just to show you are serious about energy policy. You can't be serious unless you support a robust bipartisan effort, such as the Shaheen-Portman bill. This is too important to the overall agenda for energy, productivity, job creation, and a cleaner environment.

I look forward to hearing more from colleagues on their efficiency amendments. I very much hope we can keep the amendments that go forward relevant to the question of energy policy.

It just seems to me that when you have a bipartisan foundation, as we have with this bill—and it started bipartisan with the Senator from New Hampshire and the Senator from Ohio, and it got significantly more bipartisan yesterday.

It would be one thing if Senators came to the floor yesterday and said: We are here to talk about energy legislation. I really don't care about this topic. What I want to do is talk about these other issues that are important to me politically.

That would be one thing. But Senators didn't do that. They came to the floor and they said they want to talk about energy, they want to talk about getting something done in a bipartisan way, they like the bipartisan bill, and they want to make it even stronger. It seems to me that if we now spend an appreciable amount of our time undermining that bipartisan foundation and preventing us from working together on a subject Senators say they care about, that they recognize is part of an ''all of the above'' energy policy, that would be particularly unfortunate.

This bill is an opportunity for the Senate to put some points on the board for the people who sent us here to pass legislation that is going to benefit the country and have a positive impact on folks at home.

Senator MURKOWSKI and I and Senators SHAHEEN and PORTMAN talked yesterday about the extraordinary breadth of the coalition that supports this bill—business and energy efficiency advocates and environmental organizations. More than 200 businesses and groups from across the political spectrum support this bill.

I have already asked that their letter be printed in the RECORD, but I would like to read one passage from the letter that I think reflects the case for enacting this bill. Those organizations—again, the Business Roundtable, the National Association of Manufacturers, the Natural Resources Defense Council—agreed that ''this bill reflects a bipartisan, consensus agreement on a set of energy policies that will benefit the economy, advance energy security, and improve the quality of the environment. All agree that expanding energy efficiency is in the national interest and this legislation would increase energy efficiency opportunities for businesses, consumers, and the federal government.''

So why the Senate would want to say no to something like that because Senators want to advance other unrelated issues important to them really doesn't add up. I know in the Senate there is a desire to debate a whole host of issues, but the reality is that Senators who have talked about energy policy for years and years—and there are a host of them for whom energy is particularly important—now say they want to have their issues that are unrelated to energy advanced today, even though that has the potential to undermine this bill. I don't know how that adds up if you give a lot of speeches at home about sensible energy policy and then you take steps to undermine a bipartisan effort, which got more bipartisan yesterday.

So I am very hopeful that this legislation, which got out of the energy committee on a 19-to-3 vote and got better yesterday, starting with Senators INHOFE and CARPER and going through all the Senators who had bipartisan proposals, I hope it will not be undermined by unrelated matters. If we stay focused on efficiency, I believe we will have an even stronger vote than we had in the committee, which was a 19-to-3 vote, because Senators will have made clear that they understand this debate is about energy productivity, it is about job creation, it is about a cleaner environment, and that they especially understand this bill reflects what Senators heard all this summer.

All this summer the message was, go back to Washington, deal with important issues, particularly those related to the economy. Do it in a bipartisan way. That is what I believe an overwhelming majority of Senators wants to do, and if we keep this bill related to energy efficiency, that will be the result, and that will be good for the country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I respect and appreciate my distinguished colleague, the majority floor manager on this bill, and I appreciate his remarks. But since they were all directed at my activity, I would like to briefly respond.

I have nothing against his efforts. I have nothing against this bill and the provisions of it. I applaud that work, and I want to support that work. And I too listened really hard this summer, all through August. I do townhall meetings in every parish in Louisiana every Congress. This August alone I did 18, and I did hear a lot. Quite frankly, I didn't hear about this bill or any provision of this bill, but I am not denigrating it. I support the vast majority of the provisions of this bill.

What I did hear over and over is this: Washington shouldn't be treated differently and better than we are. What is good for America needs to be good for Washington. And if that rule is applied across the board, you all will start getting a lot of things right in Congress and in Washington.

I heard that articulated hundreds of times at 18 townhall meetings in a lot of different ways. That is what my amendment is all about. And the reason I am demanding a vote now is simply because this illegal OPM rule is set to happen and go into effect on October 1, so it is time-sensitive. I didn't ask for that. I didn't invite that. I would like that rule to go away. But that is a fact, and that is why this is a pressing time-sensitive matter.

The distinguished Senator also talked about bipartisanship. Well, this proposal—the ''no Washington exemption from ObamaCare'' proposal—is thoroughly bipartisan in America. It has enormous bipartisan support in America. The only place it is not popular, quite frankly, on a bipartisan basis is in Washington, DC.

Again, what I heard over and over in 18 townhall meetings was this: The quicker you all apply all laws to yourselves as much as they apply to America, the quicker you will start figuring this stuff out and doing the right thing in Washington.

I agree with that. So I am simply asking for a timely vote on my proposal—which has to be before October 1 for reasons I have explained that are beyond my control—and I have no desire to hold up these other amendments or this bill.

In that spirit, I ask unanimous consent that the pending amendment be set aside and the following amendments be made pending: Bennet No. 1847, Enzi No. 1863, Udall No. 1845, Sessions No. 1879, Inhofe No. 1851, Klobuchar No. 1856, and Vitter No. 1866; that on Tuesday, September 17, at a time to be determined jointly by the majority and minority leaders, my amendment No. 1866 and a side-by-side amendment on the same subject by the majority leader be made pending and receive 60 minutes of debate evenly divided and controlled by the majority bill manager and me; that no points of order be in order in relation to these two amendments; and that upon expiration of the time for debate, without any intervening motions or debate, the Senate then proceed to votes on these two amendments subject to a 60-vote threshold for passage, and subsequent to each amendment vote and motion to reconsider, each vote be made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WYDEN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. VITTER. Mr. President, reclaiming my time, I am sorry for that. I think that establishes a perfectly reasonable path forward in which we could present and vote on these energy votes the distinguished floor manager is talking about. It would mean a 60-minute debate on this important and timely topic I am bringing up next week. So I think that is a reasonable path forward.

But I have an alternative that would take it out of the context of this bill, if that would be preferable.

Mr. President, I ask unanimous consent to withdraw the Vitter amendment No. 1866; that on Wednesday, September 25, 2013, at 3 p.m, the Senate discharge the relevant committees from consideration of my bill, the No Exemption for Washington From ObamaCare Act, and proceed to immediate consideration of that bill; that without any intervening motions or debate, the Senate proceed to 60 minutes of debate on that bill, evenly divided and controlled by the majority leader and me; that the bill not be subject to any amendments or motions to commit; that after debate has expired, the bill be engrossed for a third reading, read a third time, and the Senate immediately vote on final passage; and that the motion to reconsider be made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WYDEN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. VITTER. Mr. President, again reclaiming the floor, I think that is unfortunate because that would be a path forward that takes this issue and this vote completely out of the context of this bill—which I have no problem with. I have no problem with that. I have no desire to obstruct or delay this bill, and I have laid out a path that makes that crystal clear. I am open to any reasonable variation of these ideas, either an amendment vote next week on this bill or a timely vote on the amendment—or a timely vote on my identical bill before October 1. I am completely open to any of that. I hope the majority side and the majority leader will take that under consideration and agree to a version of that. That would immediately solve this impasse, which is created by the majority leader, not by me.

This is an important issue. This is timely. This illegal OPM rule, which creates a special exemption, a special deal for Washington, is happening October 1. I heard a lot from my constituents this August and I heard a lot about that. I heard a lot about how Washington should live under the same rules as America. I heard that on a thoroughly bipartisan basis. I look forward to furthering that important goal.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, by way of responding to the distinguished Senator from Louisiana, I think I am about as bipartisan as anybody here. The one thing I have tried to make essentially the focus of my time in public service is trying to find a way to get folks together, whether it is on tax reform or health care or education with MARCO RUBIO. That is what I want to be all about.

Particularly on the Energy Committee, Senator MURKOWSKI has consistently met our side halfway, trying to find common ground, trying to get folks to work together. The two of us laugh often about it. We do not agree on every single issue under the sun, but there is an awful lot we can agree on. That is why no other committee in the Senate has passed as many bills to the floor in a bipartisan way as the Energy and Natural Resources Committee.

When it comes to working on important issues in a bipartisan way, the Senator says that is what he wants to do. He got me at ''hello'' on that. But I ask him to not hold this bipartisan legislation, which was a first-rate bill when Senator SHAHEEN and Senator PORTMAN brought it here. It got better yesterday during the first couple hours. Senator MURKOWSKI and I heard five amendments from Senators. This is already a block of 10 Senators. Each of them was bipartisan, starting with Senator INHOFE and Senator CARPER. It got better yesterday.

I ask the Senator from Louisiana, who I know cares a lot about energy policy—in his State I imagine they talk about energy quite a bit—to not hold this bipartisan Energy bill hostage for something else. Let's get this passed. It is the first significant Energy bill on the floor of the Senate since 2007.

Hydropower was a very good bill, largely accomplished through the leadership of Senator MURKOWSKI and a

handful of other Republican and Democratic Senators. This is a chance to put points on the board for an issue that dominates so much of our country and I know certainly the part of the country that the Senator from Louisiana represents.

I want him to understand—and I think he knows—since my days when I was codirector of the Gray Panthers, health care is truly my first love. I am willing to work with the Senator from Louisiana on these health care issues. But I implore, in the strongest possible way, that we not hold up this bipartisan Energy bill, a bill that was bipartisan before it arrived and it got better after it did—that we not hold this bipartisan Energy bill hostage for something else.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, again, I respect the distinguished majority floor leader. I appreciate his comments. He has been very bipartisan in his work in the Senate. But I am a little confused because it is as if he did not hear my unanimous consent request. I think those are clearly two possible paths forward that do not have to hold up anything. All I am asking for is a vote on a very important issue before this illegal rule goes into effect October 1.

Again, I re-urge both unanimous consent requests and ask the distinguished floor leader, why is that not a path forward and why do the American people—forget about me—why do the American people not deserve this vote? Because they sure as heck support this on a thoroughly bipartisan basis.

Again, I am open to either path forward, either a vote on my amendment on this bill or let's withdraw that and have a separate vote before October 1. That is a path forward. There is no hostage-taking here. There is no holding up anything. What I am reacting to is this illegal OPM rule and this October 1 deadline, which I certainly did not ask for. I think that is completely contrary to the law. But now that it has been issued I think we need to respond and have a public vote. I urge that, either path forward. Let's take that in a bipartisan way. Let's listen to our constituents, Republicans, Democrats, and Independents. If we listen to them, we will not only have this vote, we will pass this amendment, we will pass this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I also wish to respond to my colleague from Louisiana because I appreciate his interest in addressing some of the concerns on health care that have come up. I would certainly like the opportunity to correct a lot of the misinformation that is out there. But, again, I think there are other opportunities to do that. We should not be doing that on an energy bill that has such bipartisan support.

The Senator is talking about wanting to get a vote on his legislation. Senator PORTMAN and I have been waiting for 3 years to get a vote on this legislation. For something that has such overwhelming support, I hope my friend from Louisiana is going to be flexible and think about how he can address the concerns he has and yet let the debate on this bill go forward.

We have, as Senator WYDEN said, 16 bipartisan amendments that have already been vetted by both sides on the committee, that are ready to go, that I think we could probably get a voice vote on, on all of those, because we have so much support on both sides.

This is legislation on which we have had a number of other amendments filed that we should debate, around energy, because we have not debated energy on the floor of the Senate since 2007. We have more than 260 groups and businesses that have endorsed this legislation. Everybody from Eastern Mountain Sports, which is a great New Hampshire business, to large companies such as General Electric and Raytheon, to small businesses such as—in New Hampshire we have a company called Warner Power, which makes the first innovation in transformers in over 100 years; they are supporting it.

One of the other businesses I thought was particularly interesting is Eileen Fisher, which makes women's clothes. They support the legislation. As everybody knows, anybody who is doing manufacturing in this country is using a lot of energy and they are looking for any way possible to reduce their energy use because they want to be competitive.

We have a number of manufacturing companies on this list that are interested in how they can reduce their energy use. Then we have a whole number of organizations, everything from the Christian Coalition to the Union for Reform Judaism. We have environmental groups such as the League of Conservation Voters and the Sierra Club. We have trade associations such as the American Chemistry Council. When is the last bill we have seen that has both the Sierra Club and the American Chemistry Council supporting the same legislation?

We have a whole list of industry groups that understand that energy efficiency is something they can support because it is something that is going to allow them to add jobs in their businesses. We have the League of Women Voters, the National Restaurant Association, the Oil Heat Council of New Hampshire—a small group that is concerned about making sure people in New Hampshire can heat their homes at a reasonable cost.

The North Carolina Chamber of Commerce, the Southern Alliance for Clean Energy—this is legislation that has support all over the country. The U.S. Council of Mayors as well as the U.S. Chamber of Commerce, they are supporting it because they understand first how important energy is for the future of this country. If we are going to stay competitive, we have to be able to meet the energy demands that businesses have, that people who are trying to heat their homes and pay their electric bills have, that we have as a country, as the U.S. government, where we are the biggest user of energy in the country and part of our legislation deals with government's use of energy and tries to reduce that.

They understand it is in their interest to try to reduce their energy use. We are having a debate about how focused we are going to be on fossil fuels, whether we are going to put more support in for alternative sources of energy. But energy efficiency benefits everybody, regardless of whether one supports fossil fuels or new sources of energy. That is why this legislation makes so much sense.

We have heard just in the last couple weeks from the American Council for an Energy-Efficient Economy that if we can pass this legislation, by 2025 it will support the creation of 136,000 jobs. How many pieces of legislation have we seen on the floor of the Senate that for the costs we are talking about in this bill—no new authorization—that we can support the creation of 136,000 jobs?

Last year when they looked at the bill, they said it would also be the equivalent of taking 5 million cars off the road, saving consumers $4 billion. This is a win-win-win. At a time when we know our future energy opportunities are limited, to some extent, by what is happening in the Middle East, what is happening with foreign oil, this is something that makes sense. For us to be held up because there are people in the Chamber who want to debate health care or who want to debate what the EPA is doing or who want to debate any other myriad of issues—I understand. I am willing to have those debates. I am willing to take those votes. But right now we should be limiting our debate to energy because that is the legislation on the floor before us.

I urge that we try to address the concerns that people have but we do it in a way that will allow us to move forward on this Energy bill. I think it is in the best interests of the country. As Senator WYDEN said so eloquently: People in this country want us to work together. They want us to work together to address the issues we are facing in America. Senator PORTMAN and I have tried to do that. We have spent 3 years trying to do that. We want to move forward. We want to work together to address this issue. I certainly want to have the debate with my colleague from Louisiana about health care. But I don't want to have it right now because we cannot move forward on this legislation as long as that, his amendment, is holding this up.

I hope we can work out some way to do that in a way that we can both find

agreeable and that allows us a path forward to address energy because, clearly, we have to come up with a comprehensive energy strategy for this country. I think energy efficiency is the first step, and that is what this legislation would do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I appreciate not only the words but the work of my colleague from New Hampshire, and I specifically suggest, re-urge, and again call attention to my second suggestion, in the form of a UC which was to withdraw my amendment from this bill as long as a fair vote were assured before October 1.

The reason this is so time sensitive, and the only reason I am camped out here on the floor in this way, is because this illegal OPM rule happens October 1. This is happening right now. It was announced a little over a month ago. We were not here during the intervening time. We were in the August recess. This is happening, so I don't particularly want to debate this next year. We need a vote next week because of that timetable, which is not of my making.

I appreciate the sentiment of the Senator from New Hampshire. I look forward to working with the Senator in that way.

Mrs. SHAHEEN. Mr. President, would my colleague yield for a question?

Mr. VITTER. Mr. President, I will yield for a question.

Mrs. SHAHEEN. Mr. President, I appreciate the consent agreements are usually worked out by the leadership of both the majority and the minority. I know Senator VITTER understands that too. Would the Senator from Louisiana be willing to withdraw his objection to moving forward to amendments on the bill if he and I went—in good faith—to the majority and minority leaders to see if we can get some agreement on when we can address Senator VITTER's issue?

Mr. VITTER. I would not agree to that because that discussion—in good faith—has been going on for a long time, and it is not yielding anything. I hope it does. But simply put, I cannot take the pressure off that discussion to yield something because that discussion has been going on for a long time. I am happy to continue that discussion, but moving forward with the bill, quite frankly, lets all the pressure out and assures defeat and lack of progress.

Mrs. SHAHEEN. Would the Senator from Louisiana not agree there are other bills that will be coming to the Senate in the next couple of weeks, and so if we cannot come to an agreement, there will be another opportunity before the deadline when the Senator could also have this debate he is looking for?

Mr. VITTER. Well, again, answering the question through the Chair, I would observe the time between now and October 1 is pretty darn short, and what may be coming to the floor is pretty limited. It may be a CR, and the amendment opportunities on that are very uncertain. I know there are nominations that are moving forward with obviously no amendment opportunities.

No. 1, I don't know what other bills there may be to even try to get an amendment on; but, No. 2, even if I knew of those targets, I would not be assured of a vote. I would just be put off some more.

Again, I am open to any solution that guarantees a vote, not for me but for the American people, on this important issue before October 1. Again, that timeline was not of my making. It was due to the issuance of what I think is a clearly illegal rule to benefit Washington, contrary to the statutory language of ObamaCare.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I have been watching with admiration the work done by my colleagues from New Hampshire and Ohio, Senators SHAHEEN and PORTMAN, and I would suggest in all respect to colleagues who may have extraneous amendments that this measure is so important and vital to the future of our country. It is important not only in the policies it achieves but also the trust it will inspire. If we are able to come together and work on a bipartisan basis and get this job done, it can set a template for changing the mindset within this building and across the country as to how Congress can function.

We have an opportunity here. Let's seize it. Let's avoid the kind of quagmire, gridlock, and paralysis that has been so damaging to the trust and confidence in our public institutions.

Senators SHAHEEN and PORTMAN deserve a tremendous amount of credit for getting this bill to where it is right now. They never gave up, and I am proud they have come this far. Let us enable this Congress to go the rest of the way.

This legislation is more than the sum of its parts. It is about saving money—clearly saving $13.7 billion per year—and it is about saving energy and creating jobs. It will create 164,000 jobs by 2030, so it is also a great return on investment. It is also about creating trust and confidence in our ability to protect our national security from excess use of energy that makes us more dependent on nations that have no particular affection for us, and indeed, wish us more harm than good.

This legislation authorizes $10 million in grants for institutions of higher learning, trade schools, and community colleges to provide workforce training and skill creation to engineers and builders who need to develop and install the latest, most cutting-edge technologies. It provides limited but very helpful rebates of up to $20 million over the next 2 years for manufacturers who upgrade their electric motors and transformers.

It directs the Department of Energy to focus its ongoing research and development offices on alternative energy sources for our heating and power. These measures, along with energy efficiency required in our Federal buildings and facilities, are meaningful and real. They may not be the biggest steps but they are important steps that take us in the right direction toward saving energy, money, and ultimately saving our planet. We know climate change—more properly known as climate and planet disruption—are facing us if we fail to act as this measure would have us do.

I have an amendment to the bill that will provide for very straightforward, noncontroversial steps in this same direction. It is amendment No. 1878, and it would require the U.S. Department of Energy to study the nonmonetary benefits to our communities of energy-saving products and complying with energy codes for buildings.

For example, buildings account for almost 40 percent of the world's greenhouse gas emissions, according to the World Business Council for Sustainable Development. We all see the difference energy efficiency makes in our pocketbooks and wallets. This amendment will help quantify these same improvements so far as a cleaner environment, and energy saving contributes in nonmonetary ways to our quality of life. It makes us more efficient in the workplace because the quality of life in the workplace is improved and better conditions make people more productive.

There are other amendments, such as the fine work done by my colleague Senator BENNET of Colorado to get a better understanding of the financial—that is the monetary savings that commercial energy-efficient buildings generate for both owners and tenants. My amendment looks to the nonmonetary benefits and seeks to quantify them and build a case for energy efficiency there and throughout our society insofar as we work better and enjoy life more from savings this bill may achieve in money and energy.

As chair of the Senate Judiciary Subcommittee on Oversight of Federal and Agency Actions, I have seen how Federal agencies are able, through the rulemaking process, to take into account the nonmonetary factors during their cost-benefit analysis. Consumers and manufacturers should also have a better understanding of the nonmonetary factors that are addressed through energy efficiency, such as improved building codes that benefit occupants and the general population as well as greater office productivity.

There are three areas of manufacturing in Connecticut that are thriving because of energy efficiency. United Technologies makes building systems, elevators, and heating and air conditioning units and systems that are focused on the most innovative and sustainable technology. We all use their energy-efficient Otis elevators every day to come to the Senate floor, to

bring constituents to the Capitol Visitor Center.

At Legrand in West Hartford, CT, visitors can see firsthand the jobs this legislation supports. Legrand employs about 500 people. They make the electrical and digital insides of buildings across commercial, industrial, and residential markets. They have a demonstration visitors can walk through and see how energy-efficient products work and how they save energy, money, and also improve quality of life.

This past May Legrand was recognized by the U.S. Department of Energy for its continuing efforts in making energy efficiency a top priority through that company's involvement in the Better Buildings, Better Plants Challenge.

Connecticut is also leading the world in making energy-efficient fuel cells and hydrogen energy systems, which is a third area of great importance in energy savings. Fuel cells are of great importance to everything from our neighborhood schools to military bases to many other areas where inexpensive energy storage and power, as well as increased reliability, result from grid independence. These lessons are tangible, real, and dramatic. They are lessons in energy efficiency.

In fact, after Superstorm Sandy, we know something about the need for reliable backup power in Connecticut. Fuel cells are our future, and we should be recognizing that energy efficiency is our future as well. It is an investment that helps everyone in all communities.

I have long supported making energy efficiency more supportable, affordable, and reliable by improving the existing and new technologies. Since arriving in the Senate, I have fought for continued adequate funding for weatherization assistance programs.

A comprehensive energy strategy is what the Nation needs. This measure is a step in that direction. We cannot live successfully and we cannot thrive as a Nation in the 21st century without an energy policy and without moving forward on measures such as this one that enable us to be more energy efficient.

This legislation is an important approach and part of a comprehensive policy our Nation needs to address climate disruption, national security threats, fiscal austerity, and all of the challenges of quality of life that are so imminent and direct to our Nation.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I appreciate the work of my colleague from Connecticut. I will add his amendment numbered 1878 to my proposed UC. I absolutely support it being fully debated and having a vote. I have absolutely no problem with that.

Alternatively, I have no problem withdrawing my amendment from this bill and getting a vote subsequent to this bill before October 1, and certainly the Blumenthal amendment numbered 1878 should get a vote. I fully support that.

Finally, I absolutely agree with the need to build the confidence of the American people. Let me suggest that I don't think the way to build the confidence of the American people is by passing some energy efficiency act, which I expect to support but they have never heard of, and sweeping under the rug and thereby protecting this special deal and special Washington exemption from ObamaCare.

I think step one of rebuilding the confidence of the American people is to say and to live by the motto that everything we pass and apply to America has to apply in the same way to us. That is exactly what this illegal OPM rule goes against and disrupts.

There is a statutory provision in ObamaCare that specifically says all Members of Congress and all congressional staff have to go to the exchange. This OPM rule completely and effectively reverses that. It takes all the sting out of that. It is contrary to the law and, therefore, illegal. I think letting that stand, ignoring it, or sweeping it under the rug is no way to build the confidence of the American people.

I want to do both things. I want to address that and I want to debate and vote on this bill and all of these amendments, certainly including the Blumenthal amendment No. 1878 which I will certainly add to my proposed UC.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to thank my colleague and friend from Louisiana for his support of my amendment and say that I respect and appreciate the passion and zeal he has brought to this debate on behalf of his beliefs. We can disagree on the policies and the merits of those beliefs, and I would respectfully add my voice to the voices of other colleagues who have suggested there may be other ways to raise this issue and to indeed have a vote. As my colleague from New Hampshire articulated so well, I would in no way shirk from votes on the issues the Senator from Louisiana has raised. I am ready to debate and confront those issues and deal with the merits. I would simply suggest there may be better ways to raise this issue than, in effect, to block consideration of a bill that is so important to the American people, so widely supported among so many different groups, and has amassed and mobilized such a strong bipartisan coalition.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I will respond through the Chair that I appreciate those remarks and the genuine sentiment behind those remarks. I welcome and will accept any reasonable path forward that assures a vote before October 1, which is the deadline established by OPM's illegal rule. I will agree to any path forward that assures a vote before October 1, absolutely. I look forward to that.

Finally, I am not blocking anything. I am proposing votes. I am proposing making amendments and, alternatively, I am proposing withdrawing my amendment from this bill as long as we can vote before October 1.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank my colleague from Louisiana for his comments.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRANKEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

Mr. FRANKEN. Madam President, I rise today to talk about energy efficiency and my amendment to Senators JEANNE SHAHEEN's and ROB PORTMAN's Energy Savings and Industrial Competitiveness Act. I am very pleased we are acting on this legislation today, and I am very appreciative of the work the Energy and Natural Resources Committee Chairman RON WYDEN and Ranking Member LISA MURKOWSKI have done to get us to this point.

This a very important piece of legislation. In the United States, our energy consumption is about one-fifth of the world's total energy consumption. Yet when you consider we have less than one-twentieth of the world's population, that says we have a role to play here and especially when a tremendous amount of that energy is simply lost through inefficient buildings, appliances, industrial processes, and automobiles. Those losses have been estimated to cost U.S. businesses and households $130 billion a year.

By making investments in energy efficiency, we can help consumers lower energy costs, and we can reduce pollution, boost the manufacturing sector, and create jobs. That is a win-win-win-win.

That is what this legislation is all about. I am proud that the first hearing I held as chairman of the Energy Subcommittee on the Energy and Natural Resources Committee was on amendments to Senator SHAHEEN's and Senator PORTMAN's bill. We considered a number of amendments that would bolster the bill's efforts to make our economy more energy efficient. Now we have the opportunity to consider some of those amendments we addressed in my subcommittee on the floor of the Senate. I would like to call up and briefly talk about an amendment I filed to this bill.

Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1855.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Madam President, reserving the right to object, I would like to propose an alternative unanimous consent request that would certainly allow that amendment to be made pending.

I ask unanimous consent that the pending amendment be set aside and the following amendments be made pending: Franken No. 1855, Blumenthal No. 1878, Bennet No. 1847, Enzi No. 1863, Udall No. 1845, Sessions No. 1879, Inhofe No. 1851, Klobuchar No. 1856, and Vitter No. 1866; and that on Tuesday, September 17, at a time to be determined jointly by the majority and minority leaders, my amendment Vitter No. 1866 and a side-by-side amendment on the same subject by the majority leader be made pending and receive 60 minutes of debate, evenly divided and controlled by the majority bill manager and myself; that no points of order be in order in relation to these two amendments; that upon expiration of the time for debate, without any intervening motions or debate, the Senate then proceed to votes on these two amendments subject to a 60-vote threshold for adoption, and that subsequent to each amendment vote, a motion to reconsider each vote be made and laid upon the table.

The PRESIDING OFFICER. Is there objection to the request from the Senator from Louisiana?

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the request from the Senator from Minnesota?

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota has the floor.

Mr. FRANKEN. Madam President, I am disappointed my colleague is objecting to us moving forward with this energy bill for reasons I believe are entirely unrelated to this bipartisan piece of legislation, for an amendment that is not germane, and I hope we can work this out. But in the meantime, I would like to explain what my amendment does on energy efficiency, which is what this bipartisan bill is about.

My amendment is simply designed to help get information on the energy use in buildings. That way building owners and private sector companies can identify energy savings. Unless we know how well buildings are performing, we cannot be sure what types of energy efficiency technologies will be the most effective. And that is exactly what my amendment addresses.

The main thing my amendment does is to require that building spaces that are leased by the Federal Government measure and report their energy use. The Federal Government is the Nation's largest consumer of energy. Taxpayers are paying for all of that energy. We owe it to them, to our taxpayers, to make sure our buildings save as much energy as possible.

The Energy Savings and Independence Act of 2007 created energy efficiency requirements for Federal buildings and for federally leased spaces. However, over half of those leased spaces are exempt from these energy efficiency requirements. My amendment makes the Federal Government's energy usage accountable to taxpayers by requiring disclosure of energy use in all federally leased spaces, where such disclosures would be practical and appropriate.

This amendment will also have a small grant program so that utilities and their partners that want to measure and disclose energy use in their buildings are able to do so. The grant program is voluntary and is fully offset.

My amendment would be a significant step in making our commercial buildings more energy efficient. I had a call with a member of the Real Estate Roundtable. Benchmarking is what this is called. On that call, he was saying: Well, not only will this save the Federal Government money, save taxpayers money, but it will, through the whole commercial building sector, create more energy efficiency and save dollars. Again, it will make the Federal Government more accountable to taxpayers.

By accessing information on the energy use of buildings, private sector investors and energy service contract companies can identify and deploy more effective energy efficiency retrofit improvements. Retrofits are a win-win-win, and it is low-hanging fruit. When you do a retrofit, you are putting people to work doing the retrofit, you are improving the value of the property, you are using products that are made by manufacturers in the United States, so you are creating jobs there, you are also reducing the amount of energy use, so saving money. Retrofits pay for themselves. It lowers our carbon footprint and, again, it saves money. So it is a win-win-win. Let's do that.

I again commend Senators SHAHEEN and PORTMAN on their legislation. I look forward to the adoption of this commonsense amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I strongly support the Franken amendment. This concept known as benchmarking—and that is what the Senator's amendment is all about—is something of a term of art in the energy field. But I think it is important for people to know that benchmarking is essentially about information. It is about making markets work better. Benchmarking is a process that allows building owners to assess and disclose the energy use of their buildings so they can compare it to similar buildings.

The information provides an incentive for owners to improve building efficiency. And, obviously, better information on energy use is itself an incentive to improve efficiency.

All this amendment does is expand benchmarking. In effect, it approaches the issue of building efficiency and says: One of the most practical commonsense steps we can take is to expand access to good information.

So I am very appreciative that the Senator from Minnesota has offered this amendment. It is very much consistent with what is known as the ENERGY STAR Program, which also encourages building owners to share this kind of information.

So I hope Senators will support it. I am sure that not every Senator has heard the word ''benchmarking'' before because that is something of a term of art in the energy policy field, but to put it in something resembling English, this is about sharing information, it is about making markets work better. There are no mandates or requirements here in terms of the private sector.

I am very hopeful that, again, as part of the effort to keep this bill focused on energy efficiency, we can get the Franken amendment before the entire Senate. I support it and I support it strongly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I thank my colleague from Minnesota for coming down to the floor and talking about his amendment, even though he cannot officially offer it, because I think it is an important amendment. I think it improves the legislation. I appreciate the fact that he took time to figure out how to offset it because some of the original drafts of the amendment had some authorization without offsets. So this is a deficit-neutral amendment, as I understand it. I have looked at the offsets, and they look as if they are offsets that are consistent with the underlying bill to make sure we are not adding any burden to the deficit here.

But it does make sense. This benchmarking is important. It enables people to see what others are doing, comparing performance to similar buildings. It is invaluable when evaluating the need for upgrades, and particularly in the Federal sector, where we do not have necessarily that same profit motive to be able to be incentivized to look at those comparable energy efficiency performances.

So I like this amendment because it has a sensible approach on benchmarking. It has no mandates on the private sector. It does expand benchmarking from federally owned facilities to federally leased facilities, which is important because we have a number of those around the country. And it also does something I think positive in terms of requiring DOE to study the whole methodology behind benchmarking, which will help not only the Federal sector but the private

sector. It requires that these methodologies be studied so that cities and States can implement better practices and best practices.

So I think this amendment is an example of the four other amendments I see here we have already had good discussion on in the last day which deal with aspects of energy efficiency that improve the legislation. Again, I thank my colleague from Minnesota for bringing it forward, as have others—Senator INHOFE, Senator CARPER, Senator HOEVEN, Senator BENNET, Senator AYOTTE, Senator COLLINS, and others, over the last 24 hours.

I look forward to getting the amendment actually called up so we can move forward. I would urge my colleagues on both sides of the aisle to find a unanimous consent agreement so we can move forward. It seems to me we are pretty close to that. Having followed the proceedings this morning, it seems as though every time we get close, there is another concern that gets raised. I think we need to figure out how to resolve the health care issue in a way that does permit this Chamber to have its voice heard but then get back to this underlying legislation and to these amendments.

This is something we have worked on now for 2½ years. It is something that I think is the result of the kind of bipartisan effort we ought to be doing around here, helping to find common ground to actually move the country forward on things that actually help create jobs, help our economy, and make us more competitive as a country but also have an environmental and energy benefit.

I yield the floor and again thank the Members who are willing to come down to the floor and talk about some of these amendments, even though we cannot officially offer them at this point.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I also wish to thank my colleague from Minnesota for his work and for this amendment. I wish to underscore I am not blocking his amendment. In fact, I presented a unanimous consent that makes his amendment pending, assures a debate, and would assure a vote. I am completely open to that with regard to that Senator's amendment and all the other amendments we are talking about.

Alternatively, if it is preferable, earlier—I know the Senator from Minnesota was not on the floor, so I do not expect him to know this, but I wanted to underscore, earlier I presented an alternative unanimous consent request to withdraw my amendment from this bill and be assured of a vote outside of this bill on the Senate floor before October 1.

Of course, that October 1 deadline is real and is important, not created by me, created by this illegal proposed OPM rule. So that is an alternative path forward that would take my amendment and my proposal completely outside of this bill. I also offered that unanimous consent agreement. I would re-urge it. I too hope we are making progress toward that sort of fair resolution.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I would like to speak to an amendment that has been filed by my colleague from North Dakota, Senator HOEVEN. I expect he will be here momentarily to speak specifically to his amendment, but it has to do with the Keystone Pipeline. This is an appropriate opportunity to talk about the energy needs our country has and the way in which those are being addressed.

We believe there is a great opportunity for our country to benefit in so many ways from the building of the Keystone Pipeline. Obviously, Senator HOEVEN's state is benefiting enormously from the oil and gas find they have in North Dakota. There are lots of abundant energy resources. As typically is the case, you have to have a way to get those to the ultimate marketplace.

The most efficient way to do that is through a pipeline. The Keystone Pipeline, which has been proposed now for several years, is a way in which we can move about 830,000 barrels of oil every single day according to the Department of Energy. Not only would this pipeline transport Canadian crude to U.S. markets, but it would also benefit oil production from the Bakken formation in the Upper Great Plains.

Just to put that figure into perspective, 830,000 barrels represent about half the amount that the United States imports from the Middle East each and every day. According to the Department of Energy, much of the needed oil of the United States shipped through this pipeline will be refined at the Gulf Coast refineries and would likely offset heavy crude imports from Venezuela.

Keystone XL Pipeline is a $5.3 billion investment. According to the Obama State Department, the pipeline would support 42,000 jobs across the country; that is, over a 1- to 2-year construction period, approximately 3,900 would be directly employed in construction activities. These jobs would translate into approximately $2 billion in wages and earnings.

Keystone XL would also generate much needed tax revenue in several States, including an estimated $5 billion in additional property taxes throughout the operational life of the pipeline. The Keystone XL Pipeline has been under review now for 1,819 days. September 19 will mark the 5-year anniversary of the initial application for the pipeline's Presidential permit. Four environmental reviews have already concluded that the pipeline would not have a significant impact on the environment.

As President Obama continues to delay, Canada's oil supply is growing by the day and is expected to double by the year 2025. Canadian oil producers are quickly building pipelines to Canada's east and west coast to ship their oil to foreign markets. Meanwhile, reports indicate we may not get a decision out of the administration until the year 2014. By delaying approval of the pipeline, President Obama is providing China and other nations with an opportunity to outcompete the United States and gain access to Canada's growing oil supply.

Senator HOEVEN's resolution declares that the construction of the Keystone XL Pipeline is in our national interest. That is what the State Department will have to conclude at the end of this current environmental impact statement process, which is supposed to be wrapped up in the coming weeks. At that point, Secretary Kerry, the Secretary of State, has 90 days to determine if the pipeline is in our national interest.

I would state again: this pipeline is going to create jobs, it is going to boost investment, it is going to reduce our dependence on Venezuelan oil, and it will strengthen our relationship with our largest trading partner. Keystone XL Pipeline is clearly in our national interest. I would hope the Senate would go on record to that effect. If we think about the impact it can have on our economy, on jobs, the impact it can have on reducing that dangerous dependence we have on foreign sources of energy, this makes all the sense in the world.

I would reiterate what I said earlier; that is, this has been studied, this has been scrutinized, this has been reviewed now for 5 years. 1,819 days have elapsed since this permit was first applied for; five years have lapsed and four environmental reviews have been done. There is now currently yet another environmental impact study under way, which is supposed to be concluded soon, at the conclusion of which there will be a 90-day period in which the Secretary of State has to make a determination about whether the Keystone Pipeline is in our national interest.

What this amendment, offered by my colleague from North Dakota, Senator HOEVEN, would do is simply put the Senate on the record as saying the Keystone Pipeline is, in fact, in our national interest. I believe that is a statement the Senate ought to make. We ought to weigh in on this subject. It is clear from all of the economic impact, clear from the environmental impact, clear from the need that we have to get away from the dependence we have on foreign sources of energy that this is a win-win for Americans, win-win for American consumers, win-win for American workers who need those jobs, and a win-win for the American economy in not having to get so much of our oil and our energy supply from outside the United States.

I would hope my colleagues and I get the chance, as we continue the debate on this bill, to discuss this amendment

but also to ultimately vote on it and to declare once and for all, through the Senate, that this is, in fact, in the national interest. I see my colleague from North Dakota who is the author of this amendment is here. I credit him for bringing this amendment to the floor and giving us an opportunity to discuss what I think is a very important issue, not only to his State and my State and to many others that would be impacted directly by this, but to the entire economy and our country.

I would yield to the Senator from North Dakota who is the author of the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I wish to thank the esteemed Senator from South Dakota for being here and for his comments on this very important issue and also for being a cosponsor of this amendment, both now and in previous amendments that I have submitted in support of the Keystone XL Pipeline project.

I believe some of the other sponsors of this amendment will be joining us. I will ask that they are able to say a few words as well as they appear. I wish to thank the Senator from South Dakota for his leadership on this issue. The pipeline will actually go through part of South Dakota, I should mention.

It was not too long ago I was back home in North Dakota, and down in the southwest corner of our State there are hundreds of miles of pipeline stacked, just waiting to be used, to be put in the ground.

A lot of that pipeline will go through the State of South Dakota, through the western part of your State. Of course, this is all about building vital infrastructure for our Nation. What it is truly about is getting our Nation to energy independence, working with Canada to have North American energy independence, so we no longer depend on oil from the Middle East. That is something all Americans very much want.

As the Senator from South Dakota said, this is a joint resolution, a concurrent resolution of the Senate, and then of course it would go to the House. So it would be putting both the Senate and the House on record together stating specifically and clearly that the Keystone XL Pipeline is in the national interest. It is in the national interest.

Why is that important? Because, quite simply, that is the decision our President needs to make. He has been reviewing this project for 5 years. TransCanada submitted an application to build this pipeline in September of 2008. Now it is September of 2013. For 5 years this has been under review and under study.

So what is the decision for the President of the United States? The decision for the President of the United States is he needs to determine is this pipeline in the national interest? Why is that important? Because it crosses an international boundary. The pipeline starts in Hardisty, which is in Alberta, Canada, and it travels down to the Canadian border and then across our country to our refineries, to a variety of refineries across the country.

It will provide 830,000 barrels of oil a day. But that is not just Canadian oil, that is also oil from the great State of North Dakota and Montana, more than 100,000 barrels a day of the lightest, sweetest crude oil produced anywhere in the country, really in the world. It takes it to our refineries so our consumers can use that refined fuel from Canada and from the United States rather than what? Rather than oil from the Middle East.

How fitting is it that we are here today where we are talking about the Middle East and Syria and today now talking about an energy efficiency bill. I will submit to you, it is a lot more efficient to move oil in a pipeline than it is by trains and trucks. So it is certainly appropriate that this amendment be part of the energy efficiency bill.

Americans do not want to get their oil from the Middle East anymore. That is a no-brainer. They do not want to get oil from the Middle East. They want it produced here. They want to work with our closest friend and neighbor, Canada. That is what this project is all about. So we figure if Congress can go on the record together, the Senate and the House together, just go on the record stating clearly, simply, and straightforwardly, after more than 5 years of study, exhaustive environmental impact statements, we are stating this pipeline is in the national interest.

It is in the national interest because we want the jobs. It is in the national interest because we want the energy. It is in the national interest because it will create tremendous economic activity, tax revenue without raising taxes for our country, for the States. It is in the national interest because of our national security.

We do not want to have to go to Venezuela or to the Middle East for our oil. We can produce it here and we can work with Canada to produce that oil. So by clearly stating in a joint resolution, in a concurrent resolution from the Senate and the House, this is in the national interest, we believe we can get the President to say, after 5 years of study, after environmental impact statement after environmental impact statement that shows no significant environmental impact, that he will make a decision.

The decision is to approve the project.

Mr. THUNE. Will the Senator from North Dakota yield for a question?

Mr. HOEVEN. I yield to my distinguished colleague from South Dakota.

Mr. THUNE. I would ask the Senator from North Dakota, who has been a great leader on all of these energy issues as we debate energy policy in the Senate, to confirm this but my understanding is that, according to President Obama's State Department, the pipeline will support 42,000 jobs across the country.

There have been some discussions and debate but the President, not too long ago, made a comment in front of an editorial board in one of the country's major newspapers that this is only going to create a couple of thousand jobs and that this was a very minimalist thing.

We have an unemployment rate that continues to hover in the 7.5-percent range and we have the lowest labor participation rate in our country today that we have had literally in 35 years, going back to the Carter administration. The real unemployment rate in other words those who are not only unemployed but those who would like to be working full time or those being forced to work part time or those who have quit looking, is actually much higher. About 14 percent—22 million Americans—fall into that category. We should be interested in anything that would create shovel-ready jobs.

We have heard from this administration, particularly when we were debating the stimulus, that we need shovel-ready jobs. We need jobs that can get people back to work immediately. This perfectly fits that description.

I would ask the Senator from North Dakota if it is his understanding, as well, that it is actually thousands of jobs that would be created as a result of building a pipeline. Wouldn't that be something we would add to the argument? There are many arguments, but this certainly is one, when we are talking about a sluggish economy where growth continues to hover in that 1- to 2-percent range, to get the economy growing and expanding again.

This is not only to get the immediate construction jobs but, when we are producing energy in this country and lowering the cost of energy because we are actually having more of it produced here as opposed to importing it from somewhere else around the world, it gives us a competitive advantage. It is good for economic growth and good for job creation.

Would the Senator from North Dakota speak to the issue of jobs and what his understanding is in terms of jobs that would be created if, in fact, we did move forward with the pipeline?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Absolutely. This is a project, a $7.9 billion construction project. The administration's State Department has been working with a variety of agencies and has developed a number of environmental impact statements. In their own analysis, they indicate more than 40,000 jobs. We are talking of a project that costs billions to build and will create more than 40,000 jobs by their own admission. In the construction process alone, it will generate hundreds of millions in tax revenue at the local, State, and Federal level. It has a huge economic impact at

a time when we need to get people working and when we need to get our economy growing.

At this time, I wish to acknowledge this is very much a bipartisan approach. Look, to get anything done, we have to be bipartisan. When we show a concurrent resolution from the Senate and the House, both Houses of Congress together, with Republicans and Democrats coming together and saying this is in the national interest, that is a powerful statement. It is one I certainly hope the President will acknowledge and make the same decision that this project truly is in the national interest.

On that note, I see Senator MARY LANDRIEU, my esteemed colleague from Louisiana, who is also a prime sponsor of this resolution. Also, I see Senator BEGICH from the great State of Alaska and Senator HEITKAMP from my State of North Dakota. They are here as well. I wish to acknowledge them and acknowledge their cosponsorship of this legislation.

I will read the sponsors we have onboard already. There will be more. Then I will turn to the esteemed Senator from Louisiana, who was so instrumental in crafting this resolution.

I wish to mention all of our sponsors in addition to the Senator from Louisiana, Ms. LANDRIEU, Senator THUNE of South Dakota, Senator MCCONNELL of Kentucky, Senator JOHN BARRASSO of Wyoming, Senator BEGICH of Alaska, Senator CORNYN of Texas, Senator BLUNT of Missouri, Senator RISCH of Idaho, Senator MARK PRYOR of Arkansas, and there will be others.

I mention these Senators both to thank them and to make the point this is very much a bipartisan effort because we are serious about getting something done. This is not about making a statement. This is about getting something done in a bipartisan way from the people's representatives across this great Nation.

I yield to Senator LANDRIEU, the coauthor of this resolution, and thank her for all of her great work on this project.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I am proud to join a fairly large group of colleagues, both Republicans and Democrats, to talk about the importance of energy for our country, domestic energy and all facets of it, particularly the Keystone Pipeline. It will transport oil primarily—potentially gas as well but oil right now—from an important part of the country to the refineries that can refine it so our people can use it here and, as appropriate, export it as appropriate around the world.

Canada is a very strong ally of ours. We have reduced our imports of oil because of the fallout of demand and the increased production domestically, but we can do more.

Before I get into my brief remarks, I see Senator SHAHEEN and Senator PORTMAN on the floor. I wish to commend them for bringing an energy bill to the floor, a conservation energy bill to the floor, that will not only make America more secure, but it has the potential to create literally millions of jobs in our country, the kinds of jobs we want that rely on cutting-edge science, technology, and manufacturing here at home. It is hard to get a bill out of any committee with bipartisan support.

The chairman, Senator WYDEN, has done a fabulous job, in my view, navigating between many very tough currents to get this bill to the floor. It is disheartening that some people would come to the floor this morning to talk about health care or to talk about nonrelated issues to energy, when this government needs to be focused on creating jobs, supporting the middle class, and growing the middle class.

I am proud to be here talking about what most Americans want us to talk about, which is creating jobs at home, ending this recession, expanding our economy, and investing in good old American know-how about how to get things done.

I am pleased to spend my time talking about things that are positive; that is, the Keystone Pipeline. I am proud to be the lead cosponsor on the Democratic side with Senator HOEVEN, and we are about to be joined by the Senator from Alaska and Senator HEITKAMP.

I again urge support of our resolution, which we believe will have more than 60 votes. It will urge the President and push us to a place where we can approve the Keystone Pipeline as an important infrastructure component to our efforts to greatly expand production.

There is horizontal drilling that is going on, and there is fracking that can be done very safely with a minimum environmental blueprint. There are some opportunities, as the chairman knows, to export gas. We are a big gas producer and consumer. I understand the balance that is necessary.

We most certainly don't want to export 100 percent of our production, but we do need to export enough to send a signal to the marketplace that if you risk your money to find it, you will have a market for it. These are the fundamentals of any kind of market. Whether it is the cotton market, the gas market or the oil market, they all operate the same.

We are excited about what is happening in America. From our view in Louisiana, this is one of the most exciting times we have had in decades because there is so much interest in more domestic production. So many more jobs are being created.

In Senator HEITKAMP's State, I think they have run out of workers. I am not even sure we can build their roads fast enough to help us get this production underway.

It is revitalizing the manufacturing base of America. All of my industries are excited. I am going to finally say this because there are others who wish to talk.

Just between Lafayette, LA, and Lake Charles, two medium-sized cities in south Louisiana, just the southern part of our State, there is currently $60 billion of investments being made today because of this extraordinary new domestic production.

The Keystone is part of this. I know there are some environmental concerns. I think they are unfounded. I think they have been disputed by any number of groups. What I am here to say is this is about American jobs. This is about building our infrastructure in America for more domestic production.

Let's get over this hump and let's get together, focus on that which matters to the American people and not undermine this bill. I am going to end with this—not undermine this bill. This is an important component to do what we can to get this Keystone Pipeline moving in a cooperative spirit, which is not often found on the floor.

I wish to ask the Senator from Alaska what he heard in Alaska, because I have heard nothing but green light for the Keystone when I was home in Louisiana.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. I thank the Chair.

We find ourselves always on the floor on oil and gas issues, but our group has grown. We have Senator HEITKAMP of North Dakota. We appreciate that she is here on these issues. It is always interesting on Keystone and hearing my colleagues on the other side.

It is one of the issues where Democrats and Republicans are focused on what is right for America, creating jobs and opportunities, not just having partisan fights. We are focused on what is important.

When you think about energy at all, this is what I hear a lot back home.

First, get us off of energy from countries that don't like us. That is the first priority. We do a lot of business with countries that do not like us because we don't have our own production or have the capacity to tap into production.

Second, of course, Alaska is a huge producer of oil. I know my friends from North Dakota will tell me they outrank us today.

I will remind them when the OCS opens, the Outer Continental Shelf, we will have a few 26-plus billion barrels of oil which we have already started moving into production in the sense of exploration. We hope next year they get back into the OCS. We feel very confident about that.

Alaska, similar to Louisiana, North Dakota, Montana, and others, is abundant with this resource which will get us off foreign oil. This is what I hear over and over. What a better deal than to work with our Canadian partners from whom we import enormous amounts of oil.

Why not work on a pipeline with a country that is unbelievably always

there for us. We know a little bit about pipelines in Alaska. We built a pretty large one going through some tough terrain and very environmentally sensitive areas. It has been operating successfully for decades, and that was under the old rules of construction.

Today, with the new engineering technology, there is an unbelievable potential to bring that resource to our refineries. The choice isn't they are not going to do it. I think this is a false argument you hear out there. People say: If we just stop this pipeline, they will not produce it.

No. Canada is a sovereign country. They have a resource they intend to utilize. They will ship this resource to us to refine or China. I don't know about you, but there is a clear difference in environmental standards between China and the United States. By the way, those jobs aren't our jobs in China. These jobs were produced by a project, the pipeline alone. I know there are people who discount it—well, it is only a temporary project, it only has so many jobs.

First off, they have a labor agreement. It is unbelievable when you think about it, laborers, Teamsters, IBEW, plumbers, pipefitters who will be trained and employed. For North Dakota and Montana, a resource of oil being developed there, this creates access. This is access for their product, U.S. oil, to be able to be moved through the pipeline, refined down south and in incredibly strict environmental standards. And yes, some might be exported, some might stay in the United States. But at the end of the day, it is about creating American jobs.

From Alaska's perspective, people say: Well, why are you for this, if you want to do your own projects in Alaska? Because it is good for all of us. I want to see Chukchi Sea and Beaufort Sea in Alaska built, and they are on their way. The National Petroleum Reserve will see the first production. I was up there 2 weeks ago with the Secretary of the Interior and saw CD–5, which is a platform being developed, and over the next 2 years that well alone will produce 14,000 to 15,000 barrels a day—just one well. They have plans for two or three more. This is an incredible component, but Keystone is the safest way to move this.

And oh, by the way, we already have oil coming from that tar sand through the Chicago region—about half a million barrels already. Now unless I have missed something, I didn't hear a lot of complaints on that. So this will up the capacity to 1.1, the southern section that is being built. It is about American jobs, an American resource, and it is the right decision.

I am somewhat perplexed by the administration's delay after delay after delay and arguments why somehow something else can't happen. In reality, this project is a good project, a good jobs project, and it has a lot of opportunity not only for us here in the United States, in the sense of the lower 48—where I am standing today in this Chamber—but for Alaskans too. Because the oil industry moves around. We have people working in the North Dakota region from Alaska; we have people down in Louisiana and vice versa. It is a unified system of employment. It is good jobs, good jobs, good jobs. Did I mention that?

This is the United States and Canada, which have been partners for years. Why would we not purchase this oil or work through this and build this pipeline to make sure this oil from this great partner is refined in the United States, rather than focusing on oil from countries that do not like us? It makes no sense to me.

So I thank my friend from Louisiana for asking. I hear it all the time. I know we have been joined by the Senator from North Dakota, and probably the Senator from Louisiana is very excited to have another person here on the floor with us talking about oil and gas issues because sometimes we feel a little lonely, but on this bill, this amendment, there are a lot of us.

I know my friend from North Dakota has a lot to say because I heard it during her campaign. So I will turn to my colleague from North Dakota, if it is okay with the Senator from Louisiana, and ask my friend from North Dakota if she has some additional comments or what she is also hearing.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I would ask at this time to be able to propound a unanimous consent request with respect to Keystone.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, there has been a bit of confusion with respect to the handling of Keystone because I was under the impression we would be completed at this time with the discussion of Keystone. So I ask unanimous consent that at this time we allow Senator HEITKAMP to speak with respect to her position on Keystone, then Senator PORTMAN would go next. Both of them have indicated they will be brief. I would then ask, for purposes of this part of the discussion, that Senator BOXER and Senator WHITEHOUSE be recognized for their views with respect to Keystone.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. I thank the Senator from Oregon for clarification and for this opportunity to very briefly speak on the significance of the Keystone Pipeline.

We have been waiting 5 years. We fought a world war and defeated the Nazis in less time than we have been waiting to have a determination on the Keystone Pipeline. I know there is a lot of discussion here and a lot of concern and, obviously, this has gotten to be a national issue of some magnitude. But when we look at it, overwhelmingly the building of the Keystone Pipeline is supported by the American people.

Why is that? Because it is good for our national security, and I think we heard how good it is for employment and job opportunities, but I want to spend a moment in recognizing that in this time we are in right now, given the events of last week and early this week, the American public is looking for a way to allow us to express our national security interests without worrying about where our oil comes from.

I was fortunate enough during the August recess to go up to the oil sands in Alberta and spend some time with the Premier, spending some time with their environmental community, spending some time with their labor community, and talked about the developments there and talked about the enormous opportunities. When we take a look at Alberta and North Dakota, these are two of the fastest growing economies in the world because of this development. We should not walk away from this delivery system, which is very remote and very much needs this pipeline in order to participate in this great North American energy independence opportunity we have.

As a final note, I want to talk about the relationship we have with Canada and the responsibility we have to our largest trading partner, the responsibility we have to one of our best and longest allies. In North Dakota, we celebrate that border with a peace garden that is on both sides of the border, recognizing this is unheard of in the history of the world. This is not some rogue country that doesn't have environmental standards. They are adopting standards and doing everything they can to deal with what they believe is their responsibility for global climate change, and they shake their head and wonder why it is we are waiting 5 years down here to provide them with an opportunity to work with us to create a North America that is energy independent. So I can't say enough about how frustrating this issue has been, but I think how important it is that we have again a sense of the Senate because we represent the people. We represent the majority opinion in this country which says build the pipeline.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I appreciate the comments of my colleague from North Dakota and my other colleague from North Dakota, who has been leading this effort over the past couple of years to get to a point where we can have, as Senator HEITKAMP said, the views of the American people here on the floor.

Although this discussion is on the energy efficiency bill, and this is more of a production issue, I do think it is consistent with the legislation. As we have

talked about from the start, we need an ''all of the above'' energy strategy, and it has to include, in my view, efficiency as one of those key elements, but also producing more. We have talked about the importance of producing more oil and gas in this country to make us less energy dependent on other countries, where we are currently, and unfortunately, dependent on volatile and dangerous parts of the world for our energy, which affects the price at the pump by virtue of the spike in gasoline prices we have seen. It also affects our economy. So I think this goes hand in hand.

As the Senator from North Dakota knows—because I am a cosponsor of the legislation he has proposed before, and I also supported his amendment on the budget resolution—I would also make an argument here on efficiency. One of the things that has been frustrating to me on this Keystone debate is the discussion seems to be that somehow there would be more emissions and less efficiency if we were to allow the pipeline. I think the opposite is true. This is oil which would come, as we know, from the oil sands in Canada, but it also comes from the Bakken in North Dakota and other places. Right now most of that is being trucked or trained, and that is certainly not an efficient way to move oil and gas. In fact, it is a more dangerous way to do it.

It is difficult for me to see how there are efficiency gains by continuing the current policy rather than allowing this pipeline to be built, which will create tens of thousands of jobs, which is why the AFL–CIO Building Trades Council supports it, but also it has efficiency improvements.

Second, if we don't build the pipeline and cannot access the oil from Canada, which helps us to become North American energy independent from an area of the world which is not volatile and dangerous, then that oil will be sold. As the Senator from Alaska said, it is a sovereign country, they will figure out where the market is, and that market, apparently, is China. Our environmental standards in this country are, of course, at a higher level than in China. So in terms of an emissions issue and an environmental issue it would be an advantage to send it to our high-tech refineries on the gulf coast.

Second, how would that oil get there? Not by pipeline, but by rail and by truck and, ultimately, by tanker. Certainly that is not a more efficient way to deliver that product, regardless of whether there were environmental standards at the end of that process. Of course they would not be at the level as they would be in the United States.

So I do think this is an important amendment, and I do think it ties into this overall strategy of having an ''all of the above'' energy strategy. I do think the way the Senator from North Dakota has phrased this amendment it gives us the opportunity to have our views be expressed, but also the House to have its views be expressed, and hopefully would result in the President making an important decision that is in the interest of economic growth, in the interest of good energy policy, as I said earlier, and in the interest, ultimately, of efficiency and fewer emissions, not more emissions.

With that, with the understanding we have a time agreement here, I appreciate the opportunity to talk a little about it. I appreciate the fact the Senator from North Dakota is also on the energy committee with me and also supports our energy efficiency bill, which is the underlying bill, and also offered an amendment yesterday that we talked about and that is a very important improvement in terms of the energy efficiency issue he offered with the Senator from Minnesota, Senator KLOBUCHAR. He has another amendment, I understand, that deals directly with efficiency. So we appreciate working with him on that.

Again, hopefully we can resolve these unrelated issues and move forward with this energy efficiency legislation and have votes on some of these energy issues.

With that, I yield to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I want to express some thanks as we close out our colloquy, and I want to begin with the Senator from Oregon, who is the chairman of the energy committee, as well as our ranking member, the Senator from Alaska—Senator WYDEN from Oregon and Senator MURKOWSKI from Alaska. I thank them for working to get energy legislation to the floor and for the way they are working to be inclusive and bipartisan in this effort.

I also thank Senator SHAHEEN from the great State of New Hampshire and Senator PORTMAN from the great State of Ohio for their bipartisanship in this energy efficiency bill, which truly creates efficiencies and is a natural piece of legislation for us to add this amendment to, as Senator PORTMAN described.

Again, recognizing the time constraints, I want to finish by thanking the Senator from Louisiana, Ms. LANDRIEU, for her coauthorship of this legislation, and for all of the Senators who have joined with us in this bipartisan interest on the Keystone XL Pipeline, which we truly believe is in the national interest.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I rise to talk about why approval of the Keystone XL Pipeline is not in the national interest and why it places our Nation's families at risk.

There is a reason why it is taking a long time to get this approved. It is because it is very controversial and there are some irrefutable facts that I think need to be laid on the table about this pipeline.

I also want to say how discouraging it is to me to see a Senator come here and offer an unrelated amendment that has to be seen, in my mind, as an attack on working people who happen to work for their country and try and derail this bill. It is wrong. And let's be clear: If a Senator doesn't want to have health care here, they should take themselves out of it. If they don't think their staff deserves to have a health care benefit as an employer, tell them they do not have to take it. Tell them to opt out. Tell them it would please you if they didn't have that benefit.

To see a good bill such as this, shepherded by a great chairman, RON WYDEN, and two terrific Senators here on this particular piece of legislation, Senators SHAHEEN and PORTMAN, get derailed because someone wants to attack working people is unfortunate—absolutely unfortunate.

Let me say that one of my colleagues said: Oh, this is all the people in America want the XL pipeline. I don't know. Maybe in her State that is true. It is not true in my State. And it is not true in many States. As a matter of fact, that is why there have been 1.2 million comments to the State Department from various public agencies and private parties, from Native American tribes and others.

I think when the President said on June 25 that our national interests will be served only if this project does not significantly exacerbate the problem of carbon pollution, he was speaking the truth. You would have to be asleep for 10 or 15 years to not believe that carbon pollution is dangerous to the planet. I know Senator WHITEHOUSE will follow with his comments on this. But when I listened to the debate, I didn't hear one person say carbon pollution is a problem.

The Keystone XL would ship one of the dirtiest fuels on the planet through America's heartland and through critical water supplies. It will significantly increase carbon pollution, and the oil will be exported to other countries. So to stand here and not even address the issue of pollution and not even admit that most of this oil will be exported, I do not think is a fair argument.

To put it into context, if the full range of products produced from tar sands crude oil, such as petroleum coke, is taken into account, EPA estimates that tar sands would create 30 percent more carbon pollution than domestic oil. We would see carbon pollution of over 18 million more metric tons per year, according to the State Department.

You would have to be asleep not to notice Superstorm Sandy and what it cost us not only in lives and in damage but in dollars. You would have to be asleep if you haven't noticed that Yosemite National Park is close to burning. Thank the Lord God we had firefighters who were protecting it. The fire is still burning. You would have to be asleep if you didn't notice what is

happening to our oceans and to our economy.

We had just the other day a meeting of folks out there, from farmers to recreational industry people, who were saying their world is changing because of climate change. But you don't hear our colleagues talking about that. They say: Oh, there is no problem. How about the fact that a Nebraska study found that Keystone XL is likely to have 91 major spills over its 50-year lifetime? And tar sands oil will be very difficult to capture if the pipelines rupture.

For all the talk about jobs, when we look at the permanent jobs, we are looking at 50 jobs. What are the chances that there are going to be spills?

Just look at what happened in 2010, when over a million gallons of tar sands oil spilled into the Kalamazoo River in Michigan. Over three years later, the clean-up of the river—which has cost almost $1 billion—still continues, and the local communities are still struggling.

Another reminder of the terrible price that Americans pay when tar sands pipelines rupture occurred in March 2013 in Mayflower, Arkansas. In that case, 22 residents were evacuated when tar sands oil ran through the neighborhood streets, and contaminated a local lake.

The risks are real, and we cannot forget the damage that tar sands oil spills have already caused in our communities.

What are the chances that we are going to hurt this planet? And what are the chances that if we were smart and we did what this underlying bill is doing—which is make sure we have incentives for alternatives that are clean, that are made in America, that work for us—there will be many more jobs? That is the kind of alternative I want to see.

They may pass their amendment if we ever get to it, if they can stop this attack on our working people that is evident in an amendment that has been offered, but I know there is a better way, and I would like to see us make sure that when we say XL is great, we consider all of the reasons there is so much controversy surrounding it.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am very pleased to come to the floor today after my chairman on the Environment and Public Works Committee, Senator BOXER, and offer an alternative view to that expressed by my distinguished colleagues who are supporting the Keystone XL Pipeline. In my view, that pipeline takes us in the wrong direction, from an energy point of view, and it supports the wrong kind of energy.

If we look at the growth of green and renewable energy, there are actually more jobs in clean, green, and renewable energy than there are in the oil industry. I had that question reviewed by Politifact, and I got a ''true'' on it. The energy jobs of the future are going to be in clean, green, renewable, sustainable energy, and this takes us in exactly the wrong direction.

Moreover, they are temporary jobs. I think the State Department put the number of final jobs produced by the Keystone Pipeline at between 35 and 50—not thousands, not tens of thousands, but between 35 and 50. What we might as well do is actually go out there and build a pyramid and put tens of thousands of people to work stacking up a pyramid, and we would actually do better because that pyramid wouldn't pollute. Those are the kinds of jobs we are talking about.

We would be far better off investing in clean, green, renewable, sustainable energy technologies and developing those markets which are going to be the competitive markets in the future rather than chasing the tail of fossil fuel technology.

I didn't hear everybody speak the whole time. I had to come over from my office, and I missed that point, and I had to take a call, and I missed that point. I believe I heard seven Senators speak for 45 minutes, and I believe the words ''climate change'' and the words ''carbon pollution'' were never mentioned.

We are going to pipe out the tar sands from Canada, and we are going to add 18.7 million metric tons of additional carbon pollution. That is just from refining the tar sands. We are going to add another 3.5 million metric tons from the electricity required to heat and pump the stuff through the pipeline. The refining cost is the equivalent of 5 million cars out on the road that otherwise wouldn't be there. The electricity cost is another 600,000 cars on the road that wouldn't be there.

We just hit 400 parts per million carbon dioxide in the atmosphere. For as long as the human species has existed on this planet, we have been in a window of 175 to 300 parts per million. It has been a long and successful run for homo sapiens in that comfortable window of environmental protection. We are out of it. We are out of it for the first time in probably millions of years—at a minimum, 800,000 years, more likely 3 million or more. We are not out of it a little bit—not 301, not 315—but 400 and climbing. This adds to that problem.

It is irresponsible to discuss energy and refuse to discuss climate change, refuse to discuss carbon pollution. But for our friends on the other side and for our friends from the coal- and oil-producing States, carbon pollution and climate change are the Lord Voldemorts of the discussion: It is he who must not be named. They are just going to ignore it, pretend it isn't there at all. That is wildly irresponsible in the environment we are in right now, as we see the effects of climate change occurring on our coasts, in our oceans, in acidification, to our fisheries, to our farms, and to our forests. You really don't have to go very far in this country to find something that is being affected by the changes in our climate from our carbon pollution, and all of that for 50 long-term jobs. I don't think this is the good deal our colleagues suggest.

I will close by saying two things. First, on energy independence, this pipeline connects to Port Arthur, TX, a foreign-trade tax-free zone. That is where it is going to go, and then it is going to be shipped overseas to other countries. This isn't going to protect American energy independence; this is going to protect energy corporation profits. That is what is behind all of this.

We have a supplemental environmental impact statement coming from the State Department. You can believe the people who for some reason can't seem to get the phrase ''climate change'' or ''carbon pollution'' to come out of their mouths or you can believe me. You can believe whomever you want. But from a point of view of being fair to the process, we should probably wait until the State Department has concluded the supplemental environmental impact statement they are now working on before we make too many rash decisions about polluting tar sands oil, investing in that dirty addition to our energy mix, and continuing to suck funding and support away from the energy sources of the future, which are the clean ones and the sustainable ones and the ones that aren't going to keep shoving the carbon dioxide concentration in our atmosphere over and beyond where it is right now, which is 400, where it hasn't been in millions of years, where it hasn't been in the history of the human species.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent that we be in a period of debate only until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I am going to be very brief. I think Senator BOXER and Senator WHITEHOUSE have made a number of very important points with respect to this climate debate and particularly the scientific finding that we are now at 400 parts per million. That ought to be a wake-up call to everyone with respect to the challenge of climate and carbon.

I was in North Dakota last week at the request of our colleague and friend Senator HOEVEN. Certainly, there is a lot of common ground that can be found on this natural gas issue. Of course, natural gas is 50 percent cleaner than the other fossil fuels. It has

been a real catalyst for the American manufacturing sector, with a lot of companies that for economic reasons felt they had to do business overseas coming back to do business here in the United States. Of course, it has a direct connection to the expansion of green power—solar and wind and others—because it can be a key factor in making those energy sources part of an embedded power system.

So there are a lot of opportunities for common ground. For example, when I was with Senator HOEVEN last week, we talked about—the way I would characterize it—a wide berth for the States with respect to regulating natural gas because the geology differs for various States.

So when we look at these kinds of approaches, there is an opportunity for common ground. Clearly, this is a good set of challenges to have. We have the natural gas, the world wants it, and the pricing advantage is ours. This is a good set of challenges to have.

I do think it is important to recognize that the debate about the pipeline has changed very significantly since it was originally proposed. I am particularly struck by the fact that we now have the CEO of the largest producer in the Bakken essentially saying that the pipeline isn't needed, and we have the CEO of the largest oil company in Canada saying that Keystone isn't needed. I will be very specific and use their words.

Last month Harold Hamm, the CEO of the largest oil producer in the Bakken shale, Continental, said the Keystone Pipeline was not ''critical.'' For anybody who is interested in the politics, Mr. Hamm isn't some flaming liberal. He was Mitt Romney's chief energy adviser.

Just a few days ago we had the CEO of Suncor—by some estimates, Canada's largest oil company—saying that the lack of a pipeline, in his words, has ''certainly not constrained [his company's] growth'' and that his best estimate would be that it has not ''significantly constrained the rest of the market, either.''

So we recently had the CEO of the largest producer in the Bakken saying the pipeline is not needed. We have the CEO of the largest oil company in Canada saying essentially the same thing. That basically leaves only the refiners. It turns out they have been pretty much saying the same thing.

A few days ago the Wall Street Journal had a story with the headline ''U.S. Refiners Don't Care if Keystone Gets Built.''

Valero, one of the largest refiners in the country, said Keystone was, in their words, not ''critical'' to their business. This is a refiner that signed up early to get oil from Keystone, spent billions upgrading their refiners in the gulf to process it, and they now say it is not critical.

We are going to have further discussion about this. I want it understood that I think Senator BOXER and Senator WHITEHOUSE have made some important points. I am particularly struck by how, as you get into this issue, there are significant questions about how this fundamentally benefits the American people. My hope—and I have talked about this with Senators on both sides of the aisle—is that we can work out the various procedural questions with respect to how Keystone comes up here on the floor of the Senate. In fact, I am going to go spend about 45 minutes trying to be part of an effort to see if we can find some common ground so we can get the issues that Senators want addressed done, done promptly, done once, and then we can go to the energy efficiency legislation and have a vote, up or down, on the merits of that bill.

Senator PORTMAN is here. He and Senator SHAHEEN have done an excellent job. Frankly, they had done a good job of keeping this issue bipartisan in the interests of energy security, in the interests of creating more jobs and a cleaner environment. They had done that before the bill arrived on floor, and the bill has been improved since it came to the floor with bipartisan amendments that colleagues have offered.

I appreciate that we are now in a period of debate only until 2 o'clock.

With that, I yield the floor.

Mr. President, I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I ask to engage in a colloquy with the Senator from Mississippi for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, Senator WICKER and I come to the floor to talk about a very important matter. We appreciate the opportunity to talk about our amendment that will update the current EISA statute to reflect the evolution of green building rating systems and create a more strategic approach for the Federal Government so that we have the highest performing, most efficient, and most cost-effective buildings. I would like to ask Senator WICKER to go into a little bit more detail, and then I will come back to some more information about our amendment that has been filed.

Mr. WICKER. Mr. President, I thank my colleague from Louisiana and agree that this is a very important amendment because it addresses a number of issues that are important to American industries. In particular, the amendment specifies that the Department of Energy and the General Services Administration must allow the use of multiple green building rating systems for both commercial and residential buildings. We should avoid the situation where the Federal Government endorses one green building standard over others.

DOE and GSA ought to support competition and allow the free market to produce the best energy-efficient buildings at the lowest cost. They also ought to support the use of domestically produced materials, such as sustainable wood and green technologies.

Ms. LANDRIEU. Mr. President, I agree with the Senator from Mississippi. He and I have worked very closely together on the amendment we are talking about today, and hopefully we will get a vote on it sometime in the near future. But I am also concerned that many rating systems arbitrarily discriminate against domestically produced products based on arbitrary hazards, without consideration for risk of exposure and supporting scientific data.

Our amendment—and we have worked very carefully on this—will address this issue by requiring an ongoing review of private sector green building certification systems and allowing for the exclusion of portions of green building certification systems that are found to be discriminatory. This will not preclude efforts to exclude or reduce exposure to known environmental risks, such as radon, formaldehyde, or volatile organic compounds; however, it will ensure that the risk of exposure is not ignored.

This process will support competition among green building certification systems and encourage existing systems to revise portions of their systems that are determined to be discriminatory to domestic products.

Let me add that since many of these products that are in question come from Mississippi and Louisiana as well as other States, that is what has engaged and piqued our interest.

Mr. WICKER. Mr. President, the Senator from Louisiana is exactly correct. Basically, what we are saying is there is more than one way to get where we need to go when it comes to green buildings. This amendment is a step forward to ensure GSA's and DOE's green building policies are fair and effective.

I also wish to point out that this amendment requires the consideration of environmental impacts across the entire life cycle of a building material or product by incorporating a life-cycle assessment. This will ensure that the Federal Government is utilizing green building certification systems that are the most efficient.

I thank the Senator from Louisiana, and I wholeheartedly endorse our amendment and call on our colleagues to vote on it.

Ms. LANDRIEU. Mr. President, let me finally say that we believe our amendment strengthens—not weakens but strengthens—the Energy Savings and Industrial Competitiveness Act as introduced by Senators SHAHEEN and PORTMAN by encouraging improvements to green building rating systems

and policies. I look forward to seeing this bipartisan legislation move forward. It is in that spirit that our colloquy and our amendment is being offered.

I yield the floor. I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I wish to discuss amendments I am offering to the Shaheen-Portman bill. However, I have been watching what has been happening on the floor, and I don't understand this because I have some amendments I am working on which are bipartisan. I know there have been major endorsements of this bill from the Business Roundtable, from the Chamber, and many others. What we are seeing here is a very targeted attack from the other side to prevent all of these bipartisan amendments from coming forward. All the debate this week has been good on this bill, but we aren't able to offer amendments. We are not having the ability to debate amendments. That is very important. So I am one of the Members who is going to be talking about amendments. I have been reaching out. I think they are very bipartisan amendments. But we are being blocked, and that is very unfortunate.

I rise today to discuss several amendments to the Energy Savings and Industrial Competitiveness Act. First, I wish to thank Senators SHAHEEN and PORTMAN for working on this important legislation, for working on it so long, and for being so diligent about it. Energy efficiency is critical for our future, and this bill takes us in the right direction.

There are a few areas where I think we need to take additional steps. My first amendment connects energy and water efficiency. Many people do not realize that water efficiency is energy efficiency. Three to four percent of our national electricity consumption is for water and wastewater services each year. That is about 5 to 6 billion kilowatts and $4 billion a year in costs. That is a lot of energy and it is a lot of money.

When we talk to the water management professionals in our States, they tell us these costs add up quickly. The energy-water nexus is one that cannot be ignored.

The energy committee has been engaged in the water-energy nexus for some time, both under Senator Bingaman and continuing under the leadership of Senator WYDEN. I know the Presiding Officer is on the committee with Senator WYDEN, and I know he is very interested. The Senator from Oregon has done a very good job in terms of trying to pull all of this together.

Water and wastewater utilities are typically the largest consumers of energy in towns and cities, often accounting for 30 to 40 percent of total energy consumed. As ratepayers, we all pay those bills. And inefficient systems don't just cost money; they waste huge amounts of water. As much as 6 billion gallons per year is lost. Let me repeat that: Six billion gallons of water a year is wasted. That is enough water to serve 10 of the largest cities in this country or the entire State of California.

To continue this practice while the Southwest and other regions are facing extreme drought is ridiculous, and in some of our communities it is downright dangerous. We can do better, and we have to do better. Efficiency of U.S. water and wastewater pumping facilities is about 55 percent. But for a new, well-designed pumping facility, it is 80 percent. Consider this: If water and wastewater utilities could reduce energy use by just 10 percent, it would save about $400 million annually.

My amendment calls for $15 million to support smart water system pilot projects, supporting innovation and the kinds of investments today that will pay off tomorrow. Our amendment is fully offset. This is not about adding cost; it is about reducing the cost to ratepayers.

I believe this amendment is worthy of bipartisan support. We have support from almost every major water utility association and from the technology industry. It should be included on any amendment list, especially on a bipartisan amendment list. I am talking about the blocking that is going on from the other side of the aisle to prevent good, bipartisan amendments from coming forward.

Putting innovation to work in three to five cities is a first step. The program will be jointly managed by the Department of Energy and the EPA to create incentives for public-private partnerships, lowering the cost of innovation, applying best practices to the public and private sectors, and to eventually benefit communities across the entire country.

I also plan to introduce a second more ambitious amendment to improve the water efficiency of our homes, to save water, and to lower costs for American families. The average family of 4 in our country uses 400 gallons of water every day. My amendment will provide funds to States, local government, and utilities to implement incentives and rebates for customers to purchase water-efficient products and landscaping.

In addition, the amendment will authorize the EPA WaterSense Program, similar to the ENERGY STAR Program, to enable WaterSense to improve and expand its labeling system for water-efficient appliances, plumbing fixtures, landscaping, and new homes.

My amendment also establishes a grant program called Blue Bank, providing water and sewer utilities with grants for important investments in climate change adaptation, including advanced water supply management, modification of infrastructure, improved planning, and water efficiency and reuse.

Finally, I will offer an amendment for a renewable electricity standard, to get to 25 percent renewable electricity by 2025. The first legislation I introduced as a Senator was to create a national RES. The time is right to put this idea back on the table. Renewables are a crucial part of our energy mix. A national RES will create thousands of jobs that cannot be outsourced and will help revitalize rural America. It has worked in over half of the States in the country by guaranteeing a market for wind and sun and other clean energy sources.

Renewable energy is a key partner of energy efficiency in a modern energy system. They are often installed side by side, increasing the payback in energy savings and reducing emissions and fighting climate change.

Our Nation needs a ''do it all, do it right'' energy policy to address global climate change and to reduce our dependence on foreign oil—those are the big threats—but also a big opportunity. We can create a clean energy economy that leads the world in producing the jobs of the future.

Again, I wish to thank my colleagues Senator SHAHEEN and Senator PORTMAN for their work and I look forward to continued bipartisan efforts as we address the energy needs of our country.

I would say to Senator SHAHEEN and to Senator WYDEN, I find it very unfortunate that we are in a position now where so many Members have come to the floor to offer bipartisan amendments and my colleagues have been stopped in their tracks from moving this bill forward, dealing with and voting on those amendments. We should let the Senate work its will. I know my colleagues are trying to cut through that, but I wish the other side of the aisle would let us proceed to the bipartisan amendments and move forward.

I see Senator WYDEN is here on the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank Senator UDALL for steering the Senate toward a very sensible, important area.

Last year, it is my understanding we had the worst drought in our country's history since the Dust Bowl. So we are looking at some serious drought issues in the days ahead. The Senator from New Mexico is suggesting we start very modestly. The Senator has some voluntary efforts. These are not mandatory, not run from Washington, one size fits all—leviathans that would inflict pain and trauma on local communities. They are voluntary. They are about saving water, which is about saving energy.

In our part of the world, the West, this is especially important. But I

think what we saw last year, with these extraordinary drought conditions, is this is something that is not going to go away.

So Senator MURKOWSKI and I have already begun to look at these issues. I will just say for myself, I am looking forward to very closely working with the Senator on these issues, and I am very hopeful we can get the Senator's amendment up and we can work out some way to advance this idea because water is, frankly, an issue that has gotten short shrift. It has gotten short shrift in the West. It has gotten short shrift in terms of our policy debate. I think the Senator is clearly starting us in the right direction. I look forward to working closely with the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, before the Senator from New Mexico leaves, I just want to also commend him for his work. I have not seen the amendment he would like to offer. Like him, I am so disappointed he is not able to offer it right now, that it is being held up on an unrelated issue. But as the Senator pointed out, there is a clear nexus between water and energy use.

I remember visiting the wastewater treatment plant in North Conway, NH, and being told that 4 percent of our energy use in the country is with wastewater treatment. I have seen that at the Portsmouth Naval Shipyard, where they do such great work on Los Angeles class and Virginia class submarines. As they have cut back their energy use, they have also been able to cut back their use of water in a way that has provided for tens of thousands of gallons in savings in water, as well as tremendous savings in energy use. So this is a connection we all ought to be making as we look at our energy use in the future.

I truly appreciate the Senator working on this amendment, his interest in offering it, and I certainly hope we are going to get to the point where we can actually debate the amendments people are bringing to the floor because we have so much bipartisan support for not only the bill but for so many amendments.

I appreciate my colleague from Ohio, Senator PORTMAN, his partnership in working on this legislation. This is a win-win-win, and we need to move this forward.

Thank you.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me thank Senator SHAHEEN and Senator WYDEN, and I see Senator PORTMAN is on the floor too. I just want to say to Senator PORTMAN that the partnership he and Senator SHAHEEN have developed has been incredibly impressive. I know how hard they have worked on this bill, and our intent is that many of us want to try to improve it. We want to try to bring forward bipartisan amendments.

So I hope we can all work together to make sure whatever roadblocks and objections are out there, that we can deal with this bill in a way where bipartisan amendments can be voted on, we can move the bill along, and let the Senate work its will because this is the kind of bill I believe can pass in the House of Representatives because these two Senators have worked so hard over the last couple years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand where we are. I would make the following comments to my colleagues who have not been here quite as long as I have. Regular order, before they got here, was you could offer any amendment on any bill anytime you wanted. Since we have had the leadership that we have, we have changed that, and now we consider it abnormal that somebody wants to address a critical issue in our country on a bill, and we find that distasteful.

I will remind you that 92 percent of the people in this country think everybody involved in the FEHBP who is working for the Federal Government ought to be in the exchanges. To not allow a vote on an amendment is cowardly because it says: I do not want to vote on that issue.

So there is a very big difference from what we have heard said and what the reality has been—until 2006, the end of 2006 and the starting of the Congress in 2007. I think it is important.

I have several amendments to this bill, several that I think will make it much more compliant with what the Constitution says, and I will not offer them today until this logjam of lack of minority rights is relieved. But I do have some comments.

The intention of this bill is good. I appreciate what Senator SHAHEEN and Senator PORTMAN have done. But I have some real differences of opinion about the effectiveness and the command and controls centered in Washington that come about through this bill.

If you actually read this little book called the U.S. Constitution, we are going down the same path again that says Washington knows best, because in this bill the Secretary is going to determine final plans, final efficiency standards—not the standards groups that are out there because the Secretary will have to do it.

So my hope is that we can get back to offering amendments on this bill—all the amendments that need to be offered, whether it is germane to the bill or not, as the Senate functioned for over 200 years. There should not be an issue that we cannot debate an amendment in the Senate at any time. That is the history of the Senate. That is what makes it a great body. That is what allows our Republic, our constitutional Republic, to function.

I would say I am disappointed that the majority leader does not want to have a vote on something that 92 percent of the people in this country agree with and that he is not allowing Senator VITTER to have his amendment to address an issue people are burned up over—creating something better for us than what the average American can get. It is a tin ear. We do not pay attention to the American public at our own risk.

I will not spend any more time. I have several amendments. I will try to offer them in the first part of next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, first, I wish to thank my colleague from Oklahoma. He does have some amendments, and we are looking forward to them. We have talked about this bill and some of his amendments. I think you are going to find it is a good debate and some of the amendments will be helpful to the legislation.

We have tried, as you know, on this legislation to focus on exactly what my friend from Oklahoma talked about, which is to make sure we are not putting new mandates on the private sector. There are none in this legislation—none.

We do have some mandates on the Federal Government. It basically asks the Federal Government to practice what it preaches. Being the biggest user of energy, not just in the country but in the world, we believe the Federal Government can do a lot better. So things such as requiring the Federal Government to use some efficiency standards and some of the best practices saves all of us, as taxpayers, money. It is the right thing to do for taxpayers. It is also the right thing to do for energy efficiency and for our environment.

We are not focused on mandates. In fact, we are explicitly focused on only incentives, only best practices. There are lots of amendments that will be offered on the floor that will try to add some mandates, and as a group we do not think that is the way to go, just to be clear on that.

Also, in terms of the development of building efficiency standards, it is not the Secretary who will establish them. The Secretary provides the technical assistance, but the authority is preserved actually in the private standard-making bodies. I think that is appropriate.

So we have gone out of our way to make this a voluntary bill, not a mandate bill. We have gone out of our way to ensure that this is responsive to what we are hearing out there among the business community: They are looking for better research, technology, looking for some deployable technologies to be able to improve their efficiency, to make them more competitive with their global competitors, because around the world other companies are competing with our companies in Ohio or in the other

States represented in this great body. What we find is we are not going to want to compete on labor rates with developing countries. We do not want to lower our standards. Where we can compete is on the energy input into our manufacturing process. We are spending more than we have to because we are not as efficient as other countries, even some emerging economies, much less developed economies.

So that is part of the reason the National Association of Manufacturers, the Chamber of Commerce, the Ohio manufacturers are supporting this legislation strongly. Over 200 businesses are supporting it because they believe this will help them to compete and win in the global marketplace.

By the way, the Chamber of Commerce agreed today that they are going to key vote this legislation. They are strongly in support of it. I appreciate that. I think that will help to make the point this is not about Washington knows best; this is about ensuring that people have the information, the transparency, the technology, the research to be able to have a true ''all of the above'' energy strategy—yes, including producing more energy, which I am strongly for. We talked about that earlier. We need to produce more in this country. But also we could use the energy we have more efficiently. That combination is a recipe for success because it will help create jobs, it will help ensure we have a cleaner environment, and it will certainly help to make us less dependent on foreign oil and other forms of energy, which is in our national security interests, as we have seen so poignantly over the last couple weeks in the Middle East and other dangerous, volatile parts of the world we are relying on for our energy.

I thank my colleague from Oklahoma. I look forward to working with him on his amendments when he is able to offer them. Again, I would strongly urge my colleagues on both sides of the aisle to look carefully at the actual legislation because there is some information out there that may or may not be accurate in terms of the subsidies or mandates in this legislation. There are no mandates in the private sector, period, and we have deliberately crafted it in that manner.

With that, I yield back.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Oregon.

Mr. WYDEN. Madam President, very briefly, Leader REID has indicated to me that we continue to look for a way to move forward on the energy efficiency issue and there may be votes still today. The leader will have more to say, certainly, as he has a chance to explore these issues in the afternoon.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. I know there are still discussions ongoing, including with the majority leader, about moving forward with this bill and with the important ''no Washington exemption'' issue. I want to encourage that discussion toward a positive resolution and state again that I am open to multiple ways in which all of that can be accomplished. Let me specifically address one issue.

There is some concern that somehow I am going to demand multiple votes on this between now and October. What I am looking for is one vote straight up on this issue between now and October 1. It can be on this bill, it can be on the CR. But I am looking for that one vote. If we do have, for instance, an amendment vote on this bill, and the issue is added perhaps to the CR from the House and comes over, then I am sure we would have to deal with it again. But that would not be of my making or of my demanding.

What I am looking for here in the Senate is simply to lock down and be assured of one fair up-or-down vote on this crucial issue between now and October. Of course, if this issue persists, I am sure I will talk about it and bring it up again, including after October 1. There are plenty of different ways to get there, all of which would be consistent with moving forward on the energy amendments and moving forward on this bill.

I think there are a lot of reasonable ways to solve this. I am open to any and all of them.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. I ask unanimous consent that the pending amendment be set aside so that I may call up my own amendment.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving the right to object, I propose an alternative unanimous consent. I ask unanimous consent that the pending amendment be set aside and the following amendments be made pending: the Sanders amendment, Bennet amendment No. 1847, Udall amendment No. 1845, Klobuchar amendment No. 1856, Franken amendment No. 1855, Blumenthal amendment No. 1878, and Vitter amendment No. 1866; that on Tuesday, September 17, at a time to be determined jointly by the majority and the minority leaders, my amendment No. 1866 and the side-by-side amendment on the same subject by the majority leader be made pending and receive 60 minutes of debate evenly divided and controlled by the majority bill manager and me; that no points of order be in order in relation to these two amendments; that upon expiration of the time for debate, without any intervening motions or debate, the Senate then proceed to votes on these two amendments subject to a 60-vote threshold for passage; and that subsequent to each vote, a motion to reconsider each vote be made and laid upon the table.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard to the modified request.

Is there objection to the original request?

Mr. VITTER. Madam President, again reserving my right to object, I wish to outline another alternative which I think is a very reasonable path forward on this amendment and on the bill.

I ask unanimous consent to withdraw the Vitter amendment No. 1866 and then on Wednesday, September 25, 2013, at 3 p.m., the Senate discharge the relevant committees from consideration of my bill, the No Exemption for Washington from ObamaCare Act, and then proceed immediately to consideration of that bill; that without any intervening motions or debate, the Senate proceed with 60 minutes of debate on that bill evenly divided and controlled by the majority leader and me; that the bill not be subject to any amendments or motions to commit; that after debate has expired, the bill be engrossed for a third reading, read a third time, and the Senate immediately vote on final passage subject to a 60-vote threshold; and that the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. VITTER. Madam President, I do object, sadly, that we can't choose such a path forward.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. SANDERS. It is clear there are differences of opinion in this body and in this country on how we proceed on energy matters. But I think—at least I hope—that there is pretty unanimous agreement that energy efficiency makes a whole lot of sense.

At a time when the Lawrence Livermore National Laboratory tells us that over half of the total energy produced in the United States is wasted due to inefficiency, I would hope that regardless of one's political perspective, we could all move forward together to create a more energy-efficient society which will, A, lower the cost of fuel for millions of Americans; B, cut back on greenhouse gas emissions and help us

deal with the planetary crisis of global warming; and C, as we make our Nation more energy efficient, we can create tens and tens of thousands of jobs. If there is a win-win-win situation out there, I think this is it, and I would hope we could move forward. This is why, because of the win-win-win aspect of this bill, I think we should be supporting the Shaheen-Portman bill, which has earned support from a wide array of Senators and organizations from across the political spectrum.

I think Senator SHAHEEN would agree this is a fairly modest bill. It is not transforming the world, but this is a small step forward in doing what certainly needs to be done and that there should be very little disagreement about.

As part of this effort, Chairman WYDEN and I are proposing what I think is a significant amendment that complements the overall thrust of the bill. Our amendment is called the Residential Energy Savings Act, which, in fact, is a strong complement to the Shaheen-Portman bill. Our legislation focuses on residential energy efficiency—residential. We do that because we understand that in Vermont, in Louisiana, in Oregon, all over this country, there are tens of millions of people who understand they are wasting energy. When it gets cold, the heat is going through their roofs, through their windows, and through their walls. They are wasting money every single day, but they don't have the modest investment they need to make their homes more energy efficient. This is the problem Senator WYDEN and I are trying to address. We are focusing attention on homeowners all over this country.

The Residential Energy Savings Act will save money for homeowners and tenants and cut energy use by lowering the cost of energy efficiency upgrades. It will also create jobs for installers and for the companies that manufacture windows, insulation, and other energy efficiency materials.

How does this amendment work? It is pretty simple. This bill makes loans available to States through the State Energy Program of the U.S. Department of Energy to create or expand existing financing programs. This provides homeowners and tenants with access to low-cost, consumer-friendly capital for energy efficiency projects. Homeowners and tenants use the funding to invest in energy efficiency. Here is the exciting part of this concept: They pay back the loans through their energy savings and the U.S. Treasury gets the money back. In other words, we lend somebody $15,000 to make their home more energy efficient. They save $1,000 a year. They pay back the loan by those savings in their fuel bill. At the end of the day—for 15 years in that example—they are not paying any more for fuel, but in the 16th year they are going to see significant savings in their bill, and throughout the process we see significant reductions in greenhouse gas emissions. In addition, we have created jobs in a number of areas—the installers and those people who manufacture energy-efficient products.

These are the key features of the amendment introduced by Senator WYDEN and me:

It is technology neutral. People will make their own choices about how they want to go forward.

This amendment provides States with a high level of flexibility to support existing State and local programs or to design new financing programs that best fit their own circumstances and need.

This amendment supports effective existing State and local programs and supports innovations designed to improve energy efficiency financing. There are no mandates. Participation is entirely voluntary. The Department of Energy must consider regional diversity in issuing loans. This amendment encourages public-private partnerships and other strategies for leveraging public dollars.

The bill incorporates annual reporting requirements to ensure accountability and provides valuable data to consumers, State and local governments, lenders, utilities, and the real estate industry about financing industry upgrades. The residential energy savings amendment is complementary to energy efficiency proposals by other Senators. Supporters of this amendment include the Alliance to Save Energy, the American Council for an Energy-Efficient Economy, the American Institute of Architects, Efficiency First, and the National Association of State Energy Officials.

Residential energy efficiency—helping homeowners save energy and money while creating jobs at the same time—is an approach that is enjoyed by people all over the country.

Let me reiterate the bottom line. This is a very simple concept. The Federal Government lends money to the States to be repaid back in full. This is not an expense for the Federal Government. There will be an administrative cost.

We think at the end of the day there will be $1 billion of effort in making residential homes more energy efficient. In Vermont, you don't have to be a genius or an economist to know that it is pretty stupid to be heating your home in the wintertime and seeing that heat go out the window or the roof or the walls. In Vermont, and I am sure all over this country, we have a lot of older homes. They are wasting a lot of energy. People are spending much more money than they should.

I will never forget doing an event with two sisters from Barre, VT, who were in their eighties. The State put forth a weatherization program. They reduced the cost of their fuel bill by something like 50 percent. Their home was much more comfortable. This is what we should be doing all over this country, but working families and middle-class families in many ways can't come up with that $10-, $15-, $20,000 they need in order to make this happen. This bill gives money to the States, and they give it to the homeowners. The homeowners repay it based on reductions in fuel bills. The Federal Government gets its money back. We create jobs, we cut greenhouse gas emissions, and we save consumers huge sums of money. If this is not a win-win-win situation, I am not sure what is.

I thank Senator WYDEN for his hard work on this amendment. We look forward to working with my colleagues to see that it gets passed.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I am going to be very brief.

I thank Senator CORNYN for his courtesy. To respond, I am very pleased to be supportive of this amendment. I just want my colleagues to get one number with respect to this proposal. Our assessment is that for every dollar made available under this particular amendment, it would leverage $10 worth of loans for homeowners to weatherize across the country. So when people talk about getting bang for the buck, that is the relevant number. Make $1 available through the States—this is not run by the Federal Government—under this program, and that results in $10 worth of loans being made for weatherization across the country. I think that is getting bang for the buck.

I thank Senator CORNYN for his courtesy. I hope colleagues, when we get a chance to vote, will vote positively on the amendment.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Madam President, our friends on the other side of the aisle keep promising that once the President's health care law is fully implemented it will deliver fabulous results. Unfortunately, they have a massive credibility problem. Indeed, despite all the promises made to the American people during the debate and passage of the Affordable Care Act in 2009 and 2010, every week brings more evidence the President's health care law is, No. 1, already discouraging full-time job creation; No. 2, destroying many existing full-time jobs; No. 3, hampering medical innovation; and No. 4, encouraging further executive branch overreach.

And of course the worst is yet to come because, amazingly enough, once this law was passed in 2010, it wasn't implemented before the 2010 mid-term elections, nor was it implemented fully between then and the 2012 Presidential election. So the American people have yet to feel the full force of the implementation of ObamaCare, even though what we see already is discouraging, to say the least.

Once ObamaCare is fully implemented, it will drive up individual insurance premiums. We have already seen some indication of that around

the country in the rates that have been announced for the individual exchanges that have been created. That is because of phenomena such as the guaranteed issue and age banding, which basically have engineered the insurance industry so that it no longer is insurance but prepaid health care.

Secondly, it will cause millions of Americans to lose their current coverage. Remember when the President said: If you like what you have, you can keep it? That is proving not to be true.

Thirdly, it will weaken Medicare and Medicaid.

My colleagues may recall that during the 4th of July recess the administration announced it would not be confirming taxpayer eligibility for the ObamaCare premium subsidies until 2015, even though the subsidies will begin flowing—taxpayer dollars will be flowing—1 year earlier in 2014. In other words, for 1 year, under the administration's current plan, people will be able to get taxpayer dollars without any independent verification of what they are representing in terms of their eligibility for those tax dollars. That is correct, without any independent verification—no safeguards for overpayments or fraud.

Earlier today the House of Representatives passed legislation that would delay the ObamaCare premium subsidies until the administration establishes a system for verifying eligibility, to make sure those tax dollars are not stolen or obtained under false pretenses.

It is one of those measures that should be a no-brainer. After all, whatever one thinks about health care reform, everyone should want to prevent waste, fraud, and abuse. Yet our colleagues on the other side of the Capitol, House Democrats, were almost unanimously opposed to the No Subsidies Without Verification Act, and the majority leader in this body refuses to allow a vote in the Senate on similar legislation.

Again, this is what one outside of Washington and the beltway would think is a no-brainer, but here we have an alternate universe, apparently. Apparently, our Democratic friends are okay with that, but I certainly am not, and neither are the 26 million people in Texas I have the privilege of representing.

At a time when the Federal Government is almost $17 trillion in debt, shouldn't we be doing everything humanly possible to try and crack down on wasteful spending and fraud? Well, I would think so. But here is yet another question: Wasn't ObamaCare itself sold on the basis it would reduce health care fraud? Wasn't it supposed to improve oversight? That is what we were told during 2009 and 2010. Apparently those promises have now been forgotten.

If the President and his allies are wondering why they have such an enormous credibility gap on ObamaCare, the answer is actually quite simple: So many of the promises that were made in selling ObamaCare have simply not been kept. It is simply not performing as advertised.

Think about what we have learned in the last few months alone. In July, the National Bureau of Economic Research published a study showing ObamaCare may cause substantial declines in aggregate employment. In other words, unemployment will go up and the number of people getting work will go down. That same month, the Wall Street Journal reported that between 2009 and 2012 the number of doctors opting out of Medicare nearly tripled.

In my State, if you are covered by Medicare you might find a doctor who will take a new Medicare patient and you might not. Only about two-thirds of Texas physicians will take a new Medicare patient because the reimbursements have been slashed to the point where many doctors simply can't economically take a new Medicare patient. This is like the old shell game where people are told they have coverage but they can't find a doctor willing to see them based on that coverage.

The problem for Medicaid is even worse. In mid-August the University of Virginia announced that ObamaCare is projected to add $7.3 million to the cost of the university's health plan in 2014 alone. That is just at the University of Virginia. About a week later, National Journal reported that for the vast majority of Americans, premium prices will be higher in the individual exchanges than they are paying currently for employer-sponsored benefits.

I have two daughters in their early thirties. They are the ones, under ObamaCare, who are going to have to bear the financial burden for subsidizing the health care costs for older Americans, and it is unfair. This is the very same cohort of the population that is finding it harder to find jobs and finding the burdens of our broken entitlement programs are going to be visited upon them, not to mention their share of the Federal debt, which boils down to about $53,000 each. If I were a 30-year-old or 30-something, I would be pretty irritated at my elders for not being responsible and pushing that debt and those responsibilities on me—if I were them.

Last week Investor's Business Daily reported that ''more than 250 employers had cut work hours, jobs, or taken other steps to avoid ObamaCare costs.'' We heard a lot about this, including from some of the largest labor unions in the country, saying many employers, in order to avoid the employer mandate and other mandates associated with ObamaCare, were simply taking full-time jobs and turning them into part-time work, obviously resulting in people taking a cut in their income.

A few days ago, a local media outlet in Michigan reported ObamaCare will cost the medical device company Stryker ''fully 20 percent of its total research and development investments.'' This has to do with the medical device tax which is part of the way ObamaCare was paid for and which punishes medical device companies. These companies create jobs here in the United States. They create new and innovative medical equipment that helps improve outcomes and makes our lives better. Yet they are being targeted under ObamaCare with this medical device tax and it is chasing jobs overseas and stifling innovative medical research.

In addition, the Huffington Post has reported the Trader Joe's grocery chain will be dropping health insurance coverage for all employees who work fewer than 30 hours a week.

As I said, we have seen some of our organized labor unions, particularly the one representing IRS employees that announced it does not want its members to receive health insurance through ObamaCare exchanges, even though, under ObamaCare, the IRS will be implementing the exchanges for everyone else, as well as the individual mandate. In other words, the very people responsible for administering ObamaCare want no part of joining the exchanges, and that should speak volumes to all of us.

The truth is it wasn't supposed to be this way. Whether you were one of the most ardent advocates for the Affordable Care Act or whether you were a skeptic, such as I, who didn't believe it could work, I think the facts are undeniable. The Affordable Care Act was supposed to help the middle class, not cut their work hours and threaten their benefits. It was supposed to help young people, not drive up their insurance premiums. It was supposed to help medical innovation, not lead to factory closures and cancellations. And it was supposed to help make Medicaid stronger, not overload a broken system. It was sold on the basis it would strengthen Medicare, not trigger an exodus of doctors from seeing Medicare patients.

My point is: Whether you were one of the most ardent advocates or whether you were a skeptic, ObamaCare is not living up to the hopes and the promises made by its biggest fans, and we should work together to try and find a way to deal with that in a responsible way.

One final point. The President has apparently decided ObamaCare says whatever he wants it to say. For example, he has unilaterally delayed both the employer mandate and the eligibility verification I spoke about a moment ago simply because it has proven to be politically inconvenient. Many of my constituents are outraged at this and wonder how a law that applies to everyone in America can be enforced on a piecemeal or cherry-picked basis. My only explanation to them is the President controls the executive branch of government, including the Department of Justice. Congress has no authority to enforce these laws, only to pass the laws, expecting the executive branch will administer the laws

and enforce the laws as written. But that hasn't happened. Meanwhile, the IRS has announced it will violate the text of the law and issue health subsidies through Federal exchanges, even though the law clearly states those subsidies can only be issued through the State exchanges.

Here again is another example in this case of the IRS rewriting the law where it proves to be convenient to achieve a particular outcome. This should be and is an outrage. Indeed, on issues ranging from the tax subsidies to the employer mandate, ObamaCare has effectively become government by waiver.

There is no way to sugarcoat it. The law is damaging our economy, damaging our health care system, and weakening our constitutional checks and balances and our legacy of being a Nation of laws, not of men. That is why the best course of action, I believe, is to delay ObamaCare, dismantle ObamaCare, and replace ObamaCare.

I have cosponsored legislation numerous times that would delay both the employer and individual mandates, for example. It was introduced last night, the latest version, as an amendment to the current energy efficiency bill. My ultimate goal is to replace ObamaCare with patient-centered reforms that do several important things we could all, hopefully, agree are important principles for whatever our health care system is.

First of all, a replacement would make sure a health care system is in place where price and quality information is fully transparent and readily available. That is so people can compare and shop and use the market system to make sure people who provide those goods and services do so at as low a price and at as high a quality as they can get.

A replacement system would include a Tax Code that treats individually purchased health insurance the same way as employer-provided health insurance.

A replacement system would make sure every American is protected against catastrophic expenses.

This is one of the phony ways I have heard people talk against this idea. They say: Well, if you replace ObamaCare, you will eliminate the system against dealing with people with preexisting conditions. That is false. That is not true. You don't need this behemoth legislation that costs $2.7 trillion—or whatever the final figure is—in order to deal with people with preexisting conditions. What we can do is simply help fund the State-based insurance exchanges that provide coverage to people with preexisting conditions at a far cheaper price and still accomplish the same goal.

So anyone who tells you we have to have ObamaCare to deal with preexisting conditions is trying to sell you a bill of goods.

We should have a system replacing ObamaCare that gives all Americans an opportunity to save money in tax-free health savings accounts so they can use that money to pay for their health bills. If they don't need the money for that purpose, they can save it like an IRA or some other savings account tax free.

We should have a replacement system where the States will have much greater flexibility in improving Medicaid. We would be happy in Texas for the Federal Government to write us a check for its share of Medicaid and let us administer it in a much more cost-effective and a much higher quality sort of way.

We need a system to replace ObamaCare that protects Medicare for future generations and a system that preserves the right for the most important decisions about medical care to be left to patients and their physicians.

I remain confident that someday we can make this kind of health care system a reality. First, we need to delay if we can't replace it now. Certainly, as ObamaCare starts crumbling in on itself, we need to protect the American people from this catastrophic and epic failure and provide an alternative that has the sort of qualities I have described a moment ago—which will make sure that people have access to quality health care at an affordable price in a way that doesn't let Washington interfere with doctor-patient relationships or decisions we ought to reserve to ourselves and our families when it comes to our health care.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, often it is a little hard to divine what is actually going on here on the floor of the Senate.

I want to make sure folks understand that the pending business before the Senate is a bipartisan bill offered by the Senator from New Hampshire and the Senator from Ohio on energy efficiency. That is the pending business before the Senate. One of the measures of this bill is the extraordinary support. We have business groups such as the Chamber of Commerce, National Association of Manufacturers, and the Roundtable joining with the Natural Resources Defense Council. That is not exactly a coalition that comes up every single day, but you have it because of the good work Senator SHAHEEN and Senator PORTMAN have done. They had all that in place as we came to the Senate.

Since that time—and it has been 1½ days now that we have been on this bill—Senator after Senator has come to the floor of the Senate in a bipartisan fashion, starting with Senator INHOFE and Senator CARPER—and the list goes on and on—have come to the floor to say this is a good energy efficiency bill and we have some ideas on how we can make it even better. So they have offered their bipartisan amendments, and they have not been able to get a vote on those bipartisan amendments to a bipartisan bill. I think it would be fair to say that if they could get votes on those bipartisan amendments, they would pass overwhelmingly. We have others certainly in the wings as well.

Who are the losers because we haven't been able to get those amendments up and we haven't been able to move ahead on this bill? I would say to my colleagues on the other side of the aisle, the people who are the losers are the consumers. They are the job creators. If you look at the American Council for an Energy-Efficient Economy, a business-oriented group, this is legislation that will create thousands of jobs. And taxpayers are the losers, because a bipartisan bill which would be improved by the bipartisan amendments colleagues want to offer cannot go forward because it is stuck in this procedural morass.

So you have consumers losing out on billions of dollars of savings, thousands of jobs, and our country missing out on dramatic energy savings.

That seems foolish even by the sometimes stilted standards of the beltway, to pass up that kind of opportunity. The reason the breadth and support of this bill is so extensive is because this bill isn't run from a Washington Federal leviathan. This doesn't involve any mandates. The focus is on States and the private sector.

Senator SANDERS talked about an idea in terms of weatherization that I find very appealing. It is voluntary, like virtually this entire bill is.

I was very pleased when Leader REID indicated he was continuing to look for a way to move forward. I and others have been talking to various Senators in the leadership about how to do that. I hope that will be possible and we will see tangible progress made here shortly.

I think it is so important to respond to what people said all summer to Senators, in Massachusetts, New Hampshire, Oregon, and across the country; that is, people at home are tired of this food fight in Washington, tired of the bickering and the pettiness. They would like to see us show up, work together in a bipartisan way on issues that are fundamental to their well-being, and, in particular, grow an economy with more opportunities for high-skilled, high-wage jobs in the middle class. That is certainly what happens when we promote some of the top technologies associated with energy efficiency.

The public said Senators ought to go back to Washington and do exactly what Senator SHAHEEN and Senator PORTMAN have been talking about, an effort which has been supplemented by similar kinds of bipartisan proposals from various Senators.

That is where we are 1½ days after the bill, Senator after Senator coming to the floor wanting to offer relevant bipartisan amendments to a bill that will be good for the productivity of the country, good for our environment, and good for our job creation.

I am going to stay at my post here and hope we can find a path to go forward. I know there are discussions taking place. I am very grateful because Senator SHAHEEN and Senator PORTMAN have been here at their posts trying to advance the bipartisan focus of this legislation.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I thank Chairman WYDEN for making the clarification that we are here on the floor not to talk about health care or other unrelated issues, but we are here to talk about energy.

As the Senator pointed out yesterday, as Senator MURKOWSKI, Senator PORTMAN, and I have pointed out, this is the first energy bill to come to the floor since 2007. On an issue that is so critical to the future of our country, it is nice to finally be having a debate. It is nice to finally be able to listen to people on both sides of the aisle talking about why energy is so important, and talking about their amendments and the difference those amendments will make for people across this country.

We were interrupted by health care after Senator WYDEN and Senator SANDERS talked about the amendment on residential energy efficiency, but I wanted to applaud both for that effort. Senator SANDERS talked about the challenges faced by people in his home State of Vermont. My neighboring State of New Hampshire, the Presiding Officer's State of Massachusetts, the State of Oregon are all States that are cold weather States. In New Hampshire we have an inordinate number of people who heat with home heating oil which is very expensive, and we have a lot of old buildings. Because New Hampshire is one of the first States in the original Thirteen Colonies, we have a lot of buildings in the State that are old that need to be upgraded to be more energy efficient so people can afford their heating bills. This amendment that Senators would like to introduce—if we can ever get on the bill and get to some of these bipartisan amendments—would help address the challenges that people in the Northeast, the upper West, and the upper Midwest all face with the high costs of heating their homes in the wintertime.

I would also point out that it is not just important to us in the North to have more energy-efficient homes, even though in the northeast we have more older homes. In the South it is equally important because air conditioning is very expensive as well. So people who can have their homes be more efficient when they are trying to cool them in the summer also benefit.

This is an amendment that is a win-win. As Senator WYDEN pointed out for the last 1½ days, this legislation is a win-win for everybody. It is a win on job creation, it is a win on helping to prevent pollution in our environment, it is a win on reducing the threat from dependence on foreign oil. So the connection to national security is there. And it is a win in terms of saving consumers the cost of energy.

In New Hampshire we have the sixth highest energy costs in the country, so we need to be able to save on energy costs because it is good for our businesses, it is good for our residents to not have to pay those high costs. I hope we can find some way to move forward on this bill and move forward on these bipartisan amendments, because this is a place where we can come to some agreement, we can work together, and we can get this done. The people of this country are expecting us to do that.

I thank Senator WYDEN for his leadership, and Senator MURKOWSKI. Hopefully we are going to stay here, we will hopefully keep having people come to the floor to talk about their amendments and what we can do, once we can get on this bill, to make a difference.

The bottom line here is that in addition to all the other good things it would do with the amendments that are being offered with the underlying bill, this will help create jobs, and it will do it in a way that doesn't cost a lot of money in terms of subsidizing those jobs. It is the private sector working in conjunction with public policy in a way that will encourage that job creation.

I continue to be hopeful we can come to some agreement and move this legislation in a way that I know the people of this country are expecting.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, we are going to stay and continue to work with colleagues on both sides of the aisle to try to find a path forward on the bill.

I want to announce from Senator REID, as a courtesy to all Senators—because we know their schedules are busy—there will be no recorded votes today, so that Senators can have that information.

For all of us who are working on a path to move forward on this bipartisan energy efficiency bill, we will continue those efforts through the afternoon.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCESS TO JUSTICE

Mr. COONS. Madam President, I am confident the Presiding Officer is familiar with the phrase, ''Justice too long delayed is justice denied.'' Dr. Martin Luther King, Jr., wrote that from his jail cell in Birmingham. ''Justice too long delayed is justice denied.''

I rise to talk about justice and the budgetary choices Congress is making that impact the ability of the American people to access the justice promised them by our Constitution.

Our Federal courts translate laws into justice and effective courts require fair judges, well-trained lawyers, and efficient clerks. As the Presiding Officer well knows, the fewer judges and clerks we have and the reduced resources in time-saving technology, the fewer cases can be handled at a time, and the longer cases will take to process. ''Justice too long delayed is justice denied.''

Of course, staffing the courts costs money, but when we compare it to the rest of the Federal Government, this whole branch is a relative bargain. For every $100 spent by our Federal Government, just 19 cents goes to the entire Federal court system. We actually spend more every month on the ongoing conduct of operations in Afghanistan than we do an entire year on the whole Federal court system. It is, relatively speaking, a bargain.

With caseloads growing and budgets shrinking, though, the Federal courts have been cutting back where they could for years now, methodically looking for ways to cut costs, reduce overhead, lower personnel, and generally be more efficient. They are both metaphorically and literally looking under every cushion for coins, looking for ways to cut costs, reduce overhead, lower their personnel costs, whatever they can do to keep up.

Then came the sequester. Of course, when it was first conceived, the sequester was designed to be so reckless, so dangerous that it would drive Congress back to the negotiating table—House and Senate, Republicans and Democrats—to confront our Nation's annual deficits and craft a bipartisan agreement. But, sadly, it failed. Congress as a whole failed, and the across-the-board spending cuts engineered in the sequester went into effect.

It has been almost 7 months since they came into effect and, in that time, I have heard from hundreds of Delawareans, as I am sure all the Members have heard from their constituents, directly impacted by the sequester. I have spoken with dumbfounded employees at Dover Air Force Base—more than 1,000 hard-working Delawareans, many of them veterans who can't believe that they individually are paying the price because Congress, House and Senate, Republicans and Democrats, can't craft a responsible deal.

Kevin from Magnolia asked me: Why are my family and I being punished with a 20-percent pay cut this quarter? Bryan from Houston—both towns in Delaware—said he was tired of being the one to suffer the consequences because, in his view, Congress can't get the budgetary job done.

My heart goes out to Kevin and Bryan and every Delawarean who has

called my office, written to me, and talked to me about the sequester. I agree with them. It needs to be replaced responsibly and urgently. As a member of the Budget Committee, I have worked with my colleagues to craft a budget that would replace sequester in a way that is in keeping with our core values and the priority of investing in America's future.

Not many people, though, are talking about how the sequester is impacting our courts. We hear about how sequester is affecting defense. We hear about how it is affecting research, and infrastructure, but our courts have often gone without consideration. There is no natural constituency, bluntly, that feels slighted; the number of furloughed employees is relatively small and there is no real lobby in Washington for the health of our courts.

But the sequester's impact on the Federal courts affects all of us—every single American. The sequester is slowing the pace, increasing the cost, and eroding the quality of the delivery of justice in this country.

At the end of our last session, I chaired a hearing of the Senate Judiciary Subcommittee on Bankruptcy and the Courts that looked at how the sequester is impacting the public defender service in our Nation's courts. These courts have been forced to cut past the fat and well into muscle and soon into bone.

The Judiciary has looked at a variety of measures to address this new budgetary reality and very few of them come without significant pain to the businesses, individuals, and communities that rely on our courts. One proposal—to simply not schedule civil jury trials in September—would effectively impose a 30-day uncertainty tax on everyone. A judge in Nebraska has threatened to dismiss low-priority immigration status crimes because of a lack of adequate capacity. In New York, deep furlough cuts to the public defender's office caused the delay of the criminal trial for Osama bin Laden's son-in-law and former Al Qaeda spokesman Sulaiman Abu Ghaith.

In my home State of Delaware, sequester has meant lengthy employee furloughs at the clerk's office of the bankruptcy court, reduced investments in IT, and postponed essential upgrades. Simply put, the financial state of our Federal courts erodes our fundamental constitutional rights. Individuals depend on the courts to be there when they need them, to seek relief from discrimination, to resolve commercial disputes, to allow parties to stop fighting and get to work growing the economy or to guarantee fairness and efficiency in criminal proceedings.

The reality is our Federal courts were already stretched thin before this sequester.

Chief Justice Roberts leads the Judiciary Conference of the United States. The Judicial Conference was created by Congress to administer the Federal court system and work with Congress to ensure appropriations keep up with the needs of our courts. The Judicial Conference is and always has been nonpartison.

Earlier this year, the Judiciary Conference sent Chairman LEAHY and me a letter recommending that in order for the courts to fulfill their missions, we must add Federal judges to the bench. In the last two decades, since the last comprehensive judgeship bill—23 years, to be precise—article III district courts have seen their caseloads grow nearly 40 percent. Yet the number of judges has grown by four. Today, judges in the Eastern District of California, long recognized as one of the most overburdened in the Nation, face over 1,000 waiting case filings per judge. In the District of Columbia, case filings were over 1,500 per judge. The Judicial Conference generally believes that additional judgeships are needed when there are more than 500 per judge. So even before the sequester, our courts weren't keeping up with their caseloads.

Heeding the recommendations we received last month, Chairman LEAHY and I introduced the Federal Judgeship Act of 2013, which will create 91 new Federal judgeships, 2 Federal circuits, and 32 judicial districts across 21 States. This bill would provide much needed relief to our overburdened courts, ensuring they are better prepared to administer justice quickly and efficiently.

Again, this proposal, this bill, is in direct response to the analytical work of the nonpartisan Judicial Conference. This change is long overdue. Congress has not comprehensively addressed judicial staffing levels since 1990—23 years ago—and the trial court weighted filings per judgeship have risen from 386 back then to 520 today. Those national figures actually mask even more dramatic circumstances faced by the most burdened districts in Texas, Delaware, and California.

Yesterday, I chaired a hearing of the Senate Judiciary Committee Subcommittee on Bankruptcy and the Courts to consider this act and, during this hearing, District Court Judge Sue Robinson of Delaware testified on the need for more judgeships. She explained that ''despite all the additional technologies we have, and an excellent staff, there is nothing more I can do at this point with respect to getting my cases resolved timely.'' At that hearing, I appreciated and was encouraged by the statement of my colleague from Alabama that, in fact, the District of Delaware deserves another judge due to its incredible caseload. I would argue, though, and the evidence suggests, that the need is not confined to my State but to districts all across the country. We need to take on the whole problem, not just a small piece of it. Nobody wants to be in a courtroom, but when you need to be in court it is because something significant has happened in your life and you don't want a judge rushing to move on to the next thing because of a crushing caseload. You don't want clerks so awash in paperwork that yours gets lost.

In conclusion, we need to help our judges deliver justice by replacing the sequester with a responsible, balanced approach that restores the funding taken from our courts and allows us to add the judgeships we need to keep pace with demand.

Dr. King was right: Justice too long delayed is indeed justice denied. By delaying the delivery of justice, the sequester is denying justice to too many Americans. We don't need more delays; we need more judges, and we need to act together to get it done now.

Thank you, and with that I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1860 to the Energy Savings and Industrial Competitive Act of 2013.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Madam President, reserving the right to object, I certainly support a vote on this amendment and many other amendments—all amendments, my amendment—and, therefore, I propose an alternative unanimous consent request.

I ask unanimous consent that the pending amendment be set aside and the following amendments be made pending: Gillibrand No. 1860, Franken No. 1855, Inhofe No. 1851, Bennet No. 1847, Udall No. 1845, Klobuchar No. 1856, Sessions No. 1879, Enzi No. 1863, and Vitter No. 1866; and that on Tuesday, September 17, at a time to be determined jointly by the majority and minority leaders, my amendment No. 1866 and a side-by-side amendment on the same subject by the majority leader be made pending and receive 60 minutes of debate evenly divided and controlled by the majority bill manager and myself; that no points of order be in order in relation to these two amendments; that upon expiration of the time for debate, without any intervening motions or debate, the Senate then proceed to vote on these two amendments, subject to a 60-vote threshold for passage; and that subsequent to each amendment vote, a motion to reconsider each vote be made and laid upon the table.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there an objection to the original request?

Mr. VITTER. Madam President, reserving the right to object, let me offer another alternative because, again, I want this amendment to be voted on, I want all the amendments I mentioned

to be voted on. I want my amendment or issue to be voted on.

So in that spirit, I ask unanimous consent that I be allowed to withdraw my Vitter amendment No. 1866; that on Wednesday, September 25, 2013, at 3 p.m., the Senate discharge the relevant committees from consideration of my related bill, the No Exemption for Washington from ObamaCare Act, proceed immediately to consideration of my bill; that without any intervening motions or debate, the Senate proceed with 60 minutes of debate on the bill, evenly divided and controlled by the majority leader and myself; that the bill not be subject to any amendments or motions to commit; then, after debate has expired, the bill be engrossed for a third reading, read a third time, and the Senate immediately vote on final passage, subject to a 60-vote threshold; and that the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there an objection to the original request?

Mr. VITTER. Madam President, in that case, I must object, and I regret that we cannot choose these paths forward which would ensure a vote on these amendments that we are discussing.

Thank you.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mrs. GILLIBRAND. Madam President, I have an amendment that will help anyone in America who has had to rebuild after a natural disaster and I truly hope we can break this impasse and it can soon be considered.

My amendment would remove burdens and streamline the process that recipients of disaster aid face when upgrading to more energy-efficient technology.

In the wake of Superstorm Sandy, we saw all too well that old technology can fail all too easily. Yet because of administrative burdens, recipients of much needed emergency funds will replace appliances and infrastructure with the same antiquated counterparts that were damaged. In many cases this means replacing a 10-year-old hot water heater with another 10-year-old unit or replacing a 20-year-old electric transformer with similarly antiquated systems without any regard for modern safety and efficiency standards.

At a minimum we should provide the option of allowing these homeowners, businesses, and utilities the ability to use emergency disaster funding to upgrade to more energy-efficient appliances, machinery or electrical infrastructure.

Not only will the use of energy-efficient technology save money, it will reduce pollution, it will create jobs, and it will help ensure that our infrastructure is more resilient to the increase in extreme weather events we have seen facing this country.

My amendment allows emergency funding recipients to voluntarily upgrade damaged equipment and structures with energy-efficient technology.

It is a budget-neutral alternative to current law. It does not direct FEMA to spend at higher levels. Remember, every $1 spent in upgrading to more energy-efficient technology provides upward of $5 in savings.

We should be streamlining the process and removing the roadblocks individuals and businesses face when choosing to replace items destroyed in natural disasters with more energy-efficient technology.

Thank you. I do hope we can consider this amendment soon.

The PRESIDING OFFICER (Mr. COONS). The Senator from Oregon.

Mr. WYDEN. Mr. President, just to respond to the distinguished Senator from New York, I want her to know I am very hopeful we will get her amendment formally in front of the Senate. I want the Senator from New York to know and colleagues to know that I think Senator GILLIBRAND has brought a first-rate idea to this already bipartisan bill.

Here is what Senator GILLIBRAND is talking about, because I know energy is sometimes a little bit of a complicated area. What Senator GILLIBRAND is essentially saying is that she wants to give folks who have been clobbered by a disaster more choice in how they rebuild after a disaster.

In effect, what the Senator from New York is saying is let's give those folks who have been hard hit by disasters a chance to trade up for those energy-efficient products that are going to save them energy and save them money.

This is the kind of idea, colleagues, that sometimes seems too logical for Washington, DC. But it sure makes a lot of sense to me.

I commend the Senator from New York for offering this particular idea. As she has indicated, no mandates. This is not the Federal leviathan sweeping in and forcing people to do X, Y, and Z after a disaster. This is about choice. It is being done without any extra money provided by the government. I think it is just a first-rate idea. Frankly, this is what Senator SHAHEEN and Senator PORTMAN and I thought would be part of this debate. It has been so long since anybody got serious about this issue on the floor we were convinced people would start bringing good ideas to the floor—the fact that they have been welling up all this time, when we have not had energy efficiency on the floor.

So we have been here for a day and a half. I sure wish we were voting on my colleague's amendment and other amendments relating to energy efficiency. I think it is an excellent idea. I hope colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, let me just echo, I hope Senator GILLIBRAND gets a vote. I hope all these amendments mentioned get a vote. Of course, I hope my proposal gets a vote. The distinguished majority leader several days ago announced that the floor was open for amendments—no limitations, except one, which we all agreed to put the Syria debate on hold, as the President asked, and everyone agreed to that. The majority leader said this would be an open amendment process; the floor was open for any and all amendments.

Great. Let's have it. Let's have votes on all of these amendments, certainly including those by Senators GILLIBRAND, FRANKEN, BLUMENTHAL, INHOFE, BENNET, UDALL, KLOBUCHAR, SESSIONS, ENZI, and my amendment. Again, the vote I am asking for—quite frankly, demanding—does not have to be in the context of this bill. As I have made clear with my second UC request, I will put it aside and withdraw it from this bill, but it is time sensitive. It does have to occur in a fair up-or-down way before October 1 because the illegal OPM rule—that is a bailout, an exemption for Washington—takes effect then. It is very time sensitive. I did not create that rule certainly and I did not create that timeline and, therefore, I did not create that urgency. But it is there because of that, in my opinion, illegal OPM action.

I will also happily accept that vote outside the context of this bill, and I have suggested multiple paths forward where we can vote. Let's vote. But everybody needs to get reasonable votes, not just those who are approved by the majority leader. I look forward to that resolution. I have put multiple paths forward and look forward to that being resolved in the near future.

Thank you.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I would like to speak to a couple amendments I have filed to the bill that is under consideration by the Senate today. I wish to talk about amendment No. 1876. Just to kind of give you the background context, most of us know that when we were debating the health care bill a few years ago, the labor unions were enthusiastic supporters of ObamaCare. It perhaps should come as no surprise that they are having some buyer's remorse. I think they are realizing they were sold a bill of goods, and similar to a lot of people around this country whom I talk to, they would like to have a do-over.

In fact, if we look at what has happened since the legislation has become law and what has happened to premiums—they continue going up. In fact, there was a Kaiser study just this last month that had family premiums going up $3,000, on average, since President Obama took office. Of course, that was after the promise that health care premiums were going to go down by $2,500.

We have seen employers either cut jobs or slash hours. In fact, 250 employers have cut jobs, and there is hardly a day that goes by where there is not a headline in a major newspaper about some employer who is having to reduce their workforce or not hire people they otherwise would hire simply because of the additional cost, the requirements, the mandates, all the uncertainty created by ObamaCare.

Of course, what that means is the people who are getting hired are getting hired for part-time jobs. If we look at the number of jobs created this year, about 77 percent of those are part-time jobs. What is happening? A lot of employers—those that are under 50 employees—if they go over 50, obviously, they are covered by the mandate that says they have to provide government-approved health care. So they are keeping the number under 50 employees. Then the other requirement is to qualify as a full-time employee, you have to work 30 hours a week. So employers are also reducing the hours of their employees. So we have, I think, more now 29-hour-a-week jobs in this country than we have ever had before. The numbers since the beginning of the year with regard to jobs created—part-time time jobs—do bear that out. More and more employers are finding their way to reduce the hours of employees and hire people for jobs that are part-time jobs as opposed to full-time jobs.

What does that mean? That means the take-home pay of middle-class Americans is going down, and in order to make ends meet, they are now having to get that second job. It is creating all kinds of distortions in the labor force. So it is no surprise, I would think, that the labor unions would like to have this issue revisited.

I wish to share with you a couple statements that have been made. The International Brotherhood of Teamsters, the UFCW, and UNITE-HERE sent a letter to House minority leader NANCY PELOSI and Senate majority leader HARRY REID in July stating:

> On behalf of the millions of working men and women we represent and the families they support, we can no longer stand silent in the face of elements of the [health care law] that will destroy the very health and wellbeing of our members along with millions of other hardworking Americans.

The United Union of Roofers, Waterproofers, and Allied Workers—this from a letter several months ago in April—

> I am therefore calling for repeal or complete reform of the Affordable Care Act to protect our employers, our industry, and our most important asset: our members and their families.

If we look at the letter that was sent on July 11 by the three unions I mentioned earlier, it goes on to say it will create nightmare scenarios, it will shatter benefits, and, actually, that it will destroy the backbone of the middle class, which is the 40-hour workweek—so very strong language by some of those who were the most enthusiastic and strongest advocates and supporters of ObamaCare when it was being discussed and debated in the Senate.

Last night, at their annual convention, the AFL–CIO passed a resolution calling for major changes to ObamaCare.

The unions are trying to get a special deal, and they want to work with the administration in a way that completely ignores the text of ObamaCare.

The law says anyone who has an offer from their employer of government-approved health care coverage is not eligible—not eligible—to go into the exchanges and receive refundable health care premium tax credits.

The law also states that union-provided insurance, known as Taft-Hartley multiemployer health plans, is—is—government-approved health care coverage.

Consequently, union employees enrolled in these Taft-Hartley plans are not eligible for the exchanges and the refundable premium tax credits that are available in the exchange.

Obviously, the unions are not happy about that. In fact, on August 27, 2013, the trade publication Inside Health Policy reported:

> The Office of Management and Budget previously showed on its regulatory review website that on Aug. 24 it received a Department of Labor Proposed rule on ''Health Insurance Premium Assistance Trust Supporting the Purchase of Certain Individual Health Insurance Policies.'' The rule, which OMB said is Patient Protection and Affordable Care Act-related (PPACA), also appears to deal with the exclusion from a definition of an employee welfare benefit plan, but this week the description disappeared.

The unions are clearly seeking a way around the law and want a special fix that would apply to them and to them only.

If they have their way, what essentially happens is that union members will receive government subsidies for their insurance plans from three different sources, in three different ways—a benefit position that no other organization or individual is in.

First, they get the tax deduction that an employer receives for contributing to a union health plan.

Second, they will get the nontaxable income that the employee receives when his or her employer purchases a union health plan. Third, finally, a new premium assistance tax credit for union members who purchase the union health plan.

A recent analysis from the American Action Forum shows that if the administration gives labor unions what they want, it would cost taxpayers $187 billion over the next 10 years. The new health care law is clear that taxpayer-funded premium assistance credits are intended for low- to middle-income Americans without access to affordable insurance through an employer or who purchase health insurance on the exchanges.

The fact is that Taft-Hartley union health plans are not exchange-based plans, they are employer-sponsored health plans. Providing union members with a premium assistance tax credit on top of the favorable tax treatment already afforded to them for their employer-sponsored coverage amounts to double-dipping for union workers and is grossly unfair for every nonunion worker in America who would receive no such special benefit.

The law states that union employees should not receive both Taft-Hartley coverage and premium tax credits, but the administration has made it abundantly clear that they are willing to ignore this law in other areas. That is why I have introduced as a bill and an amendment to the pending legislation the Union Bailout Prevention Act that would seek to close off any possible loophole the administration might create or could use to give unions a special fix.

I do not blame at all the unions or other Americans around this country for not liking what they got. I think a lot of people had higher hopes, and those, obviously, who supported this and enthusiastically supported the health care law are now realizing this is not what they were promised. As a consequence, a lot of them would like to see a do-over. They want to see changes. They want to see reforms. Some want to see repeal. That obviously would be my preference in all of this. But it is not fair to carve out groups of people at the exclusion or detriment of other Americans who would be unfairly impacted by that carve-out.

That is essentially what they are requesting here. They are trying to get special treatment that would allow them to claim not one, not two, but three special tax provisions or tax treatments as a result of the new Affordable Care Act when, in fact, under Taft-Hartley plans they already receive favorable tax treatment and they are in government-approved plans. That is a government-approved plan and therefore not eligible for the exchanges, as are many other Americans who do not have access to some sort of employer-provided health care plan.

So if this carve-out were something the administration would approve, it would create a special treatment, a special provision that would cost taxpayers billions of dollars and be completely unfair to countless Americans who would love to see the provisions of this law either repealed or delayed for them as well.

The better solution, I would argue, is let's delay this for everybody. I would like to see it repealed. I think we could have done a much better job. We did not need a 2,700-page bill and 20,000 pages of regulations to deal with some of the challenges and problems we have in our health care system today, but that is what we have. We have a government takeover of our health care system. We have 20,000 pages of regulations—which, by the way, is significantly taller than I am. It is about 7

feet tall when you stack those regulations. Somebody has to interpret all of that. Somebody has to make sense out of it. Obviously, as people start to interpret and make sense out of it, they are not liking what they are finding. That should not come as any surprise because when you get a massive expansion of the government, which is essentially what this was, a takeover of literally one-sixth of the American economy, you are going to have a lot of associated unintended consequences.

I think it would make a lot of sense—there are so many better ways of going about this—if we were to repeal this and start over, but at a minimum, if one group is going to get special treatment, then all Americans ought to get that same treatment. I would argue that the best way to do that is to delay this for everybody across this country, not to create special carve-outs, special treatment that would apply to just a small number of Americans when there are literally millions of Americans who are impacted by this new law.

I would also like to address briefly, if I might—this is another amendment I filed to this bill. It is amendment No. 1887. It has to do with the Department of Energy loan program that has already cost taxpayers millions in bad investments. It is the Advanced Technology Vehicle Manufacturing Loan Program. It was intended to provide loans for manufacturing facilities that produce fuel-efficient vehicles. However, after making only five loans over the past several years, this program was mothballed in 2011.

Remarkably, Secretary Moniz is considering reviving this program and is reportedly seeking new applications for the ATVM Program. I have introduced this amendment because the Obama administration has not proven itself to be a very good venture capitalist. If you look at the record of the five recipients of ATVM loans, one is bankrupt and another has suspended their payments on a $192 million loan. The Government Accountability Office has also questioned whether the Department of Energy has the expertise to properly assess loan applications. The GAO has also concluded that the Department of Energy lacks the engineering expertise needed for effective technical oversight.

Not only is this program poorly managed, it is no longer needed. Credit markets in the auto industry have largely recovered from the recession, and industry participants have shown little interest in the ATVM Program in recent years. Additionally, stricter fuel economy standards, which automakers supported, promote vehicle technologies that are subsidized by the loan program.

The ATVM Program has $16.6 billion in outstanding lending authority. According to GAO, that is a credit subsidy risk of over $4 billion. I have offered this amendment to prohibit any new loans from being made under the ATVM Program and to protect taxpayers from this outstanding exposure. Given the Energy Department's poor track record and the fact that these subsidies are no longer necessary, I would urge my colleagues to support my amendment to stop the administration from making additional risky loans and losing even more taxpayer dollars.

I hope we will get a chance to vote on these amendments. I know the manager of the bill, the Senator from Oregon, is working with others to try to come up with a path forward in terms of processing amendments. But this is certainly one that would save the government and the taxpayers some money. If you look at the record, I think most Americans would agree this is not the way they want to see their money used.

I yield the floor.

Ms. COLLINS. Mr. President, I rise today in support of the Energy Savings and Industrial Competitiveness Act, S. 1392. I am pleased to be a cosponsor of this legislation, which would build on previous energy efficiency legislation and proposes cost-effective mechanisms to support the adoption of off-the-shelf efficiency technologies for buildings, manufacturers, and the federal government.

As honorary Vice-Chair of the Alliance to Save Energy, I have been a long-time proponent of efforts to improve energy efficiency. Encouraging the adoption of energy efficiency measures is one of the easiest yet most effective mechanisms for reducing energy consumption, lessening pollution, and ultimately saving families, businesses, and the federal government money.

Legislation to improve our Nation's energy policy is long-overdue. I would like to congratulate the bill sponsors, Senators SHAHEEN and PORTMAN, for crafting this bipartisan, commonsense bill and for their efforts in working with the leadership of the Senate Energy and Natural Resources Committee, Chairman WYDEN and Ranking Member MURKOWSKI, to bring this bill to the Senate floor. The provisions in S. 1392 will kick-start the use of energy efficiency technologies that are commercially available now and can be deployed by residential, commercial, and industrial energy users. It will also improve the energy efficiency of the federal government, which is the largest user of energy in the country. Given the challenging fiscal environment, it is notable that all authorizations included in S. 1392 are fully offset.

Specifically, S. 1392 would strengthen voluntary building codes for new homes and commercial buildings, train workers in energy-efficient commercial building design and operation, help streamline manufacturing energy efficiency, create a pilot program for highly efficient supply chains, and require the federal government to adopt energy saving practices for computers.

I am also pleased to be the lead cosponsor of two amendments that complement the goals of S. 1392. First, I have joined my colleague, the Senator from Colorado, Mr. UDALL, in sponsoring an amendment which would provide a streamlined, coordinating structure for schools to help them better navigate available federal energy efficiency programs and financing options. This would be particularly helpful for rural schools in states such as Maine and would help these institutions save money on their rising energy costs. Decisions about how best to meet the energy needs of their schools, however, would still appropriately be made by the states, school boards, and local officials.

The second amendment I am pleased to be cosponsoring along with my colleagues from Delaware, Senator COONS, and Rhode Island, Senator REED, would reauthorize and extend the core Weatherization Assistance Program and State Energy Program activities at the Department of Energy through 2018, develop a competitive grant program for non-profits to carry out weatherization projects, and require minimum professional standards for weatherization contractors and workers. I am a long-time supporter of weatherization, which plays an important role in permanently reducing home energy costs for low-income families and seniors in all states, lessening our dependence on foreign oil, and training a skilled workforce. Weatherizing homes and reducing energy costs is particularly important for a State such as Maine, which has the oldest housing stock in the Nation and a high dependence on home heating oil.

Earlier this week, the American Council for an Energy-Efficient Economy, ACEEE, released new analysis demonstrating that S. 1392 would save consumers and businesses over $65 billion on their energy bills by 2030 and would help support thousands of new jobs by cutting government and industrial energy waste and assisting homeowners in financing energy efficiency improvements.

S. 1392 has the support of a broad coalition of stakeholders, including energy efficiency, business, and environmental organizations, small and large businesses, utilities, and public interest groups. I am pleased to be a cosponsor of S. 1392 and urge its swift passage.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

ENERGY EFFICIENCY

Mr. PORTMAN. Mr. President, I know the Presiding Officer has some

thoughts on this efficiency bill, and we are going to hear from him later. I appreciate that. I thank Senator THUNE and others who have come to the floor to not offer their amendments officially because we have this issue we need to resolve on the health care front but to talk about good amendments to the legislation and ways to improve it. I know Senator GILLIBRAND was earlier talking about her amendment, which is a commonsense approach to ensure that as you do retrofits after natural disasters, you can use more energy-efficient appliances and so on.

There are some commonsense ways for us to move the efficiency agenda forward with an ''all of the above'' energy strategy. We have had a good debate today on that topic. I think we have actually gotten a number of amendments that have been proposed—I can count seven of them that are bipartisan that have been discussed here on the Senate floor that are going to help us as we proceed on this bill.

I am hopeful that we will have votes on Monday and Tuesday and that we can move forward with resolving the outstanding issues on the health care front to be able to move to the bill. I do hope my colleague from Louisiana does get a vote on his health care bill. I think it is important. I think it is important that the Senate be heard. But let's also be sure that we actually move forward with this underlying legislation. This is an unfortunately rare example of where Republicans and Democrats have come together here in the Senate to put forward legislation that has been worked out carefully, thoughtfully over time, that addresses one of the concerns we have as a country, which is that the energy used in our manufacturing facilities and by us as individuals and families and certainly by our Federal Government makes our economy less competitive and increases our costs.

There are ways to make our economy stronger, certainly improve the environment, and also make us less dependent on foreign energy by moving forward with energy efficiency as one leg of really a combination of things we need to do in an ''all of the above'' energy strategy.

Some of that, of course, should be producing more energy. I think this is a great opportunity for America, particularly in States such as Ohio, which I represent, where we have a tremendous opportunity to produce more natural gas—so called wet gas that is very valuable right now—and also oil. That will help to have not only lower energy costs but more stable energy costs going forward to bring back manufacturing. That can actually lead to a rebirth of some of the great industries in States like mine, Ohio, but also around our country to help get this economy back on track as we face high unemployment and low economic growth. But along with producing more, we need to use less and use what we have more efficiently. This is a conservative approach because we want to be sure that what we have is used most effectively and efficiently.

We have seen a lot of gridlock on Capital Hill recently on other issues. Again, this is one where we do have Republicans and Democrats who have worked together with the Senator from New Hampshire, who spent 2½ years working on this. That is one reason we have over 200 businesses supporting us. We have over 260 organizations, ranging from the Chamber of Commerce, which agreed today to ''key vote'' this legislation, to the National Association of Manufacturers on the one hand and the Sierra Club, the Natural Resources Defense Council, and other groups on the other hand. So it is an interesting combination of folks who believe energy efficiency is low-hanging fruit. It is a way for us to use less energy and therefore have a more productive economy, have a better environment, and make us less dependent on foreign oil.

This is an opportunity for us to do something else, in my view, which is to not just pass good energy legislation for the first time really in several years here on the floor but also to provide a model of how we can maybe work on some issues that are even bigger than energy efficiency, such as dealing with the debt and deficit and broader economic growth issues such as tax reform. So I am hopeful we can move forward with this debate.

I appreciate people being patient today as they came to the floor and waited for their turn to be able to speak about their amendments. I also appreciate those who are trying to work out some sort of unanimous consent agreement with my colleague from Louisiana so we can move forward on the actual votes.

I know we are going to hear from our colleague who is currently presiding tonight and others this evening about energy efficiency, but I would like to end by saying that there is a way for us to make progress on these issues. We have shown it with this legislation.

Let's get through these procedural hurdles, and let's be sure we can in this instance break the gridlock and get something done that helps my State of Ohio, helps the American people, and helps us move forward in terms of better economic growth, a cleaner environment, and also a better national security situation, where we are not dependent on these foreign sources of oil, sometimes from very dangerous and volatile parts of the world. As we have seen in the last several weeks, that is problematic. There is a better way. There is a better way forward. This energy efficiency bill is one of the steps we can take moving forward.

With that, I appreciate the Presiding Officer's work on this issue and look forward to hearing his comments later.

I yield the floor.

I see my colleague from Ohio is on the floor.

The PRESIDING OFFICER. The senior Senator from Ohio.

TPP TRADE AGREEMENT

Mr. BROWN. I appreciate my colleague's words and his work with Senator SHAHEEN on a very important energy bill.

I rise today to speak about how our Nation's efforts to combat tobacco products—the No. 1 preventable cause of death—are being threatened by a pending trade bill.

Next week the Obama administration will continue negotiations on the Trans-Pacific Partnership called TPP. The TPP is a proposed trade agreement that currently includes the United States and about a dozen other countries. It would create a free-trade zone among the member countries. Sounds good. Maybe it will create jobs, although trade agreements in the past have always been overpromised.

There are real opportunities for workers and businesses in this trade deal if done right, but, like any agreement of this size, there are many challenges, many issues that will require a close examination by Congress and the American people.

This sort of one-size-fits-all type deal with a broad set of countries—from rich countries, such as the United States and Australia, to poorer developing countries, such as Malaysia, to communist countries, such as Vietnam—it is a challenging undertaking to integrate these economies in a way that works for us.

Congress will have time to examine the details of the TPP as it moves along, but today I would like to talk about one specific part of this agreement that hasn't gotten the attention it deserves. In fact, the text of the TPP has not been widely available—except more to interest groups than it has to the American public. I wish to talk about the U.S. proposal on tobacco products and how tobacco companies could challenge anti-tobacco efforts in the United States and abroad under this Trans-Pacific Partnership.

We know Big Tobacco will stop at nothing to replace the thousands of customers they lose each year to lung disease.

I remember many years ago—and I will talk a little more about this in committee later—we did a number of tobacco hearings when I was in the House of Representatives. One thing that was clear that we talked about in those days was that I believe the number—350,000, 400,000 Americans died from tobacco use every year.

When tobacco executives came and talked to us, one thing was very clear: They understood that 350,000 of their customers were dying every year, so they had to find 350,000 new customers every year. Where did they go? They didn't go to people of the age of the Presiding Officer, me, or the Members of the Senate; they went to the people of the age of the pages sitting on the steps next to the chair of the Presiding Officer. They went after the 14-year-olds, 15-year-olds, and 16-year-olds because that is how they were going to

replenish their customer base. Any business has a business plan to attract new customers, but when your business actually kills people, as tobacco does—350,000 to 400,000 a year, and the estimates right now are slightly in excess of that—that business has to figure out creative and in this case immoral ways of getting young people to start smoking cigarettes.

More than 440,000 Americans die yearly from tobacco-related illnesses, making it the leading cause of death in this country. This now includes 50,000 deaths—something we weren't so sure of 20 years ago—attributable to secondhand smoke.

In Ohio each year 20,000 people die from smoking and 2,100 adults die from exposure to secondhand smoke. Smoking kills more people in Ohio than alcohol, AIDS, car cashes, illegal drugs, murders, and suicides combined. This means that 20 percent of deaths in Ohio are attributable to smoking.

Each year 17,000 Ohioans start smoking. By the time they leave high school, many are addicted. Ninety percent of adult smokers started before their 18th birthday. Of course they did. Not many people start smoking when they are 25, 35, or 40.

Tragically, around 293,000 Ohio children under the age of 18 who are alive today will ultimately die prematurely because of their smoking addiction. And with the rise in electronic cigarette use among American teens, it is not a stretch that deaths of young people who use tobacco products may, in fact, increase. Last week the Centers for Disease Control and Prevention reported that the percentage of middle school and high school Americans who use e-cigarettes doubled from 2011 to 2012, from 4.7 percent to 10 percent. I have no doubt that we will find these devices to have their own negative health effects and that they will be serving as gateway devices to conventional tobacco products. You have to figure that is the hope of the tobacco companies.

We know that tobacco-related deaths represent the No. 1 preventable cause of death in the world. Thankfully, we are making progress. We passed and President Obama signed into law the Family Smoking Prevention and Tobacco Control Act 4 years ago, which empowers the FDA to regulate the manufacturing and the sale of tobacco products. The Family Smoking Prevention and Tobacco Control Act will finally take action to curb tobacco use and increase regulation of these deadly products.

This law though, don't forget, was decades in the making. Two decades ago—I mentioned this hearing—in my first or second year in Congress, I sat on the House Energy and Commerce Committee. Chairman HENRY WAXMAN of California, a Democrat, first brought the leaders from the seven big tobacco companies to testify about whether tobacco is addictive and whether its marketing targeted children. These seven tobacco executives raised their right hands—a famous picture, front page amongst newspapers in the country—and they pledged to tell the whole truth and nothing but the truth to this committee. Then they lied. Under oath, they said nicotine is not addictive. They knew nicotine was addictive. Their own tests showed nicotine was addictive. But they lied to the American people. Their testimony strained the imagination.

By enacting stronger regulations of the tobacco industry, we helped decrease the rates of respiratory and cardiovascular disease and cancer. We reduced the risks associated with tobacco use. For example, smoking rates in the United States are down from 25 percent of the population in 1990 to 19 percent today—from 25 percent to 19 percent. That is a huge public health victory. It is not good enough, but it is a huge public health victory. Other countries with strong anti-tobacco laws, such as England, Canada, and Australia, are seeing similar successes. Currently, of the world's 1.3 billion smokers, 83 percent live in low- or middle-income countries.

It is proven that anti-tobacco laws actually help curb this epidemic. America has a moral imperative to stand for global public health. Besides the 1 billion people in the world predicted by the World Health Organization to die this century from smoking, there are secondary costs, including agriculture for food being diverted for tobacco fields and money spent by often malnourished people on tobacco rather than the staples they need.

It is no accident that tobacco's predatory marketing strategies involve appealing to citizens who can least afford to waste tight family funds on a preventable addiction to tobacco. In Ohio health care costs directly caused by smoking are more than $4 billion—$1.3 billion of that paid by Medicaid, by taxpayers. Our overburdened Medicaid Program simply can't continue to bear the brunt of these costs.

We are all affected by tobacco use. Consider this: In Ohio the costs to taxpayers of government-related tobacco expenses add up to a virtual ''tobacco tax'' of each Ohioan of about $600 per household. How does that work? People who smoke end up spending more time in the hospital. They end up with more diseases and illnesses that are expensive to treat. That comes out to about $600 per household, whether you smoke or not, paying for that cost. We can't afford those costs in human life and society if tobacco companies have the ability to challenge public health efforts under trade laws.

As we have made headway against this plague in America, Big Tobacco has turned to trade deals. Amazingly enough, we wouldn't have predicted this 30 years ago. Big Tobacco typically has lost fights in the Congress. Big Tobacco used to be like the NRA. They used to be like Wall Street. Then, they rarely lost any big fight in the Congress. But they have in the last 20 years because increasing numbers of Americans have understood how Big Tobacco plays, how hard, the way they lobby, the underhanded way they market, how they have marketed to children. We have stopped a lot of that. What does Big Tobacco do? Now they have turned to trade deals as the most fertile avenues for defeating international public health efforts. Understand this: The tobacco industry has deliberately made big trade laws its new potent and legal weapon.

Last year the U.S. Trade Representative—the key part of this—proposed a safe harbor provision that would have significantly limited efforts by Big Tobacco to challenge anti-tobacco efforts under trade rules created by the Trans-Pacific Partnership. They created a safe harbor provision.

The right thing to do was the administration was standing up to Big Tobacco against the wishes and lobbying efforts of Big Tobacco. However, last month the administration changed course, arguing that the United States can best balance the priorities of public health advocates and business by not excluding any one product, including tobacco, from rules of the trade agreement. Rather than giving tobacco safe harbor, they said: We are not going to do it for anybody—the safe harbor to protect public health.

In my view, this desire to strike a balance on a public health issue like tobacco is questionable, particularly when there is clear evidence that tobacco causes cancer, heart disease, and lung disease. As we have said, tobacco use is the world's leading preventable cause of death.

My concerns are shared by leading public health advocates, such as the American Cancer Society Cancer Action Network, the American Academy of Pediatrics, and the Campaign for Tobacco-Free Kids, as well as longtime anti-tobacco voices such as New York mayor Michael Bloomberg.

Some will say the current U.S. tobacco proposal recognizes the unique nature of tobacco products, but neither the current nor the original U.S. proposal would prevent the most serious threat posed to global public health—the tobacco industry's ever-growing use of something called investor-state disputes or country-to-country dispute cases arising over tobacco product measures.

In other words, since NAFTA—and I was talking to the Presiding Officer from Delaware about this a minute ago—the North American Free Trade Agreement, companies have been empowered to be able to go to a trade court and challenge public health law. If there is a strong environmental law, as there was in Canada about additives in gasoline—a company that made those additives in Richmond, VA, sued the Canadian Government, saying that their public health law banning this substance in gasoline,—their public health law—hurt their business and

was, therefore, an unfair trade practice. That is an example of what investor-state lawsuits allow in provisions of these trade agreements. We are afraid tobacco companies would do the same.

For example, Australia's Tobacco Plain Packaging Act of 2011 is already under challenge under both the Australia-Hong Kong bilateral investment treaty and in a separate World Trade Organization dispute settlement proceeding. These cases are pending despite the fact that Australian courts—locally controlled laws, determined laws, locally controlled courts all in Australia—that Australian courts already held in favor of the plain packaging law.

What we are allowing is when a country has a strong public health law, if we in the United States write a strong public health law in tobacco, on clean air, on safe drinking water, the courts of the United States said this is constitutional and should stay in effect—what this trade agreement would do is allow companies in other countries to sue the U.S. Government to undermine and weaken our public health laws.

There are similar cases launched against Uruguay over its proposed graphic warnings proposal on cigarette packages and advertisements. Uruguay has passed strong warning signs, warning labels on packages of cigarettes, but they have been challenged by tobacco companies in other countries. Why should a tobacco company be able to tell the people of Uruguay that their law shouldn't stand in a trade court? I mean, what is sovereignty all about?

The bottom line is that the tobacco industry will use every weapon in its arsenal. They did it in the House of Representatives, the Senate, HHS, and the FDA. They have done it wherever they can. It will use every weapon in its arsenal, fortunately unsuccessfully recently—much more successfully two decades ago—they will use every weapon in their arsenal to protect their packaging and advertising, which is seen by millions around the world each day. It is used to attract new customers, replacing those who inevitably lose.

Unfortunately, these investor-state challenges are being used by companies around the world more frequently.

The U.N. Conference on Trade and Development notes that the 62 cases initiated in 2012 are the highest number of cases ever filed in 1 year. Allowing private enforcement of investment rights outside of domestic legal systems can undermine and pose serious threats to public health, the environment, and consumer efforts taken by our trading partners, as well as our own agencies.

Americans are willing to support international trade agreements when there is a clear public good, but public confidence in the international institutions and agreements is quickly diminished when we so clearly elevate corporate interests ahead of public health, ahead of the environment, ahead of protection for workers, and ahead of public safety. In the case of tobacco, of all things, such an upside-down approach will lead to greater global public health risk, disease, and premature death. Americans don't expect our trade negotiations to result in a situation that makes tobacco regulation in the United States and around the world more vulnerable to challenges.

I hope the Obama administration will put forward a new proposal and will give favorable consideration to proposals of other trade partners that reflect not only the American but the global consensus on tobacco priorities as they relate to protecting public health and the common good.

Let me close with repeating something I think is particularly important. I remember my first understanding of this in the mid-1990s when we were told that 350,000 to 400,000 people died from tobacco use every year. We then examined and listened to the tobacco companies talk and originally deny their knowledge and their efforts to sell to children 12 and 14 and 16 years old with very sophisticated, high-powered marketing techniques—with mailings—television and radio initially, but mailings and other ways—handing out cigarettes and billboards near playgrounds and high schools. You can fully understand the way tobacco marketing works when you realize they lose 400,000 customers a year and they have to find 400,000 new customers a year. And they will do anything to find those new customers. They will aim at children—they will aim at 16- and 17-year-olds, they will aim at the poorest people in the world.

If you are an Indian public health official or a Chinese public health official or a public health official in Bangladesh, you have lots of problems stemming from cholera and typhoid, malaria, AIDS, and tuberculosis, and so you probably don't have the ability to fight back against Big Tobacco. We in this country have put a premium on public health efforts against Big Tobacco. In those countries their efforts have to be against these terrible infectious diseases of tuberculosis and malaria and AIDS and cholera and typhoid and all those things, so they simply can't fight back on tobacco.

That is why it is up to us, in our efforts in these trade agreements, to stand for something—to stand for public health and fairness and to stand up against Big Tobacco and to do the right thing.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

ENERGY SAVINGS

Mr. COONS. Mr. President, I rise today to speak to the Energy Savings and Industrial Competitiveness Act of 2013, S. 1392 or more commonly referred to here by the names of its lead cosponsors, Shaheen-Portman.

This is a bill that allows us to turn back to the issue so many Americans have been asking us to focus on: jobs, competitiveness, manufacturing, the steps we can take to put our country back on the right path for our future.

This bill is essentially about energy efficiency and all the different ways energy efficiency, used wisely, can strengthen America. An America that uses less energy is an America that is taking less from the Earth, an America less reliant on other nations for the fuel that powers our lives and livelihoods, an America whose people won't need to mortgage their future in order to cool their homes.

An America that uses less energy is an America that will never again wait in long gas lines; that in the summers won't have to sweat through brownouts and in the winters won't have to make the tragic choice between feeding their families and keeping them warm.

There have been some tough economic times for our Nation in recent years. And while I haven't been in Washington all that long, I get the sense the climate here around the budget and our fiscal issues has almost never been as toxic and difficult to navigate as it is right now. Of course, the reality is broadly, across the whole Federal budget, we do need to tighten our belts and we are going to have to prioritize investments that are the most important to America's future. But energy efficiency is entirely about America's future. It is exactly the sort of area where we can reach a bipartisan agreement on an important path forward together.

Energy efficiency is entirely about America's future. There is no winning in the fight for energy efficiency. There is only progress. There is doing better, conserving energy, and saving money. The pennies we invest today in energy efficiency will save our governments, our businesses, and our families dollars down the road.

So how do we do it? How do we build our more energy-efficient future when cost efficiency is ruling the day here in this Chamber and in this Congress? It starts with this wise, balanced, and bipartisan bill we are considering today, the Energy Savings and Industrial Competitiveness Act.

I am proud to be a cosponsor of this valuable bill, and I applaud the tireless work of my friends, Senators SHAHEEN of New Hampshire and PORTMAN of Ohio, in crafting the bill, focusing this bill, and then ultimately getting it to the floor. I am also grateful to the leadership of Senator WYDEN, the chairman of the energy committee, and Senator MURKOWSKI, his ranking Republican, in ably advancing it through the committee where it passed by a

vote of 19 to 3 and in getting it to the floor today.

I am grateful to Senators WYDEN and MURKOWSKI for the bipartisan energy they have crafted on the committee and for the positive tone they have set. I have greatly enjoyed my years of service on the Energy and Natural Resources Committee and appreciate their work that has allowed Senators SHAHEEN and PORTMAN and many of the other cosponsors of this bill to see it on the floor here today.

We are at a critical moment. If America is going to lead, we have to work together to set a long-term strategy that moves us toward an efficient, clean energy-competitive economy. This bill helps us do that.

It looks as though we are going to have a few more days to talk about the full scope of this bill because, unfortunately, there have been other amendments offered—amendments that aren't directly germane to this bill. And as has sadly, so often been the case in the months gone by, we have had a grinding halt to the opportunity to move forward on this broad bipartisan bill that enjoys support from Republicans and Democrats, that has an opportunity to be passed through the other Chamber as well as this, and that could do great work for America.

It is my hope that next week when we return, this Chamber will take up, consider, and pass this bill; that we will consider dozens of amendments germane to this bill, relevant to this bill that will bring other good ideas about energy efficiency to the floor, and that we will strengthen it and pass it.

This bill has been scored as having a very real prospect of creating 136,000 jobs in the next dozen years, by 2025. Imagine getting back to considering bills that actually help create jobs. There is a list of more than 250 corporations, nonprofits, and associations from all different sectors of the American society and economy that have endorsed this bill. It has a broad range of provisions that deal with energy efficiency codes and voluntarily improving them, skills and training, improving manufacturing, improving the energy efficiency of the U.S. Government, the single biggest purchaser and user of energy in our country—indeed, probably in the world. It achieves huge targets, great objectives, saving nearly 3 billion megawatt hours in energy by 2030, and saving consumers more than $13 billion a year by 2030. These are great and robust goals, and I am truly hopeful we will turn to this bill in earnest next week and take up and consider some of the range of amendments that have been offered.

I wish to now briefly review three of the amendments I have introduced for consideration as part of Shaheen-Portman.

I know one of the best things about how the Senators and the committee leaders have crafted this bill is that it is open to consideration of a broad range of ideas. All three of these amendments are directly related to energy efficiency. Not all three of them may end up being part of this bill, and I understand, but I am grateful for a few moments of my colleagues' attention to bring them up and discuss their benefit, value, and relevance.

The first is 1842. It allows for the reauthorization of valuable energy programs that have been at the heart of the Federal Government's energy efficiency strategy for a long time; the Weatherization Assistance Program and the State Energy Program. Both are programs in place for decades and that work daily in each and every one of our States, helping to reduce energy usage and reduce energy costs.

In States such as your own, Mr. President, the State of Massachusetts, where the winters can be cold and long and energy expensive, programs at the State level and weatherization assistance programs can make a real difference in the lives of consumers. These programs link national, State, and local interests in a critical way. They create highly effective public and private partnerships that have delivered real results. In fact, studies have shown that the Weatherization Assistance Program returns more than $2.50 in household savings for every $1 invested. The program serves over 7 million families in its existence, including more than 1 million in the last 4 years. The results are equally strong for the State Energy Program, where every Federal dollar invested has an energy cost savings of more than $7 a year and nearly $11 in non-Federal dollars is leveraged for every Federal dollar spent.

These are highly effective programs, but both of their authorizations have expired, so we need to reauthorize these programs so we can help Americans save energy and save other energy costs.

Earlier this year I partnered with Senators COLLINS of Maine and REED of Rhode Island to introduce the Weatherization Enhancement and Local Energy Efficiency and Investment in Accountability Act. That is a mouthful, but it has a wide base of support, including from the Alliance to Save Energy, the Community Action Foundation, the National Association of State Energy Officials, Habitat For Humanity, building suppliers such as Masco Corporation, business groups such as the Business Council For Sustainable Energy, environmental groups such as the NRDC, and many more.

I have introduced that legislation as an amendment. To summarize what it does, it reauthorizes these two critical energy programs for 5 more years, the State Energy Program and the Weatherization Assistance Program. But it doesn't just reauthorize them, it modernizes them. It enhances them with new ideas and ultimately works to ensure their long-term viability.

We call for a complementary, competitive innovation program as well as call for setting baseline standards. This amendment actually reduces the funding levels to where they were 6 years ago, in order to attract the bipartisan support and to be more fiscally responsible. This amendment says that the new minimum efficiency standards the Department of Energy is working on must be in place by October of 2015, and it creates a complementary competitive grant program to allow NGOs to compete for their piece of the funding. Overall, we want to bring in new partners, new approaches, new technologies, and new ideas to ensure that more homes can be weatherized, more families have their heating bills reduced, and more energy saved with limited Federal funding. I urge the support of my colleagues for this a first amendment, No. 1842, about the Weatherization Assistance Program.

Let me now turn to something that I think is just common sense, where I hope the Federal Government, one of the largest users of energy in the world, will take advantage of a contracting tool to achieve energy savings and cost savings in ways that both the private sector and local government have as well. I am talking about Energy Savings Performance Contracts, and I had personal experience with them when I was in the private sector with a manufacturing company in Delaware and when I was a county executive. We used this tool, this technique, in both of those contexts to finance very expensive capital investments in chillers and boilers and motors in elevators and lights and in energy efficiency retrofits throughout our buildings. But they were not paid for upfront by either the manufacturing company I worked for or the county which I ran as county executive; they were financed off of dedicated future energy savings. So these capital improvements were installed at the cost of a private company, not the government, not the manufacturer upfront, and then paid for over a long time by the energy cost savings that the increased efficiency achieved.

That may seem complicated, but it is well known, well demonstrated and used widely across this country and is something the Federal Government should make better use of. As I mentioned, by contract, the company is paid for its upfront capital investments in these higher efficiency systems through future savings that result from decreased utility costs. If State, local, and Federal facilities are currently taking advantage of these, if they are well known and well demonstrated, why isn't the Federal Government making broader use of them? Partly because of contracting and budgeting challenges, and it is partly because there is not enough push, enough energy behind the use of these ESPCs.

They also have a secondary benefit of creating lots of private sector jobs, jobs that cannot be outsourced, jobs that require local workers. Because what we are truly talking about are

sheet metal workers and electricians, folks who are installing things and taking things out, laborers and mechanics. These are great jobs and at no cost to the taxpayer.

Estimates are that there are more than $20 billion available to the Federal Government through the use of performance contracts, savings that we know we can achieve and at no cost to the taxpayer.

In December of 2011, President Obama announced a Federal commitment to enter into Energy Savings Performance Contracts equal to $2 billion over 2 years. But what happens when that window ends? Now that we are in 2013 and about to hit the end of that window, there will be no authority to continue to encourage the use of ESPCs in Federal facilities. In the current fiscal climate, performance contracts offer the Federal Government the best method for upgrading aging facilities and reducing energy costs.

Earlier this summer I introduced the Energy Savings Through Public-Private Partnership Act to push the Federal Government in the right direction by encouraging increased utilization of these contracts. I introduced that as an amendment to the Shaheen-Portman act. As I mentioned, it creates a new goal for the Federal Government, to be specific, a goal to enter into $1 billion a year in energy savings contracts over the next 5 years—$5 billion in savings at no cost to the taxpayer.

It encourages more performance contracting by requiring that Federal facilities managers ''shall consider'' implementing identified energy and water conservation measures. It increases energy savings transparency by requiring the online publication of energy and water conservation measures, and it requires government energy managers to publicly explain why they chose not to use NSPC if they do not. It ensures greater accountability by requiring the administration to report to Congress on the status of the annual performance contracting goal each year.

In previous hearings, I have asked the Secretary of Energy and others involved in the Federal performance system why this is not more actively used. The explanations have more to do with the complications of bureaucracy adrift in inaction than why it cannot be done. Positive responses from the President and from departments and from facility managers strongly suggest that this amendment, this bipartisan amendment, could be considered as a part of S. 1492.

Let me last turn to one I have worked hardest on and am most excited about, amendment No. 1841, the Master Limited Partnership Parity Act. This one has the potential to change the long-term playing field for energy financing in the United States. Access to low-cost financing will determine our Nation's energy future. It will determine how and when and which energy sources emerge as central players in the American energy marketplace in the long term, and I think it is up to us to ensure our vast national supply of clean renewable power as well as energy efficiency are vital parts of that overall equation.

What am I talking about? What is a master limited partnership? It is a business structure that is taxed as a partnership but whose ownership interests are traded like corporate stocks on a market. It is a tax-advantaged capital formation vehicle. They have been around more than 30 years. There are more than 100 of them with a market cap over $40 billion, and they have been overwhelmingly used by oil and gas and pipeline interests. Oddly, by statute, MLPs are only available to investors in energy portfolios for oil, natural gas, coal extraction, and pipeline projects—nonrenewable energy. As I mentioned, these projects get access to capital at a lower cost and are more liquid than traditional financing approaches to energy projects, making them highly attractive to private sector investment.

Investors in renewable energy and energy efficiency projects, however, have been explicitly prevented from forming MLPs, starving a growing portion of America's domestic energy sector of the capital it needs to grow. I introduced the bipartisan Master Limited Partnership Parity Act to include renewable energy and energy efficiency projects among all those other areas of energy for which MLPs could be formed, and I am grateful for the tireless partnership of my lead cosponsor, Senator JERRY MORAN of Kansas and for the courage and energy Senator LISA MURKOWSKI of Alaska has brought to advocating for this bill as a cosponsor and for the early support of Senator DEBBIE STABENOW of Michigan. The four of us have now over two Congresses worked tirelessly on this bill.

It has a corollary in the House that also has a strong bipartisan group of cosponsors. I recently testified about this bill, as has Senator MORAN, both at the Senate Energy Committee and Finance Committee, and I have been grateful for the interest of Chairman RON WYDEN and an array of other Senators from both parties.

As I mentioned, this MLP Parity Act has the opportunity, the possibility of being the ''all of the above'' energy strategy that is so often talked about and to be the capital-financing piece of this, a strategy that does not pick winners and losers but allows the markets to decide where to invest in the long term. It has generated a great deal of interest and support. It has hundreds of supporters coming from the private sector, from think tanks, from nonprofits, and from advocacy groups.

It could not be simpler. It is a very short bill, just a few hundred words. Instead of barring renewable projects and energy efficiency projects from being able to organize as Master Limited Partnerships, it embraces them. It would bring new low-cost capital into the energy market and help get more renewable energy and energy efficiency projects to get off the ground, increase domestic energy production, and increase our Nation's energy security.

I urge support for this amendment, which is a separate piece of legislation being offered as an amendment to this bill. All three of these amendments are good ideas. As we proceed next week, I may or may not call them up as amendments to this bill to be considered on the floor, but the last, the Master Limited Partnership Parity Act in particular, is a public policy idea worthy of consideration by this body at some point in the months and years ahead.

Let me in closing simply say I am grateful we have had the opportunity to return to a vigorous debate about a bipartisan bill that has the very real prospect of saving energy, of creating jobs, of investing in manufacturing and in skills and of growing the economy of the United States in a way that reduces our energy use, makes us less reliant on foreign energy sources, makes less of an impact on our environment, and gives us more hope for the future—a brighter and more optimistic future.

I can think of no better signal this Senate and this Congress can send to the people of the United States but that we take up, consider, and pass many of the bipartisan amendments that have been discussed here today and then finally pass the Shaheen-Portman bill and send it to the House for consideration, passage, and ultimately signature into law.

The people of my home State ask me all the time when will we get back to listening to each other, working together, and passing real bipartisan bills that can help create jobs. This bill will accomplish those goals.

It is my prayer, my hope we will do that vital work next week when we return.

I yield the floor.

MCC COMPACT FOR EL SALVADOR

Mr. LEAHY. Mr. President, earlier today the Board of Directors of the Millennium Challenge Corporation voted to approve a second MCC compact for El Salvador. This was expected, and it begins the last phase of discussions between the United States and El Salvador on the compact which, if finally agreed to and funded, could result in investments totaling $277 million from the United States and $85 million from El Salvador.

The compact has three main components, described by the MCC as partnering with the private sector to enhance the country's investment climate; strengthening the country's future workforce by teaching the skills demanded by the labor market; and reducing transportation and logistics costs by expanding a highway in the coastal region and improving the border crossing into Honduras. I agree that these investments would have a positive impact on the lives of the Salvadoran people.

However, I am also aware that some Salvadoran civil society organizations have concerns about the potential impact of MCC-financed development on the environment and the livelihoods of coastal communities. If the compact is funded these organizations should be consulted on the design of the details of the compact in a transparent and inclusive process particularly relating to environmental and regulatory issues, and on the ongoing monitoring of compliance.

When the law to establish the MCC was written a decade ago it was not intended to be just another foreign aid program. I remember, because I was involved in writing the law. Rather, it was designed to reward countries whose governments are taking effective steps to address key issues of governance, particularly combating corruption, strengthening the rule of law, and supporting equitable economic growth.

I supported the first compact for El Salvador, although during the design phase I raised concerns about the high level of violent crime and corruption in that country and encouraged the MCC and the government of El Salvador to consider using a portion of the funds to strengthen the judiciary and the rule of law. Regrettably, that was not done.

While El Salvador can point to some success compared to its neighbors Honduras and Guatemala, it remains a country of weak democratic institutions where the independence of the judiciary has been attacked, corruption is widespread, and transnational criminal organizations have flourished. Money laundering is a multi-billion dollar scourge in El Salvador and other Central American countries, and impunity is the norm. The national police is discredited, infiltrated by organized crime and distrusted by the public.

I have urged the MCC, the Department of State, and the government of El Salvador during the preliminary discussions and prior to a decision to release the funds for a second compact in which the Congress will have a say, to address a number of issues which I and others here and in El Salvador believe is necessary for the rule of law and economic growth in that country.

First is to significantly strengthen the capacity of the Attorney General's office and the police to combat money laundering, which is a growing problem and is driving legitimate businesses out of business. President Funes recently announced the creation of a special police unit for this purpose and I commend him for doing so, but it remains to be seen whether such a unit receives the necessary resources to be effective, and is not corrupted by the very criminals it is responsible for investigating and bringing to justice.

Second is to respect the independence of the Constitutional Oversight Court of the Supreme Court, or the Sala de lo constitucional as it is known in Spanish, which is the chamber of the Supreme Court that rules on constitutional issues. For the first time since the Peace Accords El Salvador has an independent judicial body of magistrates who are widely recognized for being honest, who do not show fear or favor, and who have consistently ruled in an independent manner. Because their rulings have at times gone against the interests of the FMLN governing party and at other times against the interests of the opposition ARENA party, there have been efforts to replace them with individuals who can be manipulated.

Third is the concern I have raised about some public officials in positions of authority who have promoted individuals within the police and security forces who have no business being in public office because of their involvement in illegal activities.

An MCC compact is widely regarded as providing a kind of stamp of approval by the United States, indicating that the government of the compact country has demonstrated a commitment to integrity, to good governance and respect for the rule of law, and to addressing the needs of its people. This should be doubly so for a second compact. If organized crime is operating with impunity, if corruption is pervasive including within the police, and if there are people in public office who abuse their authority to the detriment of democratic institutions, that is not consistent with the intent or purpose of the MCC.

The first round of El Salvador's next presidential election is scheduled for February 2014, and I have no doubt that the Funes Government wants that stamp of approval as the election approaches. I appreciate that MCC CEO Yohannes, U.S. Ambassador Aponte, and other State Department officials have echoed some of the concerns I have raised. Today's decision by the MCC Board is an important step, but it is not the final step. I urge the government of El Salvador to act decisively to address those concerns.

CAPRONI NOMINATION

Mr. WYDEN. Mr. President, on Monday the Senate confirmed two of the President's Federal judicial nominees. One of these nominees, Ms. Valerie Caproni, served for 8 years as the general counsel of the Federal Bureau of Investigation, and I interacted with her in that capacity on a number of occasions as a member of the Select Committee on Intelligence. I will say frankly that I was troubled by some of the aggressive positions that Ms. Caproni took regarding domestic surveillance while she was the FBI's general counsel, and I understand why a number of my colleagues had serious concerns about her nomination.

After giving the matter serious thought I decided to vote yes on Ms. Caproni's nomination based on the letter that she sent to Senator DURBIN in July of this year, in which she stated that she would recuse herself from any cases that would require her to determine the legality of any surveillance programs about which she provided legal advice, in addition to any cases for which she had personal or supervisory involvement. This broad recusal commitment is somewhat unusual, but I believe it is appropriate given Ms. Caproni's long record of advocating for particular surveillance authorities as FBI general counsel. As the Senate has seen in recent years, Federal judges play a critical role in interpreting the government's surveillance authorities, so when considering nominees for judicial positions that are likely to consider surveillance cases it is important to ensure that these nominees will not be overly deferential to the government's interpretation of what its own surveillance authorities should be. I thank Senator DURBIN for his work on this nomination, and I look forward to continuing to work with him and our other colleagues on this critically important issue.

AMERICAN LEGION POST 145

Ms. COLLINS. Mr. President, today I wish to pay tribute to America's veterans of World War II. Seven decades ago, our country was faced with a war that we did not seek but that we had to win. Those who answered the call to serve left the safety and security of home to free the oppressed in distant lands, and they made great sacrifices with pride and honor. These veterans exemplify the courage and devotion to duty that have been the hallmarks of the U.S. Armed Forces throughout our Nation's history.

Members of the American Legion Cyr-Plourde Post 145 in Frenchville, ME, were among the World War II veterans fighting for the freedom of others. They included Army TSGT Maurice Sirois, Army SSG Alfred Turgeon, Army SGT Clovis Daigle, Navy PO3 Thomas Clavette, Army CPL Gerard Michaud, Marine Cpl Robert Michaud, Army CPL Maurice Raymond, Army PFC Oniel Dumais and Army PFC Donat Michaud. They confronted many challenges with courage, strength and selfless determination, and they preserved the values upon which the United States was forged. After the war ended, their dedication to our great Nation did not. Their involvement in their communities throughout their lives after the war and support for other veterans is admirable. For their service and sacrifice, they have the heartfelt thanks of a grateful nation.

AMERICAN LEGION POST 147

Ms. COLLINS. Mr. President, in the decades since World War II, our Nation has changed in numerous ways. One constant in American history is our unquestionable willingness to stand in defense of our own freedom and the freedom of those around the world. The veterans of our Nation's Armed Forces

have made many grave sacrifices to preserve the values of the United States for which our forefathers fought so earnestly and paid so dearly.

I rise today to recognize and thank the World War II veterans and members of the American Legion Thomas O. Cyr Post 147 in Madawaska, ME: SSG Joseph Cyr, Army SSG Armand Martin, Navy PO1 Nivard Hebert, Marine LCpl Elmer Hunting, Army and Air Force PFC Adrian Cyr, Army PFC Louis Dufour, Army CPL Roland Michaud, Army Private Clarence Cyr and Army Private Alphe Pelletier. During World War II, these men fought courageously against tyranny and oppression in distant lands. These veterans fought with selflessness, honor, and dedication through harrowing conditions and then returned home, often without their comrades. For this, our Nation owes them an unfathomable debt. But through involvement in their communities and the American Legion, these men have continued to give even more of themselves to our Nation. Their work has led to memorials, remembrance services, and the sponsorship of countless community events that remind us of the fabric of this great Nation and the great State of Maine. May God bless them and our great Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO CATHERINE HILL

● Mr. CARDIN. Mr. President, today I would like to pay tribute to Catherine ''Kay'' S. Hill of Dayton, MD. Kay Hill is retiring after a 38-year career with the National Security Agency, NSA, where she led the Agency's efforts to forge partnerships with the State and local governments and the surrounding community. Ms. Hill has put a human face on an agency long known for its secrecy and is legendary in Maryland for her leadership and vision.

In 1975 Ms. Hill was recruited by the NSA to establish a commuter transportation office. She oversaw the NSA motor fleet services operation and quickly recognized the need to expand ridesharing beyond the gates. In 1976 she began working with State and local governments to develop a statewide vanpool program that grew to be the largest program in the State. In 1980 NSA was the only Federal agency to receive a Presidential Award in recognition of its successful and groundbreaking Ridesharing Program, which has since been duplicated by other Federal agencies.

As a result of her success in forging collaborative partnerships in those early days, Ms. Hill became one of the few public faces of NSA, and Agency leadership began to place more emphasis on working with the broader community. In 1999 NSA management established the office of State and Local Government Relations and Community Partnership and appointed Ms. Hill as its first Director. She has continued her work to partner with the community in a number of areas to address problems of mutual interest like education and workforce development, road improvements, transportation, and other infrastructure issues.

Kay Hill is an outstanding Federal employee, dedicated to public service. I am grateful and pleased that because of her advocacy, the NSA enjoys a reputation in the surrounding community as a good neighbor, business partner, and model employer. I wish her all the best as she begins the next phase in her life—one that I hope is both relaxing and productive.●

TRIBUTE TO AIRMAN DUNCAN KIRKLAND

● Mr. ISAKSON. Mr. President, I wish to honor in the RECORD Amn Duncan Kirkland of Waycross, GA. Airman Kirkland is a true American hero and was recently awarded as ''USS *George H.W. Bush* Avenger of the Day'' for his outstanding performance on August 16, 2013.

Airman Kirkland's quick action to prevent the rotor wash from Trident Helicopter 612 from blowing a shipmate down a slippery section of catapult track and into the rotor arc of Spartan Helicopter 711, embodied the spirit of President George H.W. Bush. Airman Kirkland grabbed his shipmate by the float coat, anchoring him to the deck until the helicopters could be shut down. His keen situational awareness and response was critical in preventing the possible injury or death of a shipmate. Airman Kirkland's motivation and continued drive for success have set the standard high for others to emulate.

I send my great thanks to Airman Kirkland for his work daily on behalf of our proud Nation, and I thank and congratulate his family and friends for supporting his service to the United States of America.●

BIDDEFORD FREE CLINIC

● Mr. KING. Mr. President, I wish to commend the Biddeford Free Clinic for its 20 years of service to the people of York County, ME. Biddeford Free Clinic relies on a team of dedicated volunteers and community partners to provide free medical care and nonnarcotic prescription medication to the uninsured population.

When Dr. Francis Kleeman, along with his wife Alphine and several other volunteers, started the Biddeford Free Clinic, it was the first free medical clinic in the northeast. Over the past 20 years they have treated over 12,000 patients, had over 75,000 referrals, and over 15,000 medical visits. Every year they provide free medical care to 700 people in the York County community and they are still the only free clinic in Maine with a licensed pharmacy.

Given the exorbitant rise in the cost of health care in recent years having a great organization in Southern Maine providing medical care is a tremendous service to the community. While the Affordable Care Act will significantly increase the number of Mainers with health insurance, there will always be a great need for the services the Biddeford Free Clinic provides to the uninsured.

Maine has always been a leader in providing the best health care and the Biddeford Free Clinic has been an integral part of that for the past 20 years. It is my great honor to recognize this significant milestone they have reached, and I look forward to seeing the great accomplishments they will achieve in the future.●

TRIBUTE TO LEO FLOYD ARGYLE

● Mr. LEE. Mr. President, I would like to take this opportunity to honor one of Utah's finest, Leo Floyd Argyle, a veteran of World War II and exemplary citizen. Leo turned 91 this year, and will soon be travelling to Washington, D.C. to visit the memorials and honor his brothers in arms.

Leo Floyd Argyle, of Bountiful, UT was born at the beginning of the roaring twenties in Woods Cross, UT. His father passed 13 short years later, leaving his mother and three siblings at the height of America's Great Depression. Leo dutifully continued his schoolwork and graduated from Davis High School in 1939. The value of hard work was instilled in this generation of Americans, and Leo is a perfect example of that. He worked topping beets and weeding onions after high school and eventually worked his way into the telecommunications business—at first digging trenches for phone lines.

Leo was digging a phone cable trench in 1942 when he received notice to report to Fort Douglas. He had 1 week to get his affairs in order prior to reporting for duty. He served in the 573rd Signal Air Warning Battalion, and was part of some of our most extraordinary military efforts in Great Britain, Normandy, the Ardennes, the Rhineland, and throughout Central Europe. He related part of his noble service as follows:

An experience I remember from World War II was that after having 12 months of radio radar training, we boarded the Queen Mary in New York. The Queen carried more than 800,000 troops over the course of the War. We landed in Scotland five days later. Hitler had put out a $250,000 reward for the submarine that could sink her, but she was too fast. At this time I realized how important the training I had received was and the part I was to play during the war. Our first radar location was in Dover, England. This was to track incoming aircraft and later the V1 rockets aimed at England. After a considerable amount of time we proceeded through Normandy and Northern France, which had been liberated by American Troops. There we found the US 3rd Army. From there we were sent all over Europe. I was in France on VE Day and then we were getting ready to be shipped to Japan when the United States dropped the atom bombs on Japan, which led

to their subsequent surrender. I was sent home December 28, 1945.

Simply put, Leo is a part of that generation who, when called to fight against the forces of despotism and evil, answered courageously.

Leo Argyle is not only a proper example of duty to country, but also an example of a good father and husband. He has been married to his sweetheart, Marline Brey Argyle since March 9, 1951, and they have lovingly reared their three children, Mike, Lisa, and Jennie. They have eight grandchildren, and 10 great-grandchildren. His son Mike recently recounted the lessons that his father teaches through example:

One of the things I remember most about my dad was that he has always been a hard worker. He worked for the phone company for 41 years, even though they changed the name of the phone company over the years. His love for vacations at Bear Lake has helped keep the family close. We spent most weekends and dad's vacation there each summer. He taught me to drive a tractor and an old Jeep. He taught me the value of work and to be employed. He taught me to plow the orchard. It seems that he is always busy, as he enjoys work even now. He has been retired for many years but continues to work every day, at his home, orchard, and cabin. He loves to sing, and he enjoys going to see his friends at the senior center every day. He also makes many visits to people in the hospital. He has been an example of stability and goodness to me all my life.

As we face harrowing challenges in our complex world today, might I suggest that we look to the example of citizens like Leo Argyle. As we look to the example set by our forebears, especially in the steady hand of hard work and the honorable performance of one's duty, we will find that principles are constant, that goodness and virtue are real, and that our prosperity as a Nation depends on our adherence to those principles. May we ever strive to emulate the firm resolve with which our grandfathers held the flame of liberty and the standard of justice and honor.●

NEW HAVEN MANUFACTURERS ASSOCIATION

● Mr. MURPHY. Mr. President, today I wish to commemorate the 100th anniversary of the New Haven Manufacturers Association.

Established in 1913 as the Employer's Association of New Haven County, the New Haven Manufacturers Association has served the manufacturing community of Southern Connecticut and beyond for the past century. Since its inception, the New Haven Manufacturers Association has endeavored tirelessly to encourage the growth and success of the manufacturing sector in Connecticut's economy. It has advocated policies critical to the manufacturing community, provided opportunities for manufacturers to network and share ideas, and educated members on business best practices. It has also actively worked to stimulate students' interest in manufacturing careers to secure the next generation of workers and ensure manufacturing's continued strong presence in the State.

Connecticut has had a long, storied manufacturing history, dating to the days of Eli Whitney. The New Haven Manufacturers Association has played an important role in that history. In recognition of that role, I am proud to honor the 100-year anniversary of the New Haven Manufacturers Association, its commitment to serving its member companies, and its promotion of Connecticut's manufacturing sector.●

ALL-OHIO STATE FAIR YOUTH CHOIR

● Mr. PORTMAN. Mr. President, today I wish to honor the 50th anniversary of the All-Ohio State Fair Youth Choir and the leadership of its founder, Glenville D. Thomas. In 1963, Mr. Thomas founded the choir to provide high school singers in Ohio with the opportunity to enjoy a musical experience similar to that of the All-Ohio State Fair Band.

In 1975, the All-Ohio State Fair Youth Choir became the first marching choir during its debut at the Tournament of Roses Parade. In 1975, the group was also the first-ever choir to sing in the Macy's Thanksgiving Day Parade, which included a pre-show performance atop the World Trade Center. Mr. Thomas and the choir also performed at the New York World's Fair, appeared on several national and local TV and radio programs, and sang for President Nixon at the White House.

This year, the 2013 Ohio State Fair featured a butter choir sculpture—in addition to an iconic butter cow—that honored the thousands of youth who have been members of the choir throughout the last five decades. I was pleased to be able to visit with some of the members of the All-Ohio State Fair Youth Choir, hear some of their great singing, and congratulate them at the fair.

The All-Ohio State Fair Youth Choir is an asset to the Ohio State Fair and I congratulate all who were involved in making its first 50 years a success.●

COPPER CANNON CAMP

● Mrs. SHAHEEN. Mr. President, I rise today to recognize the fiftieth anniversary of Copper Cannon Camp in Bethlehem, NH.

Each year, millions of American children pack their bags and prepare to spend their summers in the great outdoors, hiking, playing sports, and enjoying time with friends. While many people are fortunate enough to have the resources to send their children to camp, some family budgets do not permit this opportunity for their children.

As a young boy, Copper Cannon Camp's founder, Hamilton Ford, received assistance to attend summer camp. That experience changed Mr. Ford's life and inspired him to share his experiences with children who could not otherwise attend camp. The Camp's mission is to provide underprivileged New Hampshire youth with an opportunity to experience the joys of attending summer camp at no cost to their families. Since 1963, Mr. Ford's dream has been a reality, and the camp now welcomes approximately 600 campers each year.

Now in its 50th year, Copper Cannon Camp has provided a traditional summer camp experience to more than 21,000 youths from New Hampshire. For many of these children, their week at Copper Cannon Camp has changed their lives.

The camp has earned a place in the hearts of countless individuals and families from New Hampshire, and its mission remains as relevant and important today as it was 50 years ago. That generous mission reflects the compassion and dedication demonstrated by the Camp's board, staff, and community members.

There is much to celebrate in the first 50 years of Copper Cannon Camp, and with exciting expansion plans underway, we can look forward with great anticipation to the Camp's next 50 years. I congratulate everyone involved in Copper Cannon Camp's success and wish them many wonderful summers ahead.●

REMEMBERING WILLIAM HENRY JOHNSON

● Mr. TESTER. Mr. President, today I wish to honor William Henry Johnson, a veteran of the United States Navy.

William was born in Butte, MT, in 1944. He graduated from Butte High School and enrolled in college for a few years before joining the Navy.

William was stationed on the USS Canberra, stationed out of San Diego. The Canberra, with William serving aboard, deployed to the South China Sea to provide support for the Vietnam War. During his deployment, William was injured in an accident on the ship. He was airlifted to the Naval Hospital at Subic Bay in the Philippines and then to the Naval Hospital in Bremerton, WA.

William was honorably discharged and returned home to MT, where he married and had three children.

It was my honor to track down the National Defense Service Medal and the Vietnam Service Medal William did not receive when he returned home from Vietnam. These decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service. They are presented on behalf of a Nation that will never forget William Henry Johnson's service.●

TRIBUTE TO WILLIAM MARK FOSTER

● Mr. TESTER. Mr. President, today I wish to honor William Mark Foster, a veteran of the United States Air Force. Mark was born in Gross Pointe Woods, MI, in 1952.

At the age of 5, his family moved to Arizona where he graduated from high school and attended Scottsdale Community College. After a few years of working and going to school, Mark enlisted in the U.S. Air Force.

He underwent basic training at Lackland Air Force Base in San Antonio, TX, and achieved the rank of Airman First Class. Mark then trained to become a weapons mechanic at Lowry Air Force Base in Denver. At every step, he aimed to excel and his superiors rewarded him with greater responsibility. He even earned several awards for his marksmanship with small arms.

Mark was then stationed at Plattsburgh Air Force Base in upstate New York as part of the 380th Munitions Maintenance Squadron. He and his load crew were responsible for loading planes with nuclear missiles. They were so efficient that they received an Air Force Outstanding Unit Award.

He began the process to undergo officers' training, but after a number of hurdles got in the way, Mark mustered out in May of 1977 with the rank of Senior Airman.

He returned to Scottsdale to work with his father, but began spending much of his time with his mother and stepfather in Red Lodge, MT, until he decided to move here.

Mark has been an active member of his community for nearly three decades. He is also a founding sponsor of the Air Force Memorial in Arlington, VA.

It was my honor to present Mark with his Air Force Outstanding Unit Award, National Defense Service Medal, and Small Arms Expert Marksmanship Ribbon. These decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service. They are presented on behalf of a Nation that will never forget William Mark Foster's service.●

TRIBUTE TO KENT DAVID RUDOLPH

● Mr. TESTER. Mr. President, today I wish to honor Kent David Rudolph, a veteran of the United States Navy.

Kent was born in Chester, MT, in 1956. He graduated from Joplin High School in 1974 and enlisted in the Navy. He went through basic training in San Diego and studied to be a cryptological technician in Pensacola, FL.

Kent's first tour began in Guam, where he encoded and decoded communications. While in Guam, he also spent time in Japan and South Korea. He did an additional tour on the USS *Constellation*.

During the Iran Hostage Crisis, Kent was stationed in the Indian Ocean, where he and his unit followed a dispute within Yemen.

He separated from active duty in May of 1979 and returned home to Chester. He joined the reserves in 1991 and worked with the Navy's Construction Battalion. Kent retired from the Naval Reserve in 2009 with the rank of Petty Officer Second Class.

It was my honor to present Kent with his Navy Good Conduct Medal, Navy Expeditionary Medal, and Meritorious Unit Commendation Ribbon. These decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service. They are presented on behalf of a Nation that will never forget Kent David Rudolph's service.●

TRANSMITTING PRINCIPLES FOR MODERNIZING THE MILITARY COMPENSATION AND RETIREMENT SYSTEMS—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Pursuant to section 674(c) of the National Defense Authorization Act for Fiscal Year 2013, Public Law 112–239, January 2, 2013, I hereby transmit principles for modernizing the military compensation and retirement systems requested by the Act.

BARACK OBAMA.

THE WHITE HOUSE, *September 12, 2013.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:22 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 130. An act to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming.

S. 157. An act to provide for certain improvements to the Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 256. An act to amend Public Law 93–435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa.

S. 304. An act to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes.

S. 459. An act to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 12, 2013, she had presented to the President of the United States the following enrolled bills:

S. 130. An act to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming.

S. 157. An act to provide for certain improvements to the Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 256. An act to amend Public Law 93–435 with respect to the Northern Mariana Islands, providing parity with Guam, the Virgin Islands, and American Samoa.

S. 304. An act to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes.

S. 459. An act to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2751. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, Selected Acquisition Reports (SARs) for the quarter ending June 30, 2013 (DCN OSS 2013–1283); to the Committee on Armed Services.

EC–2752. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to information requested in section 308(a) of the Intelligence Authorization Act of 2012; to the Committee on Armed Services.

EC–2753. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to force structure of the Army for Fiscal Years 2014 through 2018; to the Committee on Armed Services.

EC–2754. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Least Developed Countries that are Designated Countries'' ((RIN0750–AI00) (DFARS Case 2013–D019)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2013; to the Committee on Armed Services.

EC–2755. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, a report relative to a vacancy in the position of Director of Cost Assessment and Program Assessment, Department of the Defense, received in the Office of the President of the Senate on August 1, 2013; to the Committee on Armed Services.

EC–2756. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, a report relative to a vacancy in the position of Principal Deputy Under Secretary of Defense (Intelligence), Department of the Defense, received in the Office of the President of the Senate on August 1, 2013; to the Committee on Armed Services.

EC–2757. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, a report relative to a vacancy in the position of Secretary of the Air Force, received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2013; to the Committee on Armed Services.

EC–2758. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Release of Fundamental

Research Information'' ((RIN0750–AH91) (DFARS Case 2012–D054)) received during adjournment of the Senate in the Office of the President of the Senate on August 5, 2013; to the Committee on Armed Services.

EC–2759. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an alternative plan for monthly basic pay increases for members of the uniformed services for 2014; to the Committee on Armed Services.

EC–2760. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Susan S. Lawrence, United States Army, and her advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2761. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral James P. Wisecup, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2762. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2763. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of twenty-one (21) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2764. A communication from the Secretary of Defense, transmitting the report of three (3) officers authorized to wear the insignia of the grade of major general or brigadier general, as indicated, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2765. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General James D. Thurman, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–2766. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Dana K. Chapman, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2767. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral William E. Landay III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–2768. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777a, for a period not to exceed 14 days before assuming the duties of the position for which the higher grade is authorized; to the Committee on Armed Services.

EC–2769. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Rhett A. Hernandez, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2770. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–2771. A communication from the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict), transmitting, pursuant to law, the fiscal year 2012 annual report on the Regional Defense Combating Terrorism Fellowship Program; to the Committee on Armed Services.

EC–2772. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC–2773. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Dispute Resolution Pilot Program for Public Assistance Appeals'' ((RIN1660–AA79) (Docket No. FEMA–2013–0015)) received during adjournment of the Senate in the Office of the President of the Senate on August 21, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2774. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2013–0002)) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2775. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2776. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2777. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2778. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2013–0002)) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2779. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2013–0002)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2780. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2013–0002)) received during adjournment of the Senate in the Office of the President of the Senate on August 21, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2781. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition and Revision to the List of Validated End-Users in the People's Republic of China'' (RIN0694–AF95) received during adjournment of the Senate in the Office of the President of the Senate on September 3, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2782. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–2783. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13047 of May 20, 1997, with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC–2784. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the continuation of the national emergency that was declared in Executive Order 13396 on February 7, 2006, with respect to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC–2785. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2786. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Libya that was originally declared in Executive Order 13566 of February 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2787. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2788. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Luxembourg; to the Committee on Banking, Housing, and Urban Affairs.

EC–2789. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC–2790. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–2791. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (3) reports relative to vacancies within the Department, received during adjournment of the Senate in the Office of the President of the Senate on August 22, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2792. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HOME Investment Partnerships Program: Improving Performance and Accountability; Updating Property Standards'' (RIN2501–AC94) received during adjournment of the Senate in the Office of the President of the Senate on August 5, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC–2793. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Hearing Officer and Administrative Judge'' (RIN1992–AA36) received during adjournment of the Senate in the Office of the President of Senate on August 23, 2013; to the Committee on Energy and Natural Resources.

EC–2794. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for Residential Clothes Dryers'' (RIN1904–AC63) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Energy and Natural Resources.

EC–2795. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (Docket No. PA–162–FOR) received during adjournment of the Senate in the Office of the President of the Senate on September 5, 2013; to the Committee on Energy and Natural Resources.

EC–2796. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Modeling, Data, and Analysis Reliability Standard'' (Docket No. RM12–19) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2013; to the Committee on Energy and Natural Resources.

EC–2797. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Third-Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies'' (Docket No. RM11–24–000 and AD10–13–000) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2013; to the Committee on Energy and Natural Resources.

EC–2798. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Procedural Regulations Governing Transportation by Interstate Pipelines'' (Docket No. RM12–17–000) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Energy and Natural Resources.

EC–2799. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Page 700 of FERC Form No. 6'' (RIN1902–AE55) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Energy and Natural Resources.

EC–2800. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board Fiscal Year 2012''; to the Committee on Energy and Natural Resources.

EC–2801. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Fiscal Year 2012 Methane Hydrate Program''; to the Committee on Energy and Natural Resources.

EC–2802. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Geothermal Heat Pump Research, Development and Demonstration''; to the Committee on Energy and Natural Resources.

EC–2803. A communication from the Administrator, U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran''; to the Committee on Energy and Natural Resources.

EC–2804. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC–2805. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detailed boundary for the Roaring Wild and Scenic River and Sandy Wild and Scenic River, Upper Portion, Oregon; to the Committee on Energy and Natural Resources.

EC–2806. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''United States Department of Transportation 2013 Report to Congress from the Intelligent Transportation Systems Program Advisory Committee''; to the Committee on Commerce, Science, and Transportation.

EC–2807. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Centerville, Midway, Lovelady, and Oakwood, Texas)'' (MB Docket No. 12–92, RM–11650, RM–11679) received in the Office of the President of the Senate on July 25, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2808. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (13); Amdt. No. 3541'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2809. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (85); Amdt. No. 3540'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2810. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V–55 and V–169 in Eastern North Dakota'' ((RIN2120–AA66) (Docket No. FAA–2013–0484)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2811. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation (RNAV) Routes; Washington, DC'' ((RIN2120–AA66) (Docket No. FAA–2013–0081)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2812. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; El Monte, CA'' ((RIN2120–AA66) (Docket No. FAA–2013–0505)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2813. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Port Townsend, WA'' ((RIN2120–AA66) (Docket No. FAA–2012–0926)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2814. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Live Oak, FL'' ((RIN2120–AA66) (Docket No. FAA–2013–0001)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2815. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Selmer, TN'' ((RIN2120–AA66) (Docket No. FAA–2013–0074)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2816. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Captiva, FL'' ((RIN2120–AA66) (Docket No. FAA–2012–1335)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2817. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of VOR Federal Airway V–537, GA'' ((RIN2120–AA66) (Docket No. FAA–2012–0971)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2818. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tuskegee, AL'' ((RIN2120–AA66) (Docket No. FAA–2013–0158)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2819. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0420)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2820. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0019)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2821. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; B–N Group Ltd. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0314)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2822. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1052)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2823. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0205)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2824. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–1155)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2825. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–1214)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2826. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0447)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2827. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Helicopter Models'' ((RIN2120–AA64) (Docket No. FAA–2013–0521)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2828. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Engine Alliance Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–1329)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2829. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0983)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2830. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0458)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2831. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1221)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2832. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate Previously Held by Raytheon Aircraft Company) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0462)) received during adjournment of the Senate in the Office of the President of the Senate on July 26, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2833. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Kamchatka Flounder in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC750) received in the Office of the President of the Senate on July 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2834. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Western Pacific; Fishing in the Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments'' (RIN0648–BA98) received in the Office of the President of the Senate on July 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2835. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2013'' (RIN0648–BD13) received in the Office of the President of the Senate on July 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2836. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Dusky Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC741) received in the Office of the President of the Senate on July 30, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2837. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Dusky Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC756) received in the Office of the President of the Senate on July 30, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2838. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Commercial Gulf of Mexico Aggregated Large Coastal Shark and Gulf of Mexico Hammerhead Shark Management Groups'' (RIN0648–XC748) received in the Office of the President of the Senate on July 30, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2839. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC740) received in the Office of the President of the Senate on July 30, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2840. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip

Limit Adjustment for the Common Pool Fishery'' (RIN0648–XC737) received in the Office of the President of the Senate on July 30, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2841. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PILATUS Aircraft Ltd. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0383)) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2842. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC739) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2843. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2013 Commercial Accountability Measure and Closure for South Atlantic Gray Triggerfish'' (RIN0648–XC728) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2844. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Highly Migratory Species; Atlantic Shark Management Measures; Amendment 5a'' (RIN0648–BB29) received in the Office of the President of the Senate on August 1, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2845. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Rate Regulation Reforms'' (RIN2140–AB12) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2846. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish''' in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC753) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2847. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 24 and Framework Adjustment 49; Correction'' (RIN0648–BC81) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2848. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC752) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2849. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Rougheye Rockfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC761) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2850. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; National Standard 2-Scientific Information'' (RIN0648–AW62) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2851. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Time Limit for Completion of Voluntary Self-Disclosures and Revised Notice of the Institution of Administrative Enforcement Proceedings'' (RIN0694–AF59) received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2852. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Department of Transportation, received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2853. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Budget and Programs and Chief Financial Officer, Department of Transportation, received during adjournment of the Senate in the Office of the President of the Senate on August 8, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2854. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Joint Operations Exercise, Lake Michigan, IL'' ((RIN1625–AA00) (Docket No. USCG–2013–0611)) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2855. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sherman Private Party Fireworks, Lake Michigan, Winnetka, IL'' ((RIN1625–AA00) (Docket No. USCG–2013–0615)) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2856. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sister Bay Marina Fest Fireworks and Ski Show, Sister Bay, WI'' ((RIN1625–AA00) (Docket No. USCG–2013–0614)) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2857. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Alpena Area HOG Rally Fireworks, Alpena, Michigan'' ((RIN1625–AA00) (Docket No. USCG–2013–0661)) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2858. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Upper Mississippi River, Mile 662.8 to 663.9'' ((RIN1625–AA00) (Docket No. USCG–2013–0410)) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2859. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Motion Picture Filming; Chicago River; Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2013–0612)) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2860. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Evening on the Bay Fireworks; Sturgeon Bay, WI'' ((RIN1625–AA00) (Docket No. USCG–2013–0613)) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 559. A bill to establish a fund to make payments to the Americans held hostage in Iran, and to members of their families, who are identified as members of the proposed class in case number 1:08-CV–00487 (EGS) of the United States District Court for the District of Columbia, and for other purposes (Rept. No. 113–104).

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 815. A bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity (Rept. No. 113–105).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 223. An original resolution authorizing expenditures by the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 224. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Kenneth Allen Polite, Jr., of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER (for himself, Mr. ENZI, Mr. HELLER, Mr. LEE, Mr. JOHNSON of Wisconsin, and Mr. INHOFE):

S. 1497. A bill to amend the Patient Protection and Affordable Care Act to apply the provisions of the Act to certain Congressional staff and members of the executive branch; to the Committee on Finance.

By Ms. LANDRIEU:

S. 1498. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions relating to small businesses, and for other purposes; to the Committee on Finance.

By Mr. JOHANNS (for himself and Mrs. FISCHER):

S. 1499. A bill to designate the facility of the United States Postal Service located at 278 Main Street in Chadron, Nebraska, as the ''Sergeant Cory Mracek Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN (for himself, Ms. COLLINS, Mr. CRUZ, Mr. MORAN, and Ms. AYOTTE):

S. 1500. A bill to declare the November 5, 2009, attack at Fort Hood, Texas, a terrorist attack, and to ensure that the victims of the attack and their families receive the same honors and benefits as those Americans who have been killed or wounded in a combat zone overseas and their families; to the Committee on Armed Services.

By Mr. MERKLEY:

S. 1501. A bill to establish a Financing Energy Efficient Manufacturing Program in the Department of Energy to provide financial assistance to promote energy efficiency and onsite renewable technologies in manufacturing and industrial facilities; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND:

S. 1502. A bill to require the Secretary of Agriculture to protect against foodborne illnesses, provide enhanced notification of recalled meat, poultry, eggs, and related food products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. KIRK, Mr. BENNET, Mr. CARDIN, Mr. WARNER, Mr. TESTER, Mrs. SHAHEEN, Mr. BAUCUS, Ms. LANDRIEU, Mr. COCHRAN, Mr. WHITEHOUSE, Mr. RUBIO, Mr. JOHNSON of South Dakota, Mr. BLUNT, Ms. CANTWELL, Ms. MIKULSKI, Mr. BLUMENTHAL, Mr. SANDERS, Mr. FRANKEN, Mrs. HAGAN, and Mr. MARKEY):

S. 1503. A bill to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements); to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. BLUNT):

S. 1504. A bill to increase funds set aside for off-system bridges; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LEAHY:

S. Res. 223. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. JOHNSON of South Dakota:

S. Res. 224. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. CRUZ (for himself, Mr. VITTER, Mr. BLUNT, Mr. TOOMEY, Mr. PAUL, Mr. SCOTT, Mr. LEE, Mr. INHOFE, Ms. AYOTTE, Mr. PORTMAN, Mr. COBURN, Mr. RISCH, Mr. JOHNSON of Wisconsin, Mr. HELLER, Mr. ISAKSON, Mr. CRAPO, Mr. ROBERTS, Mr. BURR, Mr. GRAHAM, Mr. BARRASSO, Mr. ENZI, Mr. GRASSLEY, and Mr. COCHRAN):

S. Res. 225. A resolution to express the sense of the Senate that Congress should establish a joint select committee to investigate and report on the attack on the United States diplomatic facility and American personnel in Benghazi, Libya, on September 11, 2012; to the Committee on Rules and Administration.

By Mr. BROWN (for himself, Mr. PORTMAN, Mr. DURBIN, Mr. KIRK, Ms. LANDRIEU, and Mr. SESSIONS):

S. Res. 226. A resolution celebrating the 100th anniversary of the birth of James Cleveland ''Jesse'' Owens and honoring him for his accomplishments and steadfast commitment to promoting the civil rights of all people; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. MURPHY), the Senator from Illinois (Mr. DURBIN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 119, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 344

At the request of Mr. WICKER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 344, a bill to prohibit the Administrator of the Environmental Protection Agency from approving the introduction into commerce of gasoline that contains greater than 10-volume-percent ethanol, and for other purposes.

S. 375

At the request of Mr. TESTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 411

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 429

At the request of Mr. NELSON, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 463

At the request of Mr. PRYOR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 463, a bill to amend the Farm Security and Rural Investment Act of 2002 to modify the definition of the term ''biobased product''.

S. 468

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 468, a bill to protect the health care and pension benefits of our nation's miners.

S. 534

At the request of Mr. TESTER, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 534, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 569

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 641

At the request of Mr. WYDEN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 641, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 647

At the request of Mr. NELSON, the name of the Senator from Louisiana

(Mr. VITTER) was added as a cosponsor of S. 647, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 653

At the request of Mr. BLUNT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 653, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 669

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 669, a bill to make permanent the Internal Revenue Service Free File program.

S. 820

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 820, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 908

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 908, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 948

At the request of Mr. SCHUMER, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 948, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program.

S. 987

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 987, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1141

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 1143

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1143, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 1158

At the request of Mr. WARNER, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Washington (Mrs. MURRAY), the Senator from Delaware (Mr. COONS) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1174

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1174, a bill to award a Congressional Gold Medal to the 65th Infantry Regiment, known as the Borinqueneers.

S. 1204

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1204, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services, to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities, and for other purposes.

S. 1307

At the request of Ms. LANDRIEU, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1307, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 1322

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1322, a bill to amend the Controlled Substances Act relating to controlled substance analogues.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1349

At the request of Mr. MORAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1417

At the request of Mrs. HAGAN, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1417, a bill to amend the Public Health Service Act to reauthorize programs under part A of title XI of such Act.

S. 1438

At the request of Mr. PRYOR, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1438, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide that military technicians (dual status) shall be included in military personnel accounts for purposes of any order issued under that Act.

S. 1442

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1442, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 1487

At the request of Mr. THUNE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1487, a bill to limit the availability of tax credits and reductions in cost-sharing under the Patient Protection and Affordable Care Act to individuals who receive health insurance coverage pursuant to the provisions of a Taft-Hartley plan.

S. 1488

At the request of Mr. COATS, the names of the Senator from South Carolina (Mr. SCOTT), the Senator from Wyoming (Mr. BARRASSO), the Senator from Arizona (Mr. MCCAIN), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), the Senator from Texas (Mr. CORNYN), the Senator from New Jersey (Mr. CHIESA), the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mrs. FISCHER), the Senator from Kentucky (Mr. PAUL), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. CRAPO), the Senator from Ohio (Mr. PORTMAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. THUNE), the Senator from North Dakota (Mr. HOEVEN), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Kansas (Mr. MORAN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1488, a bill to delay the application of the individual health insurance mandate, to delay the application of the employer health insurance mandate, and for other purposes.

S. 1489

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1489, a bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to notify the taxpayer each time the taxpayer's information is accessed by the Internal Revenue Service.

S. 1490

At the request of Mr. FLAKE, the names of the Senator from Nevada (Mr. HELLER), the Senator from Georgia (Mr. ISAKSON), the Senator from Indiana (Mr. COATS) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1490, a bill to delay the application of the Patient Protection and Affordable Care Act.

S. CON. RES. 13

At the request of Mr. CASEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 13, a concurrent resolution commending the Boys & Girls Clubs of America for its role in improving outcomes for millions of young people and thousands of communities.

S. RES. 75

At the request of Mr. KIRK, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. Res. 75, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 1852

At the request of Mr. WHITEHOUSE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1852 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1856

At the request of Ms. KLOBUCHAR, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 1856 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1857

At the request of Mr. RUBIO, the names of the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from Nevada (Mr. HELLER), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Louisiana (Mr. VITTER), the Senator from South Carolina (Mr. SCOTT) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of amendment No. 1857 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1867

At the request of Mr. COBURN, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from Arizona (Mr. FLAKE), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of amendment No. 1867 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1871

At the request of Mr. MCCONNELL, the names of the Senator from Arizona (Mr. FLAKE), the Senator from Tennessee (Mr. CORKER), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Nevada (Mr. HELLER), the Senator from Georgia (Mr. ISAKSON), the Senator from Utah (Mr. HATCH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 1871 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1876

At the request of Mr. THUNE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of amendment No. 1876 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Ms. COLLINS, Mr. CRUZ, Mr. MORAN, and Ms. AYOTTE):

S. 1500. A bill to declare the November 5, 2009, attack at Fort Hood, Texas, a terrorist attack, and to ensure that the victims of the attack and their families receive the same honors and benefits as those Americans who have been killed or wounded in a combat zone overseas and their families; to the Committee on Armed Services.

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

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

S. 1500

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 ''Honoring the Fort Hood Heroes Act''.

SEC. 2. DECLARATIONS OF POLICY.

Congress makes the following declarations of policy:

(1) The November 5, 2009, attack at Fort Hood, Texas constituted an act of terrorism, not merely workplace violence.

(2) The United States Government has a fundamental duty to our military service members to safeguard them against avoidable harm in the course of their service, and the attack on Fort Hood could and should have been prevented.

(3) Nidal Hasan, the perpetrator of the attack, had become radicalized while serving in the United States Army and was principally motivated to carry out the attack by an ideology of violent Islamist extremism.

(4) Through his actions that day, Nidal Hasan proved himself to be not just a terrorist, but also a traitor and an enemy of the United States.

SEC. 3. AWARDS REQUIRED.

(a) PURPLE HEART.—The Secretary of the military department concerned shall award the Purple Heart to the members of the Armed Forces who were killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009.

(b) SECRETARY OF DEFENSE MEDAL FOR THE DEFENSE OF FREEDOM.—The Secretary of Defense shall award the Secretary of Defense Medal for the Defense of Freedom to civilian employees of the Department of Defense and civilian contractors who were killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009.

SEC. 4. BENEFITS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS.

(a) TREATMENT.—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009, shall be deemed, effective as of such date, as follows:

(1) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(2) In the case of a civilian employee of the Department of Defense—

(A) to have been killed or wounded by hostile action while serving with the Armed Forces in a contingency operation; and

(B) to have been killed or wounded in a terrorist attack.

(b) EXCEPTION.—Subsection (a) shall not apply to a member of the Armed Forces whose death or wound as described in that subsection is the result of the willful misconduct of the member.

(c) COVERAGE OF PSYCHOLOGICAL INJURIES.—Subsection (a) applies to members of the Armed Forces and civilian employees of the Department of Defense suffering from Post-Traumatic Stress Disorder (PTSD) or other psychological injuries as a result of the attack that occurred at Fort Hood, Texas, on November 5, 2009.

By Mr. DURBIN (for himself, Mr. KIRK, Mr. BENNET, Mr. CARDIN, Mr. WARNER, Mr. TESTER, Mrs. SHAHEEN, Mr. BAUCUS, Ms. LANDRIEU, Mr. COCHRAN, Mr. WHITEHOUSE, Mr. RUBIO, Mr. JOHNSON of South Dakota, Mr. BLUNT, Ms. CANTWELL, Ms. MIKULSKI, Mr. BLUMENTHAL, Mr. SANDERS, Mr. FRANKEN, Mrs. HAGAN, and Mr. MARKEY):

S. 1503. A bill to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements); to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, every day almost 50 million children pass through the doors of public schools across the country.

For these young people, school is a place to learn, make friends, and be exposed to new things.

For a small number of children, however, lunch time, a classmate's birthday party, or a piece of candy from a friend can risk exposure to foods that can cause a severe and life-threatening allergic reaction.

Although food allergies are common—with one out of every 25 children

having a food allergy—you may not personally know a child that suffers from severe food allergies.

But I am sure you have heard the sad stories about students trying a new food at lunch or accidentally eating something containing peanuts or soy.

Most of us wouldn't even notice the peanuts or soy, but for these kids the consequences can be fatal.

Their throats constrict, making them fight for every breath. And if they don't get a life-saving shot of epinephrine within minutes they can die.

Last year, I met with the mother of 7-year-old Amarria Johnson from Virginia.

One day at recess a friend gave Amarria a peanut, which triggered a severe allergic reaction.

By the time emergency crews arrived they could not resuscitate her.

This was the first time Amarria had a severe allergic reaction, so she did not have an epinephrine shot prescribed for her at the school to use in an emergency.

Almost 4 years ago in my home state, a 13-year-old named Katelyn Carlson passed away from a severe allergic reaction after she ate Chinese food during a party in her 7th grade class.

Our hearts ache when we hear tragic stories like this, but in most cases they could have been prevented.

A year after Katelyn passed away, Illinois Governor Quinn signed a law that I hope will prevent another child from dying from an anaphylactic reaction because the school does not have epinephrine on hand.

Today I introduced, along with Senator KIRK, a bill that encourages every state to follow Illinois' example.

The School Access to Emergency Epinephrine Act encourages states to require all schools to maintain a supply of epinephrine on the premises and to allow trained school personnel to administer epinephrine if a child is having a serious anaphylactic reaction.

Schools can help by being prepared and allowed to treat a child in the few minutes they have to save their life.

Considering that children spend about 28 percent of their time at school, schools can and should play a role in responding to students that have a severe and potentially fatal allergic reaction.

Currently students with severe allergies are allowed to self-administer epinephrine if they are having a serious allergic reaction.

But what if the child forgets their epinephrine at home?

What about the many children who don't even know they have an allergy?

About 25 percent of epinephrine administrations in schools involve young people with no previous allergy.

Dying from a severe allergic reaction is preventable.

Unfortunately most of our schools are not prepared for the likely event that a student has a severe allergic reaction.

A 2001 study on a small group of young people found that 28 percent of school-aged children who died due to allergic reaction, died at school, and epinephrine was either not administered or was administered too late.

We can do better.

States should require schools to keep epinephrine on hand, and school personnel need to be trained to identify a severe allergic reaction and know how to respond.

I will work with Senator KIRK and my colleagues in Congress to pass this bill, which I hope will help protect kids when they try a new food during lunch time or are given a cookie from a classmate.

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

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

S. 1503

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 ''School Access to Emergency Epinephrine Act''.

SEC. 2. ADDITIONAL PREFERENCE TO CERTAIN STATES THAT ALLOW TRAINED SCHOOL PERSONNEL TO ADMINISTER EPINEPHRINE.

Section 399L(d) of part P of title III of the Public Health Service Act (42 U.S.C. 280g(d)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(F) SCHOOL PERSONNEL ADMINISTRATION OF EPINEPHRINE.—In determining the preference (if any) to be given to a State under this subsection, the Secretary shall give additional preference to a State that provides to the Secretary the certification described in subparagraph (G) and that requires that each public elementary school and secondary school in the State—

''(i) permits trained personnel of the school to administer epinephrine to any student of the school reasonably believed to be having an anaphylactic reaction;

''(ii) maintains a supply of epinephrine in a secure location that is easily accessible to trained personnel of the school for the purpose of administration to any student of the school reasonably believed to be having an anaphylactic reaction; and

''(iii) has in place a plan for having on the premises of the school during all operating hours of the school one or more individuals who are trained personnel of the school.

''(G) CIVIL LIABILITY PROTECTION LAW.—The certification required in subparagraph (F) shall be a certification made by the State attorney general that the State has reviewed any applicable civil liability protection law to determine the application of such law with regard to elementary and secondary school trained personnel who may administer epinephrine to a student reasonably believed to be having an anaphylactic reaction and has concluded that such law provides adequate civil liability protection applicable to such trained personnel. For purposes of the previous sentence, the term 'civil liability protection law' means a State law offering legal protection to individuals who give aid on a voluntary basis in an emergency to an individual who is ill, in peril, or otherwise incapacitated.''; and

(2) in paragraph (3), by adding at the end the following:

''(E) The term 'trained personnel' means, with respect to an elementary or secondary school an individual—

''(i) who has been designated by the principal (or other appropriate administrative staff) of the school to administer epinephrine on a voluntary basis outside their scope of employment;

''(ii) who has received training in the administration of epinephrine; and

''(iii) whose training in the administration of epinephrine meets appropriate medical standards and has been documented by appropriate administrative staff of the school.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 223—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 223

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $9,267,893, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $3,861,622, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1)

for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 224—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. JOHNSON of South Dakota submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 224

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $5,293,156, of which amount (1) not to exceed $14,348 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $861 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $2,205,482, of which amount (1) not to exceed $5,978 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $359 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 225—TO EXPRESS THE SENSE OF THE SENATE THAT CONGRESS SHOULD ESTABLISH A JOINT SELECT COMMITTEE TO INVESTIGATE AND REPORT ON THE ATTACK ON THE UNITED STATES DIPLOMATIC FACILITY AND AMERICAN PERSONNEL IN BENGHAZI, LIBYA, ON SEPTEMBER 11, 2012

Mr. CRUZ (for himself, Mr. VITTER, Mr. BLUNT, Mr. TOOMEY, Mr. PAUL, Mr. SCOTT, Mr. LEE, Mr. INHOFE, Ms. AYOTTE, Mr. PORTMAN, Mr. COBURN, Mr. RISCH, Mr. JOHNSON of Wisconsin, Mr. HELLER, Mr. ISAKSON, Mr. CRAPO, Mr. ROBERTS, Mr. BURR, Mr. GRAHAM, Mr. BARRASSO, Mr. ENZI, Mr. GRASSLEY, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 225

Whereas the September 11, 2012, terrorist attack on the United States diplomatic facility in Benghazi, Libya, resulted in the brutal deaths of four Americans: Ambassador Christopher Stevens, Foreign Service Officer Sean Smith, and former Navy SEALS Glen Doherty and Tyrone Woods;

Whereas the Nation commemorates and mourns the loss of these American heroes;

Whereas Ambassador Christopher Stevens is the first United States ambassador to be murdered since Ambassador Adolph Dubs was kidnapped and killed in Afghanistan in 1979;

Whereas President Barack Obama declared in his first address to the Nation about the attack on September 12, 2012, ''make no mistake, we will work with the Libyan government to bring to justice the killers who attacked our people,'' yet there has been no action of reprisal and no justice rendered;

Whereas failure to hold accountable the perpetrators of this vicious attack will leave terrorists around the world with the impression that they can kill Americans and escape the consequences—increasing the likelihood of future attacks;

Whereas progress in the investigation into the attacks on the United States diplomatic facility has been disappointing, and no suspects are in United States custody;

Whereas whistleblowers, including former Deputy Chief of Mission Gregory Hicks, have reported unwarranted repercussions and fear of retaliation;

Whereas the Department of State's lack of adequate cooperation has prevented congressional committees from properly investigating and receiving direct testimony on behalf of Benghazi survivors;

Whereas the American people deserve to have a complete account from their government of the events in Benghazi before, during, and after the September 11, 2012, attack because, as Gregory Hicks said, ''the American people need to have the story. And Ambassador Chris Stevens, Sean Smith, Ty Woods and Glen Doherty's names are names that should be remembered by every American for the sacrifice that they made.''; and

Whereas the White House declared on September 10, 2013, ''We remain committed to bringing the perpetrators of the Benghazi attacks to justice and to ensuring the safety of our brave personnel serving overseas'': Now therefore be it

Resolved, That it is the sense of the Senate that Congress should establish a joint select committee to investigate and report on the attack on the United States diplomatic facility and American personnel in Benghazi, Libya on September 11, 2012.

SENATE RESOLUTION 226—CELEBRATING THE 100TH ANNIVERSARY OF THE BIRTH OF JAMES CLEVELAND ''JESSE'' OWENS AND HONORING HIM FOR HIS ACCOMPLISHMENTS AND STEADFAST COMMITMENT TO PROMOTING THE CIVIL RIGHTS OF ALL PEOPLE

Mr. BROWN (for himself, Mr. PORTMAN, Mr. DURBIN, Mr. KIRK, Ms. LANDRIEU, and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 226

Whereas James Cleveland ''Jesse'' Owens was born on September 12, 1913 in Oakville, Alabama;

Whereas Jesse Owens, the youngest of 10 children of sharecroppers and the grandson of a slave, moved with his family at the age of 9 to Cleveland, Ohio as part of the Great Migration;

Whereas, as a student at Fairmount Junior High School, Jesse Owens broke junior high school world records for the high jump and the broad jump;

Whereas Jesse Owens attended East Technical High School in Cleveland, Ohio where, as a member of the track team, he placed first in 75 of the 79 races he entered during his senior year, set the world record in the 220-yard dash, and tied the world record in the 100-yard dash;

Whereas Jesse Owens, the ''Buckeye Bullet'', matriculated at the Ohio State University in 1933 after attracting national attention as a high school athlete;

Whereas, while attending classes, training, and breaking a number of track and field records, Jesse Owens worked various jobs, including as an elevator operator at the Ohio State Capitol, a waiter, a gas station attendant, and a library employee;

Whereas, due to his race, Jesse Owens was barred from living on campus at the Ohio State University, denied service at restaurants near the University, and forced to stay in segregated hotels;

Whereas, on May 25, 1935, in a 45-minute period during the Big Ten Track and Field Championships in Ann Arbor, Michigan, Jesse Owens, competing with an injured back, tied the world record in the 100-yard dash and set new world records in the long jump, the 220-yard dash, and the 220-yard low hurdles;

Whereas, as of the 2012 Summer Olympics, only two men had surpassed the long jump record Jesse Owens set in 1935;

Whereas, at the 1936 Summer Olympics, Jesse Owens won 4 gold medals, tied the world record in the 100-meter dash, and set new Olympic records in the 200-meter race, the long jump, and the 400-meter relay;

Whereas Jesse Owens' resilience and heroic performance at the 1936 Summer Olympics exposed the struggle against racial bigotry and publicly defied Adolf Hitler's intention of proving that ethnicity was a predetermining factor for achievement;

Whereas the record-breaking performance by Jesse Owens at the 1936 Summer Olympics was never recognized by President Franklin D. Roosevelt or President Harry S. Truman, but was later recognized in 1955 by President Dwight D. Eisenhower, who referred to Jesse Owens as an ''Ambassador of Sport'';

Whereas, following his Olympic career, Jesse Owens resumed his commitment to public service by spending much of his time working with community groups such as the Boys Clubs of America, chronicling his personal story to magnify the importance of equality and civil rights;

Whereas, during the 1950s, Jesse Owens worked with the Department of State to promote democracy abroad as an Ambassador of Goodwill during the Cold War and advocated for socioeconomic equality, individuality, freedom, and love of country;

Whereas Jesse Owens was awarded the Presidential Medal of Freedom by President Gerald R. Ford in 1976 and the Living Legend Award by President Jimmy Carter in 1979, and was posthumously awarded the Congressional Gold Medal by President George H.W. Bush in 1990; and

Whereas the integrity, courage, and strength of character that Jesse Owens demonstrated remain an example for all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors and celebrates the 100th anniversary of the birth of James Cleveland ''Jesse'' Owens; and

(2) supports and encourages the people of the United States to recognize the contributions of Jesse Owens to the Olympic Games, collegiate athletics, international race relations, and democracy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1887. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

SA 1888. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1889. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1890. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1891. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1892. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1893. Mr. HELLER (for himself and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1894. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1895. Mr. WARNER (for himself, Mr. MANCHIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1896. Mr. FLAKE (for himself, Mr. COBURN, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1897. Mr. COBURN (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1898. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1899. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1900. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1901. Mr. BLUNT (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1902. Mr. BLUNT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1903. Mr. ENZI (for himself, Mr. BARRASSO, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1904. Mr. UDALL of New Mexico (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1905. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1906. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1907. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1908. Mr. HOEVEN (for himself, Ms. LANDRIEU, Mr. MCCONNELL, Ms. HEITKAMP, Mr. THUNE, Mr. BEGICH, Mr. CORNYN, Mr. PRYOR, Mr. BLUNT, Mr. RISCH, Mr. BARRASSO, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1909. Mr. HOEVEN (for himself and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1910. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1911. Mr. UDALL of Colorado (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1912. Mr. UDALL of Colorado (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1913. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1914. Mr. DONNELLY (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1915. Mr. SANDERS (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1916. Mr. HOEVEN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1917. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1918. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1919. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1920. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1921. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1922. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1923. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1924. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1925. Mr. LEVIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1926. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1927. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1887. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4_____. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) IN GENERAL.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is repealed.

(b) EFFECT OF REPEAL.—The repeal under subsection (a) shall not affect any incentive, loan, or other assistance provided under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or before January 1, 2013.

SA 1888. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4_____. PROHIBITION ON COLLECTION AND DISBURSEMENT OF AGRICULTURAL PRODUCER PERSONAL INFORMATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not establish any searchable online database of the personal information of any owner, operator, or employee of a livestock or farming operation.

(b) INCLUSIONS.—For purposes of subsection (a), personal information includes—

(1) names of the owners, operators, or employees or of family members of the owners, operators, or employees;

(2) telephone numbers;

(3) email addresses;

(4) physical or mailing addresses;

(5) number of livestock;

(6) Global Positioning System coordinates; or

(7) other personal information regarding the owners, operators, or employees.

(c) FOIA.—

(1) IN GENERAL.—Personal information described in subsection (b) shall be exempt from disclosure under section 552 of title 5, United States Code.

(2) APPLICABILITY.—For purposes of paragraph (1), this section shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

SA 1889. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. STUDY OF REGULATIONS THAT LIMIT GREENHOUSE GAS EMISSIONS FROM EXISTING POWER PLANTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the effect that regulations limiting greenhouse gas emissions from existing power plants would have on jobs and energy prices.

(b) DETERMINATION.—If, based on the study conducted under subsection (a), the Secretary of Energy determines that the regulations described in that subsection would directly or indirectly destroy jobs or raise energy prices, the Administrator of the Environmental Protection Agency shall not finalize the regulations.

SA 1890. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. STUDY OF EFFECT OF TIER 3 MOTOR VEHICLE EMISSION AND FUEL STANDARD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the effect that the Tier 3 motor vehicle emission and fuel standard would have on the price of gasoline.

(b) DETERMINATION.—If, based on the study conducted under subsection (a), the Secretary of Energy determines that the Tier 3 motor vehicle emission and fuel standard would result in an increase in the price of gasoline, the Administrator of the Environmental Protection Agency shall not finalize the standard.

SA 1891. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. CONGRESSIONAL APPROVAL OF EPA REGULATIONS WITH HIGH COMPLIANCE COSTS.

Notwithstanding any other provision of law, if the cost of compliance with a regulation of the Administrator of the Environmental Protection Agency exceeds $1,000,000,000, the regulation shall not take effect unless Congress enacts a law that approves the regulation.

SA 1892. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following

SEC. 4_____. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

(a) IN GENERAL.—In developing an onshore and offshore oil and gas leasing program for the Department of the Interior, subject to paragraph (2), the Secretary of the Interior (referred to in this section as the ''Secretary'') shall determine a domestic strategic production goal for the development of oil and natural gas from Federal onshore and offshore areas, which goal shall be—

(1) the best estimate of the practicable increase in domestic production of oil and natural gas from the outer Continental Shelf and Federal onshore areas; and

(2) focused on—

(A) meeting domestic demand for oil and natural gas;

(B) reducing the dependence of the United States on foreign energy; and

(C) the production increases achieved by the leasing program at the end of each of the 15- and 30-year periods beginning on the effective date of the program.

(b) PROGRAM GOAL.—For purposes of the onshore and offshore oil and gas leasing program of the Department of the Interior, the production goal determined under subsection (a) shall be an increase by January 1, 2032, of the greater of—

(1)(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day; or

(2) not less than the projected 30-year percentage increase in the production of oil and natural gas from non-Federal areas, as determined by the Energy Information Administration.

(c) REPORT.—Beginning on the date that is 1 year after the effective date of the onshore and offshore oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the program in meeting the production goal under subsection (a) that includes an identification of projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.

SA 1893. Mr. HELLER (for himself and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. ENERGY CONSUMERS RELIEF.

(a) DEFINITIONS.—In this section:

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

(2) COVERED ENERGY-RELATED RULE.—The term ''covered energy-related rule'' means a rule of the Environmental Protection Agency that—

(A) regulates any aspect of the production, supply, distribution, or use of energy or provides for that regulation by States or other governmental entities; and

(B) is estimated by the Administrator or the Director of the Office of Management and Budget to impose direct costs and indirect costs, in the aggregate, of more than $1,000,000,000.

(3) DIRECT COSTS.—The term ''direct costs'' has the meaning given the term in chapter 8 of the document of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(4) INDIRECT COSTS.—The term ''indirect costs'' has the meaning given the term in chapter 8 of the document of the Environmental Protection Agency entitled ''Guidelines for Preparing Economic Analyses'' and dated December 17, 2010.

(5) RULE.—The term ''rule'' has the meaning given the term in section 551 of title 5, United States Code.

(b) PROHIBITION AGAINST FINALIZING CERTAIN ENERGY-RELATED RULES THAT WILL CAUSE SIGNIFICANT ADVERSE EFFECTS TO THE ECONOMY.—Notwithstanding any other provision of law, the Administrator shall not promulgate as final any covered energy-related rule if the Secretary determines under subsection (c)(4) that the rule will result in significant adverse effects to the economy.

(c) REPORTS AND DETERMINATIONS PRIOR TO PROMULGATING AS FINAL CERTAIN ENERGY-RELATED RULES.—

(1) IN GENERAL.—Before promulgating as final any covered energy-related rule, the Administrator shall carry out the activities described in paragraphs (3) and (4).

(2) REPORT TO CONGRESS.—For each covered energy-related rule, the Administrator shall submit to Congress a report (and transmit a copy to the Secretary) containing—

(A) a copy of the rule;

(B) a concise general statement relating to the rule;

(C) an estimate of the total costs of the rule, including the direct costs and indirect costs of the rule;

(D) an estimate of—

(i) the total benefits of the rule; and

(ii) when those benefits are expected to be realized;

(E) a description of the modeling, the assumptions, and the limitations due to uncertainty, speculation, or lack of information associated with the estimates under subparagraph (D);

(F) an estimate of the increases in energy prices, including potential increases in gasoline or electricity prices for consumers, that may result from implementation or enforcement of the rule; and

(G) a detailed description of the employment effects, including potential job losses and shifts in employment, that may result from implementation or enforcement of the rule.

(3) INITIAL DETERMINATION ON INCREASES AND IMPACTS.—The Secretary, in consultation with the Federal Energy Regulatory Commission and the Administrator of the Energy Information Administration, shall prepare an independent analysis to determine whether the covered energy-related rule will cause—

(A) any increase in energy prices for consumers, including low-income households, small businesses, and manufacturers;

(B) any impact on fuel diversity of the electricity generation portfolio of the United States or on national, regional, or local electric reliability;

(C) any adverse effect on energy supply, distribution, or use due to the economic or technical infeasibility of implementing the rule; or

(D) any other adverse effect on energy supply, distribution, or use (including a shortfall in supply and increased use of foreign supplies).

(4) SUBSEQUENT DETERMINATION ON ADVERSE EFFECTS TO THE ECONOMY.—If the Secretary determines, under paragraph (3), that the rule will result in an increase, impact, or effect described in that subsection, then the Secretary, in consultation with the Administrator, the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration, shall—

(A) determine whether the rule will result in significant adverse effects to the economy, taking into consideration—

(i) the costs and benefits of the rule and limitations in calculating those costs and benefits due to uncertainty, speculation, or lack of information; and

(ii) the positive and negative impacts of the rule on economic indicators, including those related to gross domestic product, unemployment, wages, consumer prices, and business and manufacturing activity; and

(B) publish the results of that determination in the Federal Register.

SA 1894. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4___. SENSE OF SENATE ON IMPLEMENTATION OF ENERGY SAVINGS PROJECTS.

(a) FINDING.—The Senate finds that performance-based contracts for energy savings help Federal agencies meet energy efficiency, renewable energy, water conservation, and emission reductions goals.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the 2011 Presidential Memorandum regarding the Implementation of Energy Savings Projects is an important energy initiative of the Federal Government; and

(2) Federal agencies are encouraged to meet the goals described in the Memorandum through the continued implementation of energy savings projects.

SA 1895. Mr. WARNER (for himself, Mr. MANCHIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

Subtitle B—State Energy Race to the Top Initiative

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''State Energy Race to the Top Initiative Act of 2013''.

SEC. 512. PURPOSE.

The purpose of this subtitle is to assist energy policy innovation in the States to promote the goal of doubling electric and thermal energy productivity by January 1, 2030.

SEC. 513. DEFINITIONS.

In this subtitle:

(1) ENERGY PRODUCTIVITY.—The term ''energy productivity'' means, in the case of a State or Indian tribe, the gross State or tribal product per British thermal unit of energy consumed in the State or tribal land of the Indian tribe, respectively.

(2) 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).

(3) STATE.—The term ''State'' has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

SEC. 514. PHASE 1: INITIAL ALLOCATION OF GRANTS TO STATES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue an invitation to States to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this section.

(b) GRANTS.—

(1) IN GENERAL.—Subject to section 517, the Secretary shall use funds made available under section 518(b)(1) to provide an initial allocation of grants to not more than 25 States.

(2) AMOUNT.—The amount of a grant provided to a State under this section shall be not less than $1,000,000 nor more than $3,500,000.

(c) SUBMISSION OF PLANS.—To receive a grant under this section, not later than 90 days after the date of issuance of the invitation under subsection (a), a State (in consultation with energy utilities, regulatory bodies, and others) shall submit to the Secretary an application to receive the grant by submitting a revised State energy conservation plan under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(d) DECISION BY SECRETARY.—

(1) BASIS.—The Secretary shall base the decision of the Secretary on an application submitted under this section on—

(A) plans for improvement in electric and thermal energy productivity consistent with this subtitle; and

(B) other factors determined appropriate by the Secretary, including geographic diversity.

(2) RANKING.—The Secretary shall—

(A) rank revised plans submitted under this section in order of the greatest to least likely contribution to improving energy productivity in the State; and

(B) provide grants under this section in accordance with the ranking and the scale and scope of a plan.

(e) PLAN REQUIREMENTS.—A plan submitted under subsection (c) shall provide—

(1) a description of the manner in which—

(A) energy savings will be monitored and verified and energy productivity improvements will be calculated using inflation-adjusted dollars;

(B) a statewide baseline of energy use and potential resources for calendar year 2010 will be established to measure improvements;

(C) the plan will promote achievement of energy savings and demand reduction goals;

(D) public and private sector investments in energy efficiency will be leveraged with available Federal funding; and

(E) the plan will not cause cost-shifting among utility customer classes or negatively impact low-income populations; and

(2) an assurance that—

(A) the State energy office required to submit the plan, the energy utilities in the State participating in the plan, and the State public service commission are cooperating and coordinating programs and activities under this subtitle;

(B) the State is cooperating with local units of government, Indian tribes, and energy utilities to expand programs as appropriate; and

(C) grants provided under this subtitle will be used to supplement and not supplant Federal, State, or ratepayer-funded programs or activities in existence on the date of enactment of this subtitle.

(f) USES.—A State may use grants provided under this section to promote—

(1) the expansion of policies and programs that will advance industrial energy efficiency, waste heat recovery, combined heat and power, and waste heat-to-power utilization;

(2) the expansion of policies and programs that will advance energy efficiency construction and retrofits for public and private commercial buildings (including schools, hospitals, and residential buildings, including multifamily buildings) such as through expanded energy service performance contracts, equivalent utility energy service contracts, zero net-energy buildings, and improved building energy efficiency codes;

(3) the establishment or expansion of incentives in the electric utility sector to enhance demand response and energy efficiency, including consideration of additional incentives to promote the purposes of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)), such as appropriate, cost-effective policies regarding rate structures, grid improvements, behavior change, combined heat and power and waste heat-to-power incentives, financing of energy efficiency programs, data use incentives, district heating, and regular energy audits; and

(4) leadership by example, in which State activities involving both facilities and vehicle fleets can be a model for other action to promote energy efficiency and can be expanded with Federal grants provided under this subtitle.

SEC. 515. PHASE 2: SUBSEQUENT ALLOCATION OF GRANTS TO STATES.

(a) REPORTS.—Not later than 18 months after the receipt of grants under section 514, each State (in consultation with other parties described in subsection (b)(3)(F) that received grants under section 514 may submit to the Secretary a report that describes—

(1) the performance of the programs and activities carried out with the grants; and

(2) in consultation with other parties described in subsection (b)(3)(F), the manner in which additional funds would be used to carry out programs and activities to promote the purposes of this subtitle.

(b) GRANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the receipt of the reports required under subsection (a), subject to section 517, the Secretary shall use amounts made available under section 518(b)(2) to provide grants to not more than 6 States to carry out the programs and activities described in subsection (a)(2).

(2) AMOUNT.—The amount of a grant provided to a State under this section shall be not more than $30,000,000.

(3) BASIS.—The Secretary shall base the decision of the Secretary to provide grants under this section on—

(A) the performance of the State in the programs and activities carried out with grants provided under section 514;

(B) the potential of the programs and activities described in subsection (a)(2) to achieve the purposes of this subtitle;

(C) the desirability of maintaining a total project portfolio that is geographically and functionally diverse;

(D) the amount of non-Federal funds that are leveraged as a result of the grants to ensure that Federal dollars are leveraged effectively;

(E) plans for continuation of the improvements after the receipt of grants under this subtitle; and

(F) demonstrated effort by the State to involve diverse groups, including—

(i) investor-owned, cooperative, and public power utilities;

(ii) local governments; and

(iii) nonprofit organizations.

SEC. 516. ALLOCATION OF GRANTS TO INDIAN TRIBES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall invite Indian tribes to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this section.

(b) SUBMISSION OF PLANS.—To receive a grant under this section, not later than 90 days after the date of issuance of the invitation under subsection (a), an Indian tribe shall submit to the Secretary a plan to increase electric and thermal energy productivity by the Indian tribe.

(c) DECISION BY SECRETARY.—

(1) IN GENERAL.—Not later than 90 days after the submission of plans under subsection (b), the Secretary shall make a final decision on the allocation of grants under this section.

(2) BASIS.—The Secretary shall base the decision of the Secretary under paragraph (1) on—

(A) plans for improvement in electric and thermal energy productivity consistent with this subtitle;

(B) plans for continuation of the improvements after the receipt of grants under this subtitle; and

(C) other factors determined appropriate by the Secretary, including—

(i) geographic diversity; and

(ii) size differences among Indian tribes.

(3) LIMITATION.—An individual Indian tribe shall not receive more than 20 percent of the total amount available to carry out this section.

SEC. 517. ADMINISTRATION.

(a) INDEPENDENT EVALUATION.—To evaluate program performance and effectiveness under this subtitle, the Secretary shall consult with the National Research Council regarding requirements for data and evaluation for recipients of grants under this subtitle.

(b) COORDINATION WITH STATE ENERGY CONSERVATION PROGRAMS.—

(1) IN GENERAL.—Grants to States under this subtitle shall be provided through additional funding to carry out State energy conservation programs under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(2) RELATIONSHIP TO STATE ENERGY CONSERVATION PROGRAMS.—

(A) IN GENERAL.—A grant provided to a State under this subtitle shall be used to supplement (and not supplant) funds provided to the State under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(B) MINIMUM FUNDING.—A grant shall not be provided to a State for a fiscal year under this subtitle if the amount of funding provided to all State grantees under the base formula for the fiscal year under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is less than $50,000,000.

(c) VOLUNTARY PARTICIPATION.—The participation of a State in a challenge established under this subtitle shall be voluntary.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $200,000,000 for the period of fiscal years 2014 through 2017.

(b) ALLOCATION.—Of the total amount of funds made available under subsection (a)—

(1) 30 percent shall be used to provide an initial allocation of grants to States under section 514;

(2) 61 percent shall be used to provide a subsequent allocation of grants to States under section 515;

(3) 4 percent shall be used to make grants to Indian tribes under section 516; and

(4) 5 percent shall be available to the Secretary for the cost of administration and technical support to carry out this subtitle.

SEC. 519. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) (as amended by section 501) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) $80,000,000 for fiscal year 2014;

''(6) $50,000,000 for each of fiscal years 2015 through 2017; and

''(7) $200,000,000 for fiscal year 2018.''.

SA 1896. Mr. FLAKE (for himself, Mr. COBURN, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DELAY IN APPLICATION OF PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) ONE-YEAR DELAY IN PPACA PROVISIONS SCHEDULED TO TAKE EFFECT ON OR AFTER JANUARY 1, 2014.—Notwithstanding any other provision of law, any provision of (including any amendment made by) the Patient Protection and Affordable Care Act (Public Law 111–148) or of title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2011 (Public Law 111–152) that is otherwise scheduled to take effect on or after January 1, 2014, shall not take effect until the date that is one year after the date on which such provision would otherwise have been scheduled to take effect.

(b) ONE-YEAR SUSPENSION OF CERTAIN TAX INCREASES ALREADY IN EFFECT.—Notwithstanding any other provision of law, in the case of any tax which is imposed or increased by any provision of (including any amendment made by) the Patient Protection and Affordable Care Act (Public Law 111–148) or of title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2011 (Public Law 111–152), if such tax or increase takes effect before January 1, 2014, such tax or increase shall not apply during the 1-year period beginning on such date.

SA 1897. Mr. COBURN (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike lines 15 and 16 insert the following:

fiscal year only—

(1) to the extent and in the amount provided in advance in appropriations Acts; and

(2) if the Secretary of Energy complies with the requirements for covered agencies under section 609(d) of title 5, United States Code.

SA 1898. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike lines 15 and 16 insert the following:

fiscal year only—

(1) to the extent and in the amount provided in advance in appropriations Acts; and

(2) if the Secretary of Energy ensures that no employee shall be compensated by the Department while performing duties related to a labor organization or collective bargaining that are otherwise authorized under section 7131 of title 5, United States Code.

SA 1899. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) IN GENERAL.—Section 9010(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110(b)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) PROHIBITION.—The Secretary shall not sell or transfer any eligible commodity to a bioenergy producer under this section unless the resale price of the eligible commodity at the time of the sale and transfer is within 1 cent per pound of the loan rate for the eligible commodity under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).''; and

(2) in paragraph (4), by adding at the end the following:

''(D) OFFSET OF COSTS.—The Secretary shall offset all costs associated with the storage, transfer, and resale of eligible commodities under this section through a penalty on forfeited eligible commodities described in section 156(f)(3) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(f)(3)).''.

(b) FORFEITURE PENALTY.—Section 156(f) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(f)) is amended by adding at the end the following:

''(3) FORFEITURE PENALTY.—

''(A) IN GENERAL.—To carry out paragraph (1), the Secretary shall assess a penalty on the forfeiture of sugar pledged as collateral under this section.

''(B) REQUIREMENTS.—The Secretary shall set, and subsequently periodically adjust, the penalty at levels necessary to offset all costs to the Federal Government for storing, transferring, and reselling forfeited sugar, including potential resale losses to bioenergy producers under section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning with the 2014 crop year.

SA 1900. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. REPEAL OF FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

(a) IN GENERAL.—Section 9010 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 359a(3)(B) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa(3)(B)) is amended—

(A) in clause (i), by inserting ''and'' after the semicolon at the end;

(B) in clause (ii), by striking ''; and'' at the end and inserting a period; and

(C) by striking clause (iii).

(2) Section 359b(c)(2)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb(c)(2)(C)) is amended by striking '', except for'' and all that follows through ''of 2002''.

SA 1901. Mr. BLUNT (for himself and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 9 and 10, insert the following:

SEC. 5___. GAS ACCESSIBILITY AND STABILIZATION.

(a) EXPANSION OF WAIVER AUTHORITY.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''a problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) in clause (iii)(II), by inserting ''(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions under clause (ii) supporting a waiver determination will exist for more than 20 days)'' before the semicolon at the end;

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following:

''(vii) PRESUMPTIVE APPROVAL.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be considered to be approved as received by the Administrator and the applicable fuel standards shall be waived for the period of time requested.''.

(b) FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.—Section 1509 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''biofuels,'' after ''oxygenated fuel,''; and

(B) in paragraph (2)(G), by striking ''Tier II'' and inserting ''Tier III''; and

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2014''.

SA 1902. Mr. BLUNT (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4_____. SOCIAL COST OF CARBON.

(a) FINDINGS.—Congress finds that—

(1) on May 31, 2013, the White House released monetized estimates of the effects associated with carbon emissions to be used in Federal agency evaluations of the costs and benefits of carrying out regulations;

(2) the estimate described in paragraph (1) is often referred to as ''the social cost of carbon'' and is crucial to the environmental agenda of the Obama Administration, because the higher the social cost of carbon is determined to be, the more costly regulations can be justified;

(3) the estimate described in paragraph (1) was developed behind closed doors, without opportunity for public comment or participation, by an interagency working group;

(4) although Office of Management and Budget guidance requires the use of a 3 and 7 percent discount rate when predicting future costs and benefits, the interagency working group referred to in paragraph (3) ignored that guidance and used substantially lower discount rates, thereby leading to higher estimates;

(5) depending on the discount rate used by the interagency working group, the increase in the estimate ranges from 34 to 120 percent;

(6) Office of Management and Budget guidance requires that economically significant proposed and final regulations be analyzed from the domestic perspective while analysis from the international perspective is optional;

(7) the interagency working group referred to in paragraph (3) determined that the social cost of carbon should incorporate the full global damages of carbon, thereby greatly increasing the estimates without providing a United States-specific analysis;

(8) the estimate developed by the interagency working group is a de facto carbon tax that is buried in the cost-benefit analyses of energy related rulemakings;

(9) the cost-benefit analysis referred to in paragraph (8) will play a role in the decision of the Obama Administration relating to the Keystone pipeline and the development of emissions regulations for coal fired power plants; and

(10) the actions of the interagency working group unnecessarily and unwisely results in increased energy costs to consumers and households, thereby reducing economic growth and opportunity.

(b) SOCIAL COST OF CARBON IN COST-BENEFIT ANALYSES.—Notwithstanding any other provision of law, in any rulemaking or other action, an agency head shall not monetize any direct or indirect effects associated with carbon emissions to be used in a cost-benefit analysis of the agency, including the social cost of carbon estimate (as described in the document entitled ''Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866'', dated May 2013, or any preceding, succeeding, or substantially related document).

SA 1903. Mr. ENZI (for himself, Mr. BARRASSO, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 401. REGIONAL HAZE PROGRAM.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall not reject or disapprove in whole or in part a State regional haze implementation plan addressing any regional haze regulation of the Environmental Protection Agency (including the regulations described in section 51.308 of title 40, Code of Federal Regulations (or successor regulations)) if—

(1) the State has submitted to the Administrator a State implementation plan for regional haze that—

(A) considers the factors identified in section 169A of the Clean Air Act (42 U.S.C. 7491); and

(B) applies the relevant laws (including regulations);

(2) the Administrator fails to demonstrate using the best available science that a Federal implementation plan action governing a specific source, when compared to the State plan, results in at least a 1.0 deciview improvement in any class I area (as classified under section 162 of the Clean Air Act (42 U.S.C. 7472)); and

(3) implementation of the Federal implementation plan, when compared to the State plan, will result in an economic cost to the State or to the private sector of greater than $100,000,000 in any fiscal year or $300,000,000 in the aggregate.

SA 1904. Mr. UDALL of New Mexico (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 5_____. SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

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

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a utility;

(B) a municipality;

(C) a water district; and

(D) any other authority that provides water, wastewater, or water reuse services.

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

(4) SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.—The term ''smart water resource management pilot program'' or ''pilot

program'' means the pilot program established under subsection (b).

(b) SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.—

(1) IN GENERAL.—The Administrator and the Secretary shall establish and carry out a smart water resource management pilot program in accordance with this section.

(2) PURPOSE.—The purpose of the smart water resource management pilot program is to award grants to eligible entities to demonstrate novel and innovative technology-based solutions that will—

(A) increase the energy and water efficiency of water, wastewater, and water reuse systems;

(B) improve water, wastewater, and water reuse systems to help communities across the United States make significant progress in conserving water, saving energy, and reducing costs; and

(C) support the implementation of innovative processes and the installation of advanced automated systems that provide real-time data on energy and water.

(3) PROJECT SELECTION.—

(A) IN GENERAL.—The Administrator and the Secretary shall jointly make competitive, merit-reviewed grants under the pilot program to not less than 3, but not more than 5, eligible entities.

(B) SELECTION CRITERIA.—In selecting an eligible entity to receive a grant under the pilot program, the Administrator and the Secretary shall consider—

(i) energy and cost savings;

(ii) the novelty of the technology to be used;

(iii) the degree to which the project integrates next-generation sensors, software, analytics, and management tools;

(iv) the anticipated cost-effectiveness of the pilot project in terms of energy efficiency savings, water savings or reuse, and infrastructure costs averted;

(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented on a smaller or larger scale; and

(vi) whether the project will be completed in 5 years or less.

(C) APPLICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Administrator and the Secretary an application at such time, in such manner, and containing such information as the Administrator and the Secretary determine to be necessary.

(ii) CONTENTS.—An application under clause (i) shall, at a minimum, include—

(I) a description of the project;

(II) a description of the technology to be used in the project;

(III) the anticipated results, including energy and water savings, of the project;

(IV) a comprehensive budget for the project;

(V) the names of the project lead organization and any partners;

(VI) the number of users to be served by the project; and

(VII) any other information that the Administrator and the Secretary determine to be necessary to complete the review and selection of a grant recipient.

(4) ROLES AND RESPONSIBILITIES.—The Administrator and the Secretary shall enter into a memorandum of understanding that—

(A) outlines the respective duties of the Administrator and the Secretary in carrying out this section; and

(B) establishes an interagency working group that shall—

(i) discuss the implementation of this section and related energy and water policy issues;

(ii) develop the application, evaluation, and other administrative processes necessary to carry out this section; and

(iii) determine whether the Environmental Protection Agency or the Department of Energy shall serve as the lead agency for purposes of evaluation and other administrative activities under this section, including the provision of technical and policy assistance.

(5) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 300 days after the date of enactment of this Act, the Administrator and the Secretary shall select grant recipients under this section.

(B) EVALUATIONS.—The Administrator and the Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that—

(i) evaluates the progress and impact of the project; and

(ii) assesses the degree to which the project is meeting the goals of the pilot program.

(C) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Administrator and the Secretary shall provide technical and policy assistance.

(D) BEST PRACTICES.—The Administrator and the Secretary shall make available to the public—

(i) a copy of each evaluation carried out under subparagraph (B); and

(ii) a description of any best practices identified by the Administrator and the Secretary as a result of those evaluations.

(E) REPORT TO CONGRESS.—The Administrator and the Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).

(c) FUNDING.—

(1) IN GENERAL.—The Administrator and the Secretary shall use not less than $7,500,000 of amounts made available to the Administrator and the Secretary to carry out this section.

(2) PRIORITIZATION.—In funding activities under this section, the Administrator and the Secretary shall prioritize funding in the following manner:

(A) Any unobligated amounts made available for the surface water protection program on sustainable infrastructure management and for water infrastructure grants management activities of the Environmental Protection Agency and the State Energy Program of the Department of Energy, respectively.

(B) Any unobligated amounts (other than those described in subparagraph (A)) made available to the Administrator and the Secretary, respectively.

SA 1905. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SECTION 4_____. WATER EFFICIENCY, CONSERVATION, AND ADAPTATION.

(a) FINDINGS.—Congress finds that—

(1)(A) human-induced climate change is affecting the natural water cycle, decreasing precipitation levels in the West, especially the Southwest, and making droughts and floods more frequent and more intense;

(B) declining precipitation levels will severely impact water supplies in Southwestern States; and

(C) a sharp increase in the number of days with very heavy precipitation throughout the Northeast and the Midwest will stress aging water infrastructure;

(2) changes in the water cycle caused by climate disruptions will adversely affect water infrastructure, energy production and use, human health, transportation, agriculture, and ecosystems, while also aggravating water disputes across the United States;

(3)(A) the Colorado River, which supplies water for more than 30,000,000 people, is experiencing the worst drought in more than 100 years of recordkeeping; and

(B) the primary reservoirs of the Colorado River Basin and Lakes Mead and Powell have lost nearly half of the storage waters of the reservoirs and Lakes, and clean hydropower generated from Hoover Dam risks reduction if the extended drought persists;

(4) States and local governments and water utilities can begin to address the challenges described in this subsection by providing incentives for water efficiency and conservation, while also planning and investing in infrastructure to adapt to the impacts of climate change, particularly those impacts already affecting the United States;

(5) residential water demand can be reduced by 25 to 40 percent using existing, cost-effective technologies that also can reduce the water bills of consumers by hundreds of dollars per year; and

(6) water and energy use are inseparable activities, and supplying and treating water consumes around 4 percent of the electricity of the United States, and electricity makes up 75 percent of the cost of processing and delivering municipal water.

(b) DEFINITION OF ADMINISTRATOR.—In this section, the term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(c) WATERSENSE.—

(1) IN GENERAL.—There is established within the Environmental Protection Agency a WaterSense program to identify and promote water efficient products, buildings, landscapes, facilities, processes, and services so as—

(A) to reduce water use;

(B) to reduce the strain on water, wastewater, and stormwater infrastructure;

(C) to conserve energy used to pump, heat, transport, and treat water; and

(D) to preserve water resources for future generations, through voluntary labeling of, or other forms of communications about, products, buildings, landscapes, facilities, processes, and services that meet the highest water efficiency and performance criteria.

(2) DUTIES.—The Administrator shall—

(A) establish—

(i) a WaterSense label to be used for certain items; and

(ii) the procedure by which an item may be certified to display the WaterSense label;

(B) promote WaterSense-labeled products, buildings, landscapes, facilities, processes, and services in the market place as the preferred technologies and services for—

(i) reducing water use; and

(ii) ensuring product and service performance;

(C) work to enhance public awareness of the WaterSense label through public outreach, education, and other means;

(D) preserve the integrity of the WaterSense label by—

(i) establishing and maintaining performance criteria so that products, buildings, landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

(ii) overseeing WaterSense certifications made by third parties;

(iii) conducting reviews of the use of the WaterSense label in the marketplace and taking corrective action in any case in which misuse of the label is identified; and

(iv) carrying out such other measures as the Administrator determines to be appropriate;

(E) regularly review and, if appropriate, update WaterSense criteria for categories of products, buildings, landscapes, facilities, processes, and services, at least once every 4 years;

(F) to the maximum extent practicable, regularly estimate and make available to the public the production and relative market shares of, and the savings of water, energy, and capital costs of water, wastewater, and stormwater infrastructure attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services, at least annually;

(G) solicit comments from interested parties and the public prior to establishing or revising a WaterSense category, specification, installation criterion, or other criterion (or prior to effective dates for any such category, specification, installation criterion, or other criterion);

(H) provide reasonable notice to interested parties and the public of any changes (including effective dates), on the adoption of a new or revised category, specification, installation criterion, or other criterion, along with—

(i) an explanation of the changes; and

(ii) as appropriate, responses to comments submitted by interested parties and the public;

(I) provide appropriate lead time (as determined by the Administrator) prior to the applicable effective date for a new or significant revision to a category, specification, installation criterion, or other criterion, taking into account the timing requirements of the manufacturing, marketing, training, and distribution process for the specific product, building and landscape, or service category addressed;

(J) identify and, if appropriate, implement other voluntary approaches in commercial, institutional, residential, industrial, and municipal sectors to encourage recycling and reuse technologies to improve water efficiency or lower water use; and

(K) if appropriate, apply the WaterSense label to water-using products that are labeled by the Energy Star program implemented by the Administrator and the Secretary of Energy.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $7,500,000 for fiscal year 2013;

(B) $10,000,000 for fiscal year 2014;

(C) $20,000,000 for fiscal year 2015;

(D) $50,000,000 for fiscal year 2016; and

(E) for each subsequent fiscal year, the applicable amount for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(d) STATE RESIDENTIAL WATER EFFICIENCY AND CONSERVATION INCENTIVES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State government, local or county government, tribal government, wastewater or sewerage utility, municipal water authority, energy utility, water utility, or nonprofit organization that meets the requirements of paragraph (2).

(B) INCENTIVE PROGRAM.—The term ''incentive program'' means a program for administering financial incentives for consumer purchase and installation of water-efficient products, buildings (including new water-efficient homes), landscapes, processes, or services described in paragraph (2)(A).

(C) RESIDENTIAL WATER-EFFICIENT PRODUCT, BUILDING, LANDSCAPE, PROCESS, OR SERVICE.—

(i) IN GENERAL.—The term ''residential water-efficient product, building, landscape, process, or service'' means a product, building, landscape, process, or service for a residence or its landscape that is rated for water efficiency and performance—

(I) by the WaterSense program; or

(II) if a WaterSense specification does not exist, by the Energy Star program or an incentive program approved by the Administrator.

(ii) INCLUSIONS.—The term ''residential water-efficient product, building, landscape, process, or service'' includes—

(I) faucets;

(II) irrigation technologies and services;

(III) point-of-use water treatment devices;

(IV) reuse and recycling technologies;

(V) toilets;

(VI) clothes washers;

(VII) dishwashers;

(VIII) showerheads;

(IX) xeriscaping and other landscape conversions that replace irrigated turf; and

(X) new water efficient homes certified under the WaterSense program.

(D) WATERSENSE PROGRAM.—The term ''WaterSense program'' means the program established by subsection (c).

(2) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an allocation under paragraph (3) if the entity—

(A) establishes (or has established) an incentive program to provide financial incentives to residential consumers for the purchase of residential water-efficient products, buildings, landscapes, processes, or services;

(B) submits an application for the allocation at such time, in such form, and containing such information as the Administrator may require; and

(C) provides assurances satisfactory to the Administrator that the entity will use the allocation to supplement, but not supplant, funds made available to carry out the incentive program.

(3) AMOUNT OF ALLOCATIONS.—For each fiscal year, the Administrator shall determine the amount to allocate to each eligible entity to carry out paragraph (4), taking into consideration—

(A) the population served by the eligible entity during the most recent calendar year for which data are available;

(B) the targeted population of the incentive program of the eligible entity, such as general households, low-income households, or first-time homeowners, and the probable effectiveness of the incentive program for that population;

(C) for existing programs, the effectiveness of the program in encouraging the adoption of water-efficient products, buildings, landscapes, facilities, processes, and services;

(D) any allocation to the eligible entity for a preceding fiscal year that remains unused and

(E) the per capita water demand of the population served by the eligible entity during the most recent calendar year for which data are available and the accessibility of water supplies to the eligible entity.

(4) USE OF ALLOCATED FUNDS.—Funds allocated to an eligible entity under paragraph (3) may be used to pay up to 50 percent of the cost of establishing and carrying out an incentive program.

(5) FIXTURE RECYCLING.—Eligible entities are encouraged to promote or implement fixture recycling programs to manage the disposal of older fixtures replaced due to the incentive program under this subsection.

(6) ISSUANCE OF INCENTIVES.—

(A) IN GENERAL.—Financial incentives may be provided to residential consumers that meet the requirements of the applicable incentive program.

(B) MANNER OF ISSUANCE.—An eligible entity may—

(i) issue all financial incentives directly to residential consumers; or

(ii) with approval of the Administrator, delegate all or part of financial incentive administration to other organizations, including local governments, municipal water authorities, water utilities, and nonprofit organizations.

(C) AMOUNT.—The amount of a financial incentive shall be determined by the eligible entity, taking into consideration—

(i) the amount of any Federal or State tax incentive available for the purchase of the residential water-efficient product or service;

(ii) the amount necessary to change consumer behavior to purchase water-efficient products and services; and

(iii) the consumer expenditures for onsite preparation, assembly, and original installation of the product.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(A) $100,000,000 for fiscal year 2013;

(B) $150,000,000 for fiscal year 2014;

(C) $200,000,000 for fiscal year 2015;

(D) $150,000,000 for fiscal year 2016;

(E) $100,000,000 for fiscal year 2017; and

(F) for each subsequent fiscal year, the applicable amount for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(e) BLUE BANK FOR WATER SYSTEM MITIGATION AND ADAPTATION.—

(1) DEFINITIONS.—In this subsection:

(A) ABRUPT CLIMATE CHANGE.—The term ''abrupt climate change'' means a large-scale change in the climate system that—

(i) takes place over a few decades or less;

(ii) persists (or is anticipated to persist) for at least a few decades; and

(iii) causes substantial disruptions in human and natural systems.

(B) OWNER OR OPERATOR.—

(i) IN GENERAL.—The term ''owner or operator'' means a person (including a regional, State, local, municipal, or private entity) that owns or operates a water system.

(ii) INCLUSION.—The term ''owner or operator'' includes a non-Federal entity that has operational responsibilities for a federally owned water system.

(C) WATER SYSTEM.—The term ''water system'' means—

(i) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(ii) a publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system;

(iii) a decentralized wastewater treatment system for domestic sewage;

(iv) a groundwater storage and replenishment system; or

(v) a system for transport and delivery of water for irrigation or conservation.

(2) GRANTS.—Beginning in fiscal year 2010, the Administrator shall make grants to owners or operators of water systems to address any ongoing or forecasted (based on the best available research and data) climate-related impact on the water quality or quantity of a region of the United States, for the purposes of mitigating or adapting to the impacts of climate change.

(3) ELIGIBLE USES.—In carrying out this subsection, the Administrator shall make

grants to assist in the planning, design, construction, implementation, or maintenance of any program or project to increase the resilience of a water system to climate change by—

(A) conserving water or enhancing water use efficiency, including through the use of water metering to measure the effectiveness of a water efficiency program;

(B) modifying or relocating existing water system infrastructure made or projected to be made inoperable by climate change impacts;

(C) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(D) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems;

(E) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(F) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(G) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation), or water demand management technologies, projects, or processes (such as water reuse and recycling or adaptive conservation pricing) that maintain or increase water supply or improve water quality;

(H) modifying or replacing existing systems or constructing new systems for existing communities or land currently in agricultural production to improve water availability, storage, or conveyance in a manner that—

(i) promotes more efficient use of available water supplies; and

(ii) does not further exacerbate stresses on ecosystems;

(I) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use, including on land currently in agricultural production;

(J) conducting and completing studies or assessments to project how climate change may impact the future operations and sustainability of water systems; or

(K) developing and implementing mitigation measures to rapidly address impacts on water systems most susceptible to abrupt climate change, including those in the Colorado River Basin and coastal regions at risk from rising sea levels.

(4) APPLICATION.—To be eligible to receive a grant from the Administrator under paragraph (2), the owner or operator of a water system shall submit to the Administrator an application that—

(A) includes a proposal of the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(B) cites the best available research or data that demonstrates—

(i) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system brought about by factors arising from climate change, including rising sea levels and changes in precipitation levels; and

(ii) how the proposed program, strategy, or infrastructure improvement would perform under the anticipated climate conditions;

(C) explains how the proposed program, strategy, or infrastructure improvement is expected to enhance the resiliency of the water system, including source water protection for community water systems, to these risks or reduce the direct or indirect greenhouse gas emissions of the water system; and

(D) demonstrates that the program, strategy, or infrastructure improvement is—

(i) consistent with any approved State and tribal climate adaptation plan; and

(ii) not inconsistent with any approved natural resources plan.

(5) COMPETITIVE PROCESS.—

(A) IN GENERAL.—Each calendar year, the Administrator shall conduct a competitive process to select and fund applications under this subsection.

(B) PRIORITY REQUIREMENTS AND WEIGHTING.—In carrying out the process, the Administrator shall—

(i) prioritize funding of applications that are submitted by the owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant climate-related negative impacts on water quality or quantity;

(ii) in selecting among the priority applications determined under clause (i), ensure that the final list of applications funded for each year includes a substantial number that, to the maximum extent practicable, includes each eligible use described in paragraph (3);

(iii) solicit applications from water systems that are—

(I) located in all regions of the United States; and

(II) facing varying risks as a result of climate change; and

(iv) provide for solicitation and consideration of public input in the development of criteria used in evaluating applications.

(6) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to a water system under paragraph (2) shall not exceed 50 percent of the cost of the program, strategy, and infrastructure improvement.

(B) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system through an application submitted by the water system under paragraph (4), the Administrator shall—

(i) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, as determined by the Administrator; and

(ii) not include any other amount that the water system receives from a Federal agency.

(7) LABOR STANDARDS.—

(A) IN GENERAL.—All laborers and mechanics employed on infrastructure improvements funded directly by or assisted in whole or in part by this subsection shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(B) AUTHORITY AND FUNCTIONS.—With respect to the labor standards in this paragraph, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(8) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate final regulations to carry out this subsection.

(B) SPECIAL RULE FOR THE CONSTRUCTION OF TREATMENT WORKS.—In carrying out this paragraph, the Administrator shall incorporate all relevant and appropriate requirements of title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) applicable to the construction of treatment works that are carried out under this subsection.

(9) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to the Congress a report on progress in implementing this subsection, including information on project applications received and funded annually.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary.

SA 1906. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HOLDING SALARIES OF MEMBERS OF CONGRESS IN ESCROW UPON FAILURE TO MEET DEBT OBLIGATIONS.

(a) HOLDING SALARIES IN ESCROW.—

(1) IN GENERAL.—If the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached, during the period described in paragraph (2) the payroll administrator of each House of Congress shall deposit in an escrow account all payments otherwise required to be made during such period for the compensation of Members of Congress who serve in that House of Congress, and shall release such payments to such Members only upon the expiration of such period.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on the date on which the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code, has been reached, and ending on the earlier of—

(A) the date on which the Senate and the House of Representatives present a bill to the President under article I, section 7 of the Constitution of the United States, to increase the public debt limit under section 3101 of title 31, United States Code; or

(B) the last day of the One Hundred Thirteenth Congress.

(3) WITHHOLDING AND REMITTANCE OF AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The payroll administrator of each House of Congress shall provide for the same withholding and remittance with respect to a payment deposited in an escrow account under paragraph (1) that would apply to the payment if the payment were not subject to paragraph (1).

(4) RELEASE OF AMOUNTS AT END OF CONGRESS.—In order to ensure that this section is carried out in a manner that shall not vary the compensation of Senators or Representatives in violation of the 27th Amendment to the Constitution of the United States, the payroll administrator of a House of Congress shall release for payments to Members of that House of Congress any amounts remaining in any escrow account

under this section on the last day of the One Hundred Thirteenth Congress.

(5) ROLE OF SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall provide the payroll administrators of the Houses of Congress with such assistance as may be necessary to enable the payroll administrators to carry out this section.

(b) TREATMENT OF DELEGATES AS MEMBERS.—In this section, the term ''Member'' includes a Delegate or Resident Commissioner to Congress.

(c) PAYROLL ADMINISTRATOR DEFINED.—In this section, the term ''payroll administrator'' of a House of Congress means—

(1) in the case of the Senate, the Secretary of the Senate, or an employee of the Office of the Secretary of the Senate who is designated by the Secretary to carry out this section; and

(2) in the case of the House of Representatives, the Chief Administrative Officer of the House of Representatives, or an employee of the Office of the Chief Administrative Officer who is designated by the Chief Administrative Officer to carry out this section.

SA 1907. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, after line 23, add the following

Subtitle E—Financing Energy Efficient Manufacturing Program

SEC. 241. PURPOSE.

The purpose of this subtitle is to encourage widespread deployment of energy efficiency and onsite renewable energy technologies in manufacturing and industrial facilities throughout the United States through the establishment of a Financing Energy Efficient Manufacturing Program that would—

(1) encourage the widespread availability of financial products and programs with attractive rates and terms that significantly reduce or eliminate upfront expenses to allow manufacturing and industrial businesses to invest in energy efficiency measures, onsite clean and renewable energy systems, smart grid systems, and alternative vehicle fleets by providing credit support, credit enhancement, secondary markets, and other support to originators of the financial products and sponsors of the financing programs; and

(2) help building owners to invest in measures and systems that reduce energy costs, in many cases creating a net cost savings that can be realized in the short-term, and may also allow manufacturing and industrial businesses owners to defer capital expenditures, save money to hire new workers, and increase the value, comfort, and sustainability of the property of the owners.

SEC. 242. DEFINITIONS.

In this subtitle:

(1) COVERED PROGRAM.—The term ''covered program'' means a program to finance energy efficiency retrofit, onsite clean and renewable energy, smart grid, and alternative vehicle fleet projects for industrial businesses.

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

(3) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

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

SEC. 243. FINANCING ENERGY EFFICIENT MANUFACTURING PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the ''Financing Energy Efficient Manufacturing Program'', under which the Secretary shall provide grants to States to establish or expand covered programs.

(b) APPLICATIONS.—

(1) IN GENERAL.—A State may apply to the Secretary for a grant under subsection (a) to establish or expand covered programs.

(2) EVALUATION.—The Secretary shall evaluate applications submitted by States under paragraph (1) on the basis of—

(A) the likelihood that the covered program would—

(i) be established or expanded; and

(ii) increase the total investment and energy savings of retrofit projects to be supported;

(B) in the case of industrial business efficiency financing initiatives conducted under subsection (c), evidence of multistate cooperation and coordination with lenders, financiers, and owners; and

(C) other factors that would advance the purposes of this subtitle, as determined by the Secretary.

(c) MULTISTATE FACILITATION.—The Secretary shall consult with States and relevant stakeholders with applicable expertise to establish a process to identify financing opportunities for manufacturing and industrial business with asset portfolios across multiple States.

(d) ADMINISTRATION.—A State receiving a grant under subsection (a) shall give a higher priority to covered programs that—

(1) leverage private and non-Federal sources of funding; and

(2) aim explicitly to expand the use of energy efficiency project financing using private sources of funding.

(e) DAVIS-BACON COMPLIANCE.—

(1) IN GENERAL.—All laborers and mechanics employed on projects funded directly by or assisted in whole or in part by this subtitle shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'').

(2) AUTHORITY.—With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(f) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of receipt of a grant under this subtitle, a State shall submit to the Secretary, the Committee on Energy and Natural Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that describes the performance of covered programs carried out using the grant funds.

(2) DATA.—

(A) IN GENERAL.—A State receiving a grant under this subtitle, in cooperation with the Secretary, shall—

(i) collect and share data resulting from covered programs carried out under this subtitle; and

(ii) include in the report submitted under paragraph (1) any data collected under clause (i).

(B) DEPARTMENT DATABASES.—The Secretary shall incorporate data described in subparagraph (A) into appropriate databases of the Department of Energy, with provisions for the protection of confidential business data.

SEC. 244. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $250,000,000, to remain available until expended.

(b) STATE ENERGY OFFICES.—Funds provided to a State under this subtitle shall be provided to the office within the State that is responsible for developing the State energy plan for the State under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq).

SA 1908. Mr. HOEVEN (for himself, Ms. LANDRIEU, Mr. MCCONNELL, Ms. HEITKAMP, Mr. THUNE, Mr. BEGICH, Mr. CORNYN, Mr. PRYOR, Mr. BLUNT, Mr. RISCH, Mr. BARRASSO, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 16 and 17, insert the following:

SEC. 4_____. SENSE OF CONGRESS REGARDING THE KEYSTONE XL PIPELINE.

(a) FINDINGS.—Congress finds that—

(1) safe and responsible production, transportation, and use of oil and petroleum products provide the foundation of the energy economy of the United States, helping to secure and advance the economic prosperity, national security, and overall quality of life in the United States;

(2) the Keystone XL pipeline would provide short- and long-term employment opportunities and related labor income benefits, such as government revenues associated with taxes;

(3) the State of Nebraska has thoroughly reviewed and approved the proposed Keystone XL pipeline reroute, concluding that the concerns of Nebraskans have had a major influence on the pipeline reroute and that the reroute will have minimal environmental impacts;

(4) the Department of State and other Federal agencies have conducted extensive studies and analysis over a long period of time on the technical, environmental, social, and economic impact of the proposed Keystone XL pipeline;

(5) assessments by the Department of State found that the Keystone XL pipeline is ''not likely to impact the amount of crude oil produced from the oil sands'' and that ''approval or denial of the proposed Project is unlikely to have a substantial impact on the rate of development in the oil sands'';

(6) the Department of State found that the incremental life cycle greenhouse gas emissions associated with the Keystone XL project are estimated in the range of 0.07 to 0.83 million metric tons of carbon dioxide equivalents, with the upper end of this range representing 1,000 of 1 percent of the 6,702,000,000 metric tons of carbon dioxide emitted in the United States in 2011;

(7) after extensive evaluation of potential impact to land and water resources along the 875-mile proposed route of the Keystone XL pipeline, the Department of State found, ''The analyses of potential impacts associated with construction and normal operation of the proposed Project suggest that there would be no significant impacts to most resources along the proposed Project route (assuming Keystone complies with all laws and required conditions and measures).'';

(8) the Department of State found that ''[s]pills associated with the proposed Project that enter the environment are expected to be rare and relatively small'' and that ''there is no evidence of increased corrosion or other pipeline threat due to viscosity'' of diluted bitumen oil that will be transported by the Keystone XL pipeline;

(9) the National Research Council convened a special expert panel to review the risk of transporting diluted bitumen by pipeline and issued a report in June 2013 to the Department of Transportation in which the National Research Council found that existing literature indicates that transportation of diluted bitumen poses no increased risk of pipeline failure;

(10) plans to incorporate 57 project-specific special conditions relating to the design, construction, and operations of the Keystone XL pipeline led the Department of State to find that the pipeline will have ''a degree of safety over any other typically constructed domestic oil pipeline''; and

(11) the Department of State found that oil destined to be shipped through the pipeline from the oil sands region of Canada and oil shale deposits in the United States would otherwise move by other modes of transportation if the Keystone XL pipeline is not built.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) construction of the Keystone XL pipeline will promote sound investment in the infrastructure of the United States;

(2) construction of the Keystone XL pipeline will promote energy security in North America and will generate an increase in private sector jobs that will benefit both the region surrounding the Keystone XL pipeline and the United States as a whole; and

(3) completion of the Keystone XL pipeline is in the national interest of the United States.

SA 1909. Mr. HOEVEN (for himself and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 404. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

(a) IN GENERAL.—The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

''SEC. 44. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

''(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall not issue or promulgate any guideline or regulation relating to oil or gas exploration or production on Federal land in a State if the State has otherwise met the requirements under this Act or any other applicable Federal law.

''(b) EXCEPTION.—The Secretary may issue or promulgate guidelines and regulations relating to oil or gas exploration or production on Federal land in a State if the Secretary of the Interior determines that as a result of the oil or gas exploration or production there is an imminent and substantial danger to the public health or environment.''.

(b) REGULATIONS.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459. REGULATIONS.

''(a) COMMENTS RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION.—Before issuing or promulgating any guideline or regulation relating to oil and gas exploration and production on Federal, State, tribal, or fee land pursuant to this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Act entitled 'An Act to regulate the leasing of certain Indian lands for mining purposes', approved May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other provision of law or Executive order, the head of a Federal department or agency shall seek comments from and consult with the head of each affected State, State agency, and Indian tribe at a location within the jurisdiction of the State or Indian tribe, as applicable.

''(b) STATEMENT OF ENERGY AND ECONOMIC IMPACT.—Each Federal department or agency described in subsection (a) shall develop a Statement of Energy and Economic Impact, which shall consist of a detailed statement and analysis supported by credible objective evidence relating to—

''(1) any adverse effects on energy supply, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies; and

''(2) any impact on the domestic economy if the action is taken, including the loss of jobs and decrease of revenue to each of the general and educational funds of the State or affected Indian tribe.

''(c) REGULATIONS.—

''(1) IN GENERAL.—A Federal department or agency shall not impose any new or modified regulation unless the head of the applicable Federal department or agency determines—

''(A) that the rule is necessary to prevent imminent substantial danger to the public health or the environment; and

''(B) by clear and convincing evidence, that the State or Indian tribe does not have an existing reasonable alternative to the proposed regulation.

''(2) DISCLOSURE.—Any Federal regulation promulgated on or after the date of enactment of this paragraph that requires disclosure of hydraulic fracturing chemicals shall refer to the database managed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission (as in effect on the date of enactment of this Act).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—With respect to any regulation described in this section, a State or Indian tribe adversely affected by an action carried out under the regulation shall be entitled to review by a United States district court located in the State or the District of Columbia of compliance by the applicable Federal department or agency with the requirements of this section.

''(2) ACTION BY COURT.—

''(A) IN GENERAL.—A district court providing review under this subsection may enjoin or mandate any action by a relevant Federal department or agency until the district court determines that the department or agency has complied with the requirements of this section.

''(B) DAMAGES.—The court shall not order money damages.

''(3) SCOPE AND STANDARD OF REVIEW.—In reviewing a regulation under this subsection—

''(A) the court shall not consider any evidence outside of the record that was before the agency; and

''(B) the standard of review shall be de novo.''.

SA 1910. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4_____. ELECTRIC GENERATING UNIT COMPLIANCE DELAY FOR CERTAIN EPA RULES.

(a) DEFINITION OF COAL REFUSE.—

(1) IN GENERAL.—In this section, the term ''coal refuse'' means any waste coal, rock, shale, slurry, culm, gob, boney, slate, clay and related materials, associated with or near a coal seam, that are—

(A) brought aboveground or otherwise removed from a coal mine in the process of mining coal; or

(B) separated from coal during cleaning or preparation operations.

(2) INCLUSIONS.—The term ''coal refuse'' includes underground development waste, coal processing waste, and excess spoil.

(b) COMPLIANCE DELAY.—An electric generating unit that uses coal refuse as the primary feedstock of the electric generating unit shall be exempt from the rule of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units'' (77 Fed. Reg. 9304 (February 16, 2012)) until December 31, 2017.

SA 1911. Mr. UDALL of Colorado (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 17 and all that follows through page 48, line 2, and insert the following:

SEC. 4_____. CONSUMER ACCESS TO ELECTRIC ENERGY INFORMATION.

(a) IN GENERAL.—The Secretary shall encourage and support the adoption of policies that allow electricity consumers access to their own electricity data.

(b) ELIGIBILITY FOR STATE ENERGY PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking ''and'' after the semicolon at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

''(17) programs—

''(A) to enhance consumer access to and understanding of energy usage and price information, including consumers' own residential and commercial electricity information; and

''(B) to allow for the development and adoption of innovative products and services to assist consumers in managing energy consumption and expenditures; and''.

(c) VOLUNTARY GUIDELINES FOR ELECTRIC CONSUMER ACCESS.—

(1) DEFINITIONS.—In this subsection:

(A) RETAIL ELECTRIC ENERGY INFORMATION.—The term ''retail electric energy information'' means—

(i) the electric energy consumption of an electric consumer over a defined time period;

(ii) the retail electric energy prices or rates applied to the electricity usage for the defined time period described in clause (i) for the electric consumer;

(iii) the estimated cost of service by the consumer, including (if smart meter usage information is available) the estimated cost of service since the last billing cycle of the consumer; and

(iv) in the case of nonresidential electric meters, any other electrical information that the meter is programmed to record (such as demand measured in kilowatts, voltage, frequency, current, and power factor).

(B) SMART METER.—The term ''smart meter'' means the device used by an electric utility that—

(i)(I) measures electric energy consumption by an electric consumer at the home or facility of the electric consumer in intervals of 1 hour or less; and

(II) is capable of sending electric energy usage information through a communications network to the electric utility; or

(ii) meets the guidelines issued under paragraph (2).

(2) VOLUNTARY GUIDELINES FOR ELECTRIC CONSUMER ACCESS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, subject to subparagraph (B), the Secretary shall issue voluntary guidelines that establish model standards for implementation of retail electric energy information access in States.

(B) CONSULTATION.—Before issuing the voluntary guidelines, the Secretary shall—

(i) consult with—

(I) State and local regulatory authorities, including the National Association of Regulatory Utility Commissioners;

(II) other appropriate Federal agencies, including the National Institute of Standards and Technology;

(III) consumer and privacy advocacy groups;

(IV) utilities;

(V) the National Association of State Energy Officials; and

(VI) other appropriate entities; and

(ii) provide notice and opportunity for comment.

(C) STATE AND LOCAL REGULATORY ACTION.—In issuing the voluntary guidelines, the Secretary shall, to the maximum extent practicable, be guided by actions taken by State and local regulatory authorities to ensure electric consumer access to retail electric energy information, including actions taken after consideration of the standard established under section 111(d)(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)(17)).

(D) CONTENTS.—

(i) IN GENERAL.—The voluntary guidelines shall provide guidance on issues necessary to carry out this subsection, including—

(I) the timeliness and specificity of retail electric energy information;

(II) appropriate nationally recognized open standards for data; and

(III) protection of data security and electric consumer privacy, including consumer consent requirements.

(ii) INCLUSIONS.—The voluntary guidelines shall include guidance that—

(I) retail electric energy information should be made available to electric consumers (and third party designees of the electric consumers) in the United States—

(aa) in an electronic machine readable form, without additional charge, in conformity with nationally recognized open standards developed by a nationally recognized standards organization;

(bb) as timely as is reasonably practicable;

(cc) at the level of specificity that the data is transmitted by the meter or as is reasonably practicable; and

(dd) in a manner that provides adequate protections for the security of the information and the privacy of the electric consumer;

(II) in the case of an electric consumer that is served by a smart meter that can also communicate energy usage information to a device or network of an electric consumer or a device or network of a third party authorized by the consumer, the feasibility should be considered of providing to the consumer or third party designee, at a minimum, access to usage information (not including price information) of the consumer directly from the smart meter;

(III) retail electric energy information should be provided by the electric utility of the consumer or such other entity as may be designated by the applicable electric retail regulatory authority;

(IV) retail electric energy information of the consumer should be made available to the consumer through the website of the electric utility or other electronic access authorized by the electric consumer, for a period of at least 13 months after the date on which the usage occurred;

(V) consumer access to data should not interfere with or compromise the integrity, security, or privacy of the operations of a utility and the electric consumer;

(VI) electric energy information relating to usage information generated by devices in or on the property of the consumer that is transmitted to the electric utility should be made available to the electric consumer or the third party designee of the electric consumer; and

(VII) the same privacy and security requirements applicable to the contracting utility should apply to third parties contracting with a utility to process the customer data of that utility.

(E) REVISIONS.—The Secretary shall periodically review and, as necessary, revise the voluntary guidelines to reflect changes in technology, privacy needs, and the market for electric energy and services.

(d) VERIFICATION AND IMPLEMENTATION.—

(1) IN GENERAL.—A State may submit to the Secretary a description of the data sharing policies of the State relating to consumer access to electric energy information for certification by the Secretary that the policies meet the voluntary guidelines issued under subsection (c)(2).

(2) ASSISTANCE.—Subject to the availability of funds under paragraph (3), the Secretary shall make Federal amounts available to any State that has data sharing policies described in paragraph (1) that the Secretary certifies meets the voluntary guidelines issued under subsection (c)(2) to assist the State in implementing section 362(d)(17) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(17)).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2015, to remain available until expended.

SEC. 4_____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for each of fiscal years 2013 and 2014;

''(5) $145,000,000 for fiscal year 2015; and

''(6) $100,000,000 for each of fiscal years 2016 through 2018.''.

SA 1912. Mr. UDALL of Colorado (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle C—School Buildings

SEC. 121. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

(a) DEFINITION OF SCHOOL.—In this section, the term ''school'' means—

(1) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(2) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

(4) a school operated by the Bureau of Indian Affairs;

(5) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

(6) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

(b) DESIGNATION OF LEAD AGENCY.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

(c) REQUIREMENTS.—In carrying out coordination and outreach under subsection (b), the Secretary shall—

(1) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation that are currently used or may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools;

(2) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in paragraph (1), for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

(A) to use existing Federal opportunities more effectively; and

(B) to form partnerships with Governors, State energy programs, local educational, financial, and energy officials, State and local government officials, nonprofit organizations, and other appropriate entities, to support the initiation of the projects;

(3) provide technical assistance for States, local educational agencies, and schools to help develop and finance energy efficiency, renewable energy, and energy retrofitting projects—

(A) to increase the energy efficiency of buildings or facilities;

(B) to install systems that individually generate energy from renewable energy resources;

(C) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

(D) to promote—

(i) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy

efficiency, renewable energy, and energy retrofit projects; and

(ii) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

(4) develop and maintain a single online resource Web site with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in paragraph (1) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

(5) establish a process for recognition of schools that—

(A) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

(B) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

SA 1913. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike lines 18 through 23.

At the appropriate place, insert the following:

SEC. 4_____. ELIMINATION OF REGULATION OF PLUMBING SUPPLIES.

(a) PURPOSE.—Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in paragraph (5), by inserting ''and'' after the semicolon at the end;

(2) in paragraph (7), by striking ''; and'' at the end and inserting a period;

(3) by striking paragraph (8); and

(4) by redesignating paragraphs (4), (5), and (7) as paragraphs (3), (4), and (5), respectively.

(b) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or, with respect to showerheads, faucets, water closets, and urinals, water''; and

(B) in the matter following paragraph (1), by striking ''incandescent reflector lamps, showerheads, faucets, water closets, and urinals'' and inserting ''and incandescent reflector lamps'';

(2) in paragraph (6)—

(A) in subparagraph (A), by striking '', or, in the case of showerheads, faucets, water closets, and urinals, water use,'';

(B) in subparagraph (B), by striking ''(15), (16), (17),''; and

(C) in the matter following subparagraph (B), by striking ''325(r)'' and inserting ''325(p)'';

(3) in paragraph (7), by striking '', and in the case of showerheads, faucets, water closets, and urinals, the aggregate retail cost of water and wastewater treatment services likely to be incurred annually,'' ; and

(4) by striking paragraph (31) and inserting the following:

''(31) ANSI.—The term 'ANSI' means the American National Standards Institute.''.

(c) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by striking paragraphs (15) through (18); and

(2) by redesignating paragraphs (19) and (20) as paragraphs (15) and (16), respectively.

(d) TEST PROCEDURES.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''water use (in the case of showerheads, faucets, water closets, and urinals),'';

(B) in paragraph (4)—

(i) in the first sentence—

(I) by striking ''or, in the case of showerheads, faucets, water closets, or urinals, water use''; and

(II) by striking '', or in the case of showerheads, faucets, water closets, or urinals, representative average unit costs of water and wastewater treatment service resulting from the operation of such products during such cycle''; and

(ii) in the second sentence, by striking '', water, and wastewater treatment''; and

(C) by striking paragraphs (7) and (8);

(2) in subsection (c), by striking ''or, in the case of showerheads, faucets, water closets, and urinals, water use'' each place it appears in paragraphs (1) and (2); and

(3) in subsection (e)—

(A) in paragraph (1), by striking '', measured energy use, or measured water use'' and inserting ''or measured energy use''; and

(B) in paragraphs (2) and (3), by striking '', energy use, or water use'' each place it appears and inserting ''or energy use''.

(e) LABELING.—Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking subparagraphs (E) and (F); and

(ii) by redesignating subparagraphs (G) through (I) as subparagraphs (E) through (G), respectively;

(B) in subsections (a)(3), by striking ''(19)'' and inserting ''(15)'';

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''paragraphs (15) through'' and inserting ''paragraph''; and

(B) in paragraphs (3) and (5), by striking ''(19)'' and inserting ''(15)''; and

(3) in subsection (c)—

(A) in paragraph (7), by striking ''(13), (14), (15), (16), (17), and (18)'' and inserting ''(13) and (14)''; and

(B) by striking paragraph (8).

(f) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) by striking subsections (j) and (k);

(2) in subsection (l), by striking ''(19)'' each place it appears in paragraphs (1) and (2) and inserting ''(15)''; and

(3) in subsection (o)—

(A) in paragraph (1), by striking ''or, in the case of showerheads, faucets, water closets, or urinals, water use,'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking '', or, in the case of showerheads, faucets, water closets, or urinals, water efficiency,''; and

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) in subclause (III), by striking '', or as applicable, water,''; and

(bb) in subclause (VI), by striking ''and water''; and

(II) in clause (iii), by striking '', and as applicable, water,''; and

(C) in paragraph (3)(B), by striking '', in the case of showerheads, faucets, water closets, or urinals, water, or''.

(g) REQUIREMENTS OF MANUFACTURERS.—Section 326 of the Energy Policy and Conservation Act (42 U.S.C. 6296) is amended—

(1) in subsection (b)(4), by striking ''or water use''; and

(2) in subsection (d)(1), by striking '', energy use, or, in the case of showerheads, faucets, water closets, and urinals, water use'' and inserting ''or energy use''.

(h) EFFECT ON OTHER LAW.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) by striking '', energy efficiency, or water use'' each place it appears in subsections (a)(1)(B) and (d)(1)(A), and inserting ''or energy efficiency'';

(2) by striking '', energy use, or water use'' each place it appears in subsection (b) and subsection (c), and inserting ''or energy use'';

(3) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''or water use''; and

(ii) in subparagraph (A), by striking '', water use,''; and

(B) by striking paragraph (2) and inserting the following:

''(2) DEFINITION OF STATE REGULATION.—In this section, the term 'State regulation' means a law, regulation, or other requirement of a State or the political subdivisions of a State.'';

(4) in subsection (b)—

(A) in paragraph (1)(A), by striking ''flow rate requirements for showerheads or faucets, or water use requirements for water closets or urinals,'';

(B) in paragraph (4), by striking '', or is a regulation (or portion thereof) regulating showerheads'' and all that follows through ''325(k) is applicable'';

(C) in paragraph (5), by inserting ''or'' after the semicolon at the end;

(D) in paragraph (6), by striking ''; or'' at the end and inserting a period; and

(E) by striking paragraph (7);

(5) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''subparagraphs (B) and (C) of section 325(j)(3), and subparagraphs (B) and (C) of section 325(k)(3)'';

(B) by striking paragraphs (4), (5), (6), and (7); and

(C) by redesignating paragraphs (8) and (9) as paragraphs (4) and (5), respectively; and

(6) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''or river basin commission'' each place it appears;

(ii) in subparagraphs (B) and (C), by striking ''or water'' each place it appears; and

(iii) in subparagraph (C), in the undesignated matter following clause (ii), by striking '', and, with respect to a State'' and all that follows through ''water supply development''; and

(B) in paragraph (5)(B)(i)—

(i) by striking ''or, if the State'' and all that follows through ''emergency condition,'';

(ii) in subclause (I), by striking ''or, in the case of a water emergency condition, water or wastewater treatment,''; and

(iii) in subclause (II0, by striking ''or, in the case of a water emergency condition, by the importation of water,''.

(i) CONSUMER EDUCATION.—Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by striking subsection (b).

SEC. 4_____. PROHIBITED ACTS.

(a) IN GENERAL.—Section 332 of the Energy Policy and Conservation Act (42 U.S.C. 6302) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 325(i)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(2)) is amended by striking ''Notwithstanding section 332(a)(5) and section 332(b), it'' and inserting ''It''.

(2) Sections 331, 333, 334, and 335 of the Energy Policy and Conservation Act (42 U.S.C. 6301, 6303, 6304, 6305) are repealed.

(3) Section 345(a)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6316(a)(4)) is amended by striking ''(other than in section 333(c))''.

(4) Section 346 of the Energy Policy and Conservation Act (42 U.S.C. 6317) is amended by striking subsection (f).

SEC. 4____. VOLUNTARY COMPLIANCE.

Notwithstanding any other provision of law, any model building code or standard, appliance efficiency standard, or corporate average fuel economy standard established under Federal law shall not be binding on a State, local government, Indian tribe, or individual, as a matter of Federal law.

SA 1914. Mr. DONNELLY (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4___. REGULATIONS PROMULGATED UNDER THE CLEAN AIR ACT REGULATING CARBON DIOXIDE EMISSIONS FROM INDUSTRIAL SOURCE CATEGORIES.

(a) DEFINITIONS.—In this section:

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

(2) COMMERCIALLY AVAILABLE.—

(A) IN GENERAL.—The term ''commercially available'' means any technology with proven test results for commercial use in an industrial source category application.

(B) EXCLUSION.—The term ''commercially available'' does not include a combination of technology from different industrial source applications if the technology has not been proven in combination at a single industrial source category application.

(3) INDUSTRIAL SOURCE CATEGORY.—The term ''industrial source category'' includes—

(A) an electric generating unit;

(B) a petroleum refinery;

(C) a petrochemical production facility;

(D) an industrial boiler;

(E) a cement kiln;

(F) a metal smelter;

(G) a chemical plant;

(H) a lime manufacturing facility;

(I) a pulp or paper mill;

(J) an ammonia manufacturing facility;

(K) a waste combustor;

(L) an aluminum production facility;

(M) a feroalloy production facility; and

(N) an electronics manufacturing facility.

(b) REGULATIONS.—If the Administrator promulgates a regulation under section 111(b) of the Clean Air Act (42 U.S.C. 7411(b)) regulating carbon dioxide emissions from an industrial source category, the Administrator shall promulgate the regulation using emissions rates based on efficiencies achievable by the best demonstrated technology—

(1) subcategorized by fuel type; and

(2) that is commercially available.

SA 1915. Mr. SANDERS (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 17 and all that follows through page 48, line 2, and insert the following:

SEC. 4_____. STATE RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES LOAN PILOT PROGRAM.

(a) LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended by adding at the end the following:

''SEC. 367. LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.

''(a) DEFINITIONS.—In this section:

''(1) CONSUMER-FRIENDLY.—The term 'consumer-friendly', with respect to a loan repayment approach, means a loan repayment approach that—

''(A) emphasizes convenience for customers;

''(B) is of low cost to consumers; and

''(C) emphasizes simplicity and ease of use for consumers in the billing process.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State or territory of the United States; and

''(B) an Indian tribal government.

''(3) ENERGY ADVISOR PROGRAM.—

''(A) IN GENERAL.—The term 'energy advisor program' means any program to provide to owners or residents of residential buildings advice, information, and support in the identification, prioritization, and implementation of energy efficiency and energy savings measures.

''(B) INCLUSIONS.—The term 'energy advisor program' includes a program that provides—

''(i) interpretation of energy audit reports;

''(ii) assistance in the prioritization of improvements;

''(iii) assistance in finding qualified contractors;

''(iv) assistance in contractor bid reviews;

''(v) education on energy conservation and energy efficiency;

''(vi) explanations of available incentives and tax credits;

''(vii) assistance in completion of rebate and incentive paperwork; and

''(viii) any other similar type of support.

''(4) ENERGY EFFICIENCY.—The term 'energy efficiency' means a decrease in homeowner or residential tenant consumption of energy (including electricity and thermal energy) that is achieved without reducing the quality of energy services through—

''(A) a measure or program that targets customer behavior;

''(B) equipment;

''(C) a device; or

''(D) other material.

''(5) ENERGY EFFICIENCY UPGRADE.—

''(A) IN GENERAL.—The term 'energy efficiency upgrade' means any project or activity—

''(i) the primary purpose of which is increasing energy efficiency; and

''(ii) that is carried out on a residential building.

''(B) INCLUSIONS.—The term 'energy efficiency upgrade' includes the installation or improvement of a renewable energy facility for heating or electricity generation serving a residential building carried out in conjunction with an energy efficiency project or activity.

''(6) RESIDENTIAL BUILDING.—

''(A) IN GENERAL.—The term 'residential building' means a building used for residential purposes.

''(B) INCLUSIONS.—The term 'residential building' includes—

''(i) a single-family residence;

''(ii) a multifamily residence composed not more than 4 units; and

''(iii) a mixed-use building that includes not more than 4 residential units.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under this part under which the Secretary shall make available to eligible entities loans for the purpose of establishing or expanding programs that provide to residential property owners or tenants financing for energy efficiency upgrades of residential buildings.

''(2) CONSULTATION.—In establishing the program under paragraph (1), the Secretary shall consult, as the Secretary determines to be appropriate, with stakeholders and the public.

''(3) NO REQUIREMENT TO PARTICIPATE.—No eligible entity shall be required to participate in any manner in the program established under paragraph (1).

''(4) DEADLINES.—The Secretary shall—

''(A) not later than 1 year after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, implement the program established under paragraph (1) (including soliciting applications from eligible entities in accordance with subsection (c)); and

''(B) not later than 2 years after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, disburse the initial loans provided under this section.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) SELECTION DATE.—Not later than 21 months after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, the Secretary shall select eligible entities to receive the initial loans provided under this section, in accordance with the requirements described in paragraph (3).

''(3) REQUIREMENTS.—In selecting eligible entities to receive loans under this section, the Secretary shall—

''(A) to the maximum extent practicable, ensure—

''(i) that both innovative and established approaches to the challenges of financing energy efficiency upgrades are supported;

''(ii) that energy efficiency upgrades are conducted and validated to comply with best practices for work quality, as determined by the Secretary;

''(iii) regional diversity among recipients, including participation by rural States and small States;

''(iv) significant participation by families with income levels at or below the median income level for the applicable geographical region, as determined by the Secretary; and

''(v) the incorporation by recipients of an energy advisor program;

''(B) evaluate applications based primarily on—

''(i) the projected reduction in energy use, as determined in accordance with such specific and commonly available methodology as the Secretary shall establish, by regulation;

''(ii) the creditworthiness of the eligible entity; and

''(iii) the incorporation of measures for making the loan repayment system for recipients of financing as consumer-friendly as practicable;

''(C) evaluate applications based secondarily on—

''(i) the extent to which the proposed financing program of the eligible entity incorporates best practices for such a program, as determined by the Secretary;

''(ii) whether the eligible entity has created a plan for evaluating the effectiveness of the proposed financing program and whether the plan includes—

''(I) a robust strategy for collecting, managing, and analyzing data, as well as making the data available to the public; and

''(II) experimental studies, which may include investigations of how human behavior impacts the effectiveness of efficiency improvements;

''(iii) the extent to which Federal funds are matched by funding from State, local, philanthropic, private sector, and other sources;

''(iv) the extent to which the proposed financing program will be coordinated and marketed with other existing or planned energy efficiency or energy conservation programs administered by—

''(I) utilities;

''(II) State, tribal, territorial, or local governments; or

''(III) community development financial institutions; and

''(v) such other factors as the Secretary determines to be appropriate; and

''(D) not provide an advantage or disadvantage to applications that include renewable energy in the program.

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) TERM.—The Secretary shall establish terms for loans provided to eligible entities under this section—

''(A) in a manner that—

''(i) provides for a high degree of cost recovery; and

''(ii) ensures that, with respect to all loans provided to or by eligible entities under this section, the loans are competitive with, or superior to, other forms of financing for similar purposes; and

''(B) subject to the condition that the term of a loan provided to an eligible entity under this section shall not exceed 35 years.

''(2) INTEREST RATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, at the discretion of the Secretary, shall charge interest on a loan provided to an eligible entity under this section at a fixed rate equal, or approximately equal, to the interest rate charged on Treasury securities of comparable maturity.

''(B) LEVERAGED LOANS.—The interest rate and other terms of the loans provided to eligible entities under this section shall be established in a manner that ensures that the total amount of the loans is equal to not less than 20 times, and not more than 50 times, the amount appropriated for credit subsidy costs pursuant to subsection (h)(i).

''(3) NO PENALTY ON EARLY REPAYMENT.—The Secretary shall not assess any penalty for early repayment by an eligible entity of a loan provided under this section.

''(4) RETURN OF UNUSED PORTION.—As a condition of receipt of a loan under this section, an eligible entity shall agree to return to the general fund of the Treasury any portion of the loan amount that is unused by the eligible entity within a reasonable period after the date of receipt of the loan, as determined by the Secretary.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall use a loan provided under this section to establish or expand 1 or more financing programs—

''(A) the purpose of which is to enable residential building owners or tenants to conduct energy efficiency upgrades of residential buildings;

''(B) that may, at the sole discretion of the eligible entity, require an outlay of capital by owners or residents of residential buildings in accordance with the goals of the program under this section; and

''(C) that incorporate a consumer-friendly loan repayment approach.

''(2) STRUCTURE OF FINANCING PROGRAM.—A financing program of an eligible entity may—

''(A) consist—

''(i) primarily or entirely of a financing program administered by—

''(I) the applicable State; or

''(II) a local government, utility, or other entity; or

''(ii) of a combination of programs described in clause (i);

''(B) rely on financing provided by—

''(i) the eligible entity; or

''(ii) a third party, acting through the eligible entity; and

''(C) include a provision pursuant to which a recipient of assistance under the financing program shall agree to return to the eligible entity any portion of the assistance that is unused by the recipient within a reasonable period after the date of receipt of the assistance, as determined by the eligible entity.

''(3) FORM OF ASSISTANCE.—Assistance from an eligible entity under this subsection may be provided in any form, or in accordance with any program, authorized by Federal law (including regulations), including in the form of—

''(A) a revolving loan fund;

''(B) a credit enhancement structure designed to mitigate the effects of default; or

''(C) a program that—

''(i) adopts any other approach for providing financing for energy efficiency upgrades producing significant energy efficiency gains; and

''(ii) incorporates measures for making the loan repayment system for recipients of financing as consumer-friendly as practicable.

''(4) SCOPE OF ASSISTANCE.—Assistance provided by an eligible entity under this subsection may be used to pay for costs associated with carrying out an energy efficiency upgrade, including materials and labor.

''(5) ADDITIONAL ASSISTANCE.—In addition to the amount of the loan provided to an eligible entity by the Secretary under subsection (b), the eligible entity may provide to recipients such assistance under this subsection as the eligible entity considers to be appropriate from any other funds of the eligible entity, including funds provided to the eligible entity by the Secretary for administrative costs pursuant to this section.

''(6) LIMITATIONS.—

''(A) INTEREST RATES.—

''(i) INTEREST CHARGED BY ELIGIBLE ENTITIES.—The interest rate charged by an eligible entity on assistance provided under this subsection—

''(I) shall be fixed; and

''(II) shall not exceed the interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

''(ii) INTEREST CHARGED BY ASSISTANCE RECIPIENTS.—A recipient of assistance provided by an eligible entity under this subsection for the purpose of capitalizing a residential energy efficiency financing program of the recipient may charge interest on any loan provided by the recipient at a fixed rate that is as low as practicable, but not more than 5 percent more than the applicable interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

''(B) NO PENALTY ON EARLY REPAYMENT.—An eligible entity, or a recipient of assistance provided by an eligible entity, shall not assess any penalty for early repayment by any recipient of assistance provided under this subsection by the eligible entity or recipient, as applicable.

''(f) REPORTS.—

''(1) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including anonymized loan performance data.

''(B) REQUIREMENTS.—The Secretary, in consultation with eligible entities and other stakeholders (such as lending institutions and the real estate industry), shall establish such requirements for the reports under this paragraph as the Secretary determines to be appropriate—

''(i) to ensure that the reports are clear, consistent, and straightforward; and

''(ii) taking into account the reporting requirements for similar programs in which the eligible entities are participating, if any.

''(2) SECRETARY.—The Secretary shall submit to Congress and make available to the public—

''(A) not less frequently than once each year, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under paragraph (1)(A); and

''(B) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

''(g) MAXIMUM AMOUNT.—The Secretary may provide to eligible entities a total of not more than $1,000,000,000 in loans under this section for the costs of activities described in subsection (e).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $20,000,000 for the cost of credit subsidies;

''(2) $37,500,000 for energy advisor programs;

''(3) $5,000,000 for administrative costs to the Secretary of carrying out this section; and

''(4) $37,500,000 for administrative costs to States in carrying out this section.''.

(b) REORGANIZATION.—

(1) IN GENERAL.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended—

(A) by redesignating sections 362, 363, 364, 365, and 366 as sections 364, 365, 366, 363, and 362, respectively, and moving the sections so as to appear in numerical order;

(B) in section 362 (as so redesignated)—

(i) in paragraph (3)(B)(i), by striking ''section 367, and'' and inserting ''section 367 (as in effect on the day before the date of enactment of the State Energy Efficiency Programs Improvement Act of 1990 (42 U.S.C. 6201 note; Public Law 101–440)); and''; and

(ii) in each of paragraphs (4) and (6), by striking ''section 365(e)(1)'' each place it appears and inserting ''section 363(e)(1)'';

(C) in section 363 (as so redesignated)—

(i) in subsection (b), by striking ''the provisions of sections 362 and 364 and subsection (a) of section 363'' and inserting ''sections 364, 365(a), and 366''; and

(ii) in subsection (g)(1)(A), in the second sentence, by striking ''section 362'' and inserting ''section 364''; and

(D) in section 365 (as so redesignated)—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''section 362,'' and inserting ''section 364;''; and

(II) in paragraph (2), by striking ''section 362(b) or (e)'' and inserting ''subsection (b) or (e) of section 364''; and

(ii) in subsection (b)(2), in the matter preceding subparagraph (A), by striking ''section 362(b) or (e)'' and inserting ''subsection (b) or (e) of section 364''.

(2) CONFORMING AMENDMENTS.—Section 391 of the Energy Policy and Conservation Act (42 U.S.C. 6371) is amended—

(A) in paragraph (2)(M), by striking ''section 365(e)(2)'' and inserting ''section 363(e)(2)''; and

(B) in paragraph (10), by striking ''section 362 of this Act'' and inserting ''section 364''.

(3) CLERICAL AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94–163) is amended by striking the items relating to part D of title III and inserting the following:

''PART D—STATE ENERGY CONSERVATION PROGRAMS

''Sec. 361. Findings and purpose.
''Sec. 362. Definitions.
''Sec. 363. General provisions.
''Sec. 364. State energy conservation plans.
''Sec. 365. Federal assistance to States.
''Sec. 366. State energy efficiency goals.
''Sec. 367. Loans for residential building energy efficiency upgrades.''.

SEC. 4_____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for fiscal year 2013;
''(5) $125,000,000 for fiscal year 2014;
''(6) $85,000,000 for fiscal year 2015;
''(7) $80,000,000 for fiscal year 2016;
''(8) $70,000,000 for fiscal year 2017; and
''(9) $70,000,000 for fiscal year 2018.''.

SA 1916. Mr. HOEVEN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, after line 16, add the following:

SEC. 4____. GRID-ENABLED WATER HEATERS.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended—

(1) in section 325(e), by adding at the end the following:

''(6) ADDITIONAL STANDARDS FOR GRID-ENABLED WATER HEATERS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ACTIVATION KEY.—The term 'activation key' means a physical device or control directly on the water heater, a software code, or a digital communication means—

''(I) that must be activated to enable the product to operate continuously and at its designed specifications and capabilities; and

''(II) without which activation the product will provide not greater than 50 percent of the rated first hour delivery of hot water certified by the manufacturer.

''(ii) GRID-ENABLED WATER HEATER.—The term 'grid-enabled water heater' means an electric resistance water heater—

''(I) with a rated storage tank volume of more than 75 gallons;

''(II) manufactured on or after April 16, 2015;

''(III) that has—

''(aa) an energy factor of not less than 1.061 minus the product obtained by multiplying—

''(AA) the rated storage volume of the tank, expressed in gallons; and

''(BB) 0.00168; or

''(bb) an efficiency level equivalent to the energy factor under item (aa) and expressed as a uniform energy descriptor based on the revised test procedure for water heaters described in paragraph (5);

''(IV) equipped by the manufacturer with an activation key; and

''(V) that bears a permanent label applied by the manufacturer that—

''(aa) is made of material not adversely affected by water;

''(bb) is attached by means of non-water-soluble adhesive; and

''(cc) advises purchasers and end-users of the intended and appropriate use of the product with the following notice printed in 16.5 point Arial Narrow Bold font:

'' 'IMPORTANT INFORMATION: This water heater is intended only for use as part of an electric thermal storage or demand response program. It will not provide adequate hot water unless enrolled in such a program and activated by your utility company or another program operator. Confirm the availability of a program in your local area before purchasing or installing this product.'.

''(B) REQUIREMENT.—The manufacturer or private labeler shall provide the activation key only to utilities or other companies operating electric thermal storage or demand response programs that use grid-enabled water heaters.

''(C) REPORTS.—

''(i) MANUFACTURERS.—The Secretary shall require each manufacturer of grid-enabled water heaters to report to the Secretary annually the number of grid-enabled water heaters that the manufacturer ships each year.

''(ii) OPERATORS.—The Secretary shall require utilities and other demand response and thermal storage program operators to report annually the number of grid-enabled water heaters activated for their programs using forms of the Energy Information Agency or using such other mechanism that the Secretary determines appropriate after an opportunity for notice and comment.

''(iii) CONFIDENTIALITY REQUIREMENTS.—The Secretary shall treat shipment data reported by manufacturers as confidential business information.

''(D) PUBLICATION OF INFORMATION.—

''(i) IN GENERAL.—In 2017 and 2019, the Secretary shall publish an analysis of the data collected under subparagraph (C) to assess the extent to which shipped products are put into use in demand response and thermal storage programs.

''(ii) PREVENTION OF PRODUCT DIVERSION.—If the Secretary determines that sales of grid-enabled water heaters exceed by 15 percent or greater the number of such products activated for use in demand response and thermal storage programs annually, the Secretary shall, after opportunity for notice and comment, establish procedures to prevent product diversion for non-program purposes.

''(E) COMPLIANCE.—

''(i) IN GENERAL.—Subparagraphs (A) through (D) shall remain in effect until the Secretary determines under this section that grid-enabled water heaters do not require a separate efficiency requirement.

''(ii) EFFECTIVE DATE.—If the Secretary exercises the authority described in clause (i) or amends the efficiency requirement for grid-enabled water heaters, that action will take effect on the date described in subsection (m)(4)(A)(ii).

''(iii) CONSIDERATION.—In carrying out this section with respect to electric water heaters, the Secretary shall consider the impact on thermal storage and demand response programs, including the consequent impact on energy savings, electric bills, electric reliability, integration of renewable resources, and the environment.

''(iv) REQUIREMENTS.—In carrying out this subparagraph, the Secretary shall require that grid-enabled water heaters be equipped with communication capability to enable the grid-enabled water heaters to participate in ancillary services programs if the Secretary determines that the technology is available, practical, and cost-effective.''; and

(2) in section 332—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in the first paragraph (6), by striking the period at the end and inserting a semicolon;

(C) by redesignating the second paragraph (6) as paragraph (7);

(D) in subparagraph (B) of paragraph (7) (as so redesignated), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(8) with respect to grid-enabled water heaters that are not used as part of an electric thermal storage or demand response program, for any person knowingly and repeatedly—

''(A) to distribute activation keys for those grid-enabled water heaters;

''(B) otherwise to enable the full operation of those grid-enabled water heaters; or

''(C) to remove or render illegible the labels of those grid-enabled water heaters.''.

SA 1917. Mr. HOEVEN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4_____. ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.—

''(1) REQUIREMENT.—Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2006 through 2017 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2003, by the percentage specified in the following table:

''Fiscal Year	Percentage Reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30
2016	33
2017	36

''(2) EXCLUSION FOR BUILDINGS WITH ENERGY INTENSIVE ACTIVITIES.—

''(A) IN GENERAL.—An agency may exclude from the requirements of paragraph (1) any building (including the associated energy consumption and gross square footage) in which energy intensive activities are carried out.

''(B) REPORTS.—Each agency shall identify and list in each report made under section 548(a) the buildings designated by the agency for exclusion under subparagraph (A).

''(3) REVIEW.—Not later than December 31, 2017, the Secretary shall—

''(A) review the results of the implementation of the energy performance requirements established under paragraph (1); and

''(B) based on the review conducted under subparagraph (A), submit to Congress a report that addresses the feasibility of requiring each agency to apply energy conservation measures to, and improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in each of fiscal years 2018 through 2030 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in the prior fiscal year, by 3 percent.''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) ONGOING COMMISSIONING.—The term 'ongoing commissioning' means an ongoing process of commissioning using monitored data, the primary goal of which is to ensure continuous optimum performance of a facility, in accordance with design or operating needs, over the useful life of the facility, while meeting facility occupancy requirements.'';

(B) in paragraph (2), by adding at the end the following:

''(C) ENERGY MANAGEMENT SYSTEM.—An energy manager designated under subparagraph (A) shall consider use of a system to manage energy use at the facility and certification of the facility in accordance with the International Organization for Standardization standard numbered 50001 and entitled 'Energy Management Systems'.'';

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) ENERGY AND WATER EVALUATIONS AND COMMISSIONING.—

''(A) EVALUATIONS.—Except as provided in subparagraph (B), effective beginning on the date that is 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, and annually thereafter, each energy manager shall complete, for each calendar year, a comprehensive energy and water evaluation and recommissioning or retrocommissioning for approximately 25 percent of the facilities of each agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each facility is completed at least once every 4 years.

''(B) EXCEPTIONS.—An evaluation and recommissioning shall not be required under subparagraph (A) with respect to a facility that—

''(i) has had a comprehensive energy and water evaluation during the 8-year period preceding the date of the evaluation;

''(ii)(I) has been commissioned, recommissioned, or retrocommissioned during the 10-year period preceding the date of the evaluation; or

''(II) is under ongoing commissioning;

''(iii) has not had a major change in function or use since the previous evaluation and commissioning;

''(iv) has been benchmarked with public disclosure under paragraph (8) within the year preceding the evaluation; and

''(v)(I) based on the benchmarking, has achieved at a facility level the most recent cumulative energy savings target under subsection (a) compared to the earlier of—

''(aa) the date of the most recent evaluation; or

''(bb) the date—

''(AA) of the most recent commissioning, recommissioning, or retrocommissioning; or

''(BB) on which ongoing commissioning began; or

''(II) has a long-term contract in place guaranteeing energy savings at least as great as the energy savings target under subclause (I).

''(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of completion of each evaluation under paragraph (3), each energy manager may—

''(i) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life-cycle cost effective; and

''(ii) bundle individual measures of varying paybacks together into combined projects.

''(B) MEASURES NOT IMPLEMENTED.—The energy manager shall, as part of the certification system under paragraph (7), explain the reasons why any life-cycle cost effective measures were not implemented under subparagraph (A) using guidelines developed by the Secretary.''; and

(D) in paragraph (7)(C), by adding at the end the following:

''(iii) SUMMARY REPORT.—The Secretary shall make available a report that summarizes the information tracked under subparagraph (B)(i) by each agency and, as applicable, by each type of measure.''.

SEC. 4_____. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION SYSTEM AND LEVEL FOR GREEN BUILDINGS.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) in paragraph (6), by striking ''to be constructed'' and inserting ''constructed or altered''; and

(2) by adding at the end the following:

''(17) MAJOR RENOVATION.—The term 'major renovation' means a modification of building energy systems sufficiently extensive that the whole building can meet energy standards for new buildings, based on criteria to be established by the Secretary through notice and comment rulemaking.''.

(b) FEDERAL BUILDING EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended—

(1) in subsection (a)(3)—

(A) strike ''(3)(A) Not later than'' and all that follows through subparagraph (B):

''(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION FOR GREEN BUILDINGS.—

''(A) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013 and after the date of approval of each subsequent revision of ASHRAE Standard 90.1 or the International Energy Conservation Code, as appropriate, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

''(I) new Federal buildings and alterations and additions to existing Federal buildings—

''(aa) meet or exceed the most recent revision of the International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1 (in the case of commercial buildings) that the Secretary determines saves energy compared to previous versions of the Code or Standard; and

''(bb) meet or exceed the energy provisions of state and local building codes applicable to the building, if the codes are more stringent than the International Energy Conservation Code or ASHRAE Standard 90.1, as applicable;

''(II) unless demonstrated not to be life-cycle cost effective for new Federal buildings and Federal buildings with major renovations—

''(aa) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, that is applied under clause (i); and

''(bb) sustainable design principles are applied to the siting, design, and construction of all new Federal buildings and replacement Federal buildings;

''(III) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost effective; and

''(IV) if life-cycle cost effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.

''(ii) LIMITATION.—Clause (i)(I) shall not apply to unaltered portions of existing Federal buildings and systems that have been added to or altered.'';

(B) in subparagraph (C), by striking ''(C) In the budget request'' and inserting the following:

''(B) BUDGET REQUEST.—In the budget request''; and

(C) in subparagraph (D)—

(i) by striking clause ''(D) Not later than'' and all that follows through the first sentence of subclause (III) and insert the following:

''(C) CERTIFICATION FOR GREEN BUILDINGS.—

''(i) IN GENERAL.—'';

(ii) by striking clause (ii);

(iii) in clause (iii), by striking ''(iii) In identifying'' and insert the following:

''(ii) CONSIDERATIONS.—In identifying'';

(iv) in clause (iv)—

(I) by striking ''(iv) At least once'' and inserting the following:

''(iii) STUDY.—At least once''; and

(II) by striking ''clause (iii)'' and inserting ''clause (ii)'';

(v) in clause (v)—

(I) by striking ''(v) The Secretary may'' and inserting the following:

''(iv) INTERNAL CERTIFICATION PROCESSES.—The Secretary may''; and

(II) by striking ''clause (i)(III)'' each place it appears and inserting ''clause (i)'';

(vi) in clause (vi)—

(I) by striking ''(vi) With respect'' and inserting the following:

''(v) PRIVATIZED MILITARY HOUSING.—With respect''; and

(II) by striking ''develop alternative criteria to those established by subclauses (I) and (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and'' and inserting ''develop alternative certification systems and levels than the systems and levels identified under clause (i) that achieve an equivalent result in terms of''; and

(vii) in clause (vii), by striking ''(vii) In addition to'' and inserting the following:

''(vi) WATER CONSERVATION TECHNOLOGIES.—In addition to''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) PERIODIC REVIEW.—The Secretary shall—

''(1) every 5 years, review the Federal building energy standards established under this section; and

''(2) on completion of a review under paragraph (1), if the Secretary determines that

significant energy savings would result, upgrade the standards to include all new energy efficiency and renewable energy measures that are technologically feasible and economically justified.''.

SA 1918. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 5 and 6, insert the following:

SEC. 102. LIMITATION.

The General Services Administration and the Department of Homeland Security may not construct a building that meets a third party certification standard for sustainability or energy efficiency purposes if—

(1) the primary purpose of the construction project is for the rental, lease, or sale of 1 or more single family homes or residential housing units to Federal Government personnel, Federal Government contractors, or the immediate family members of such individuals; and

(2) the construction cost per square foot for such project is anticipated to exceed the average construction cost per square foot of single family homes or residential housing units built during the same fiscal year within the same or an adjacent metropolitan statistical area by at least 5 percent.

SA 1919. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4_____. ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS.—

''(1) REQUIREMENT.—Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2006 through 2017 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2003, by the percentage specified in the following table:

''Fiscal Year	Percentage Reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30
2016	33
2017	36

''(2) EXCLUSION FOR BUILDINGS WITH ENERGY INTENSIVE ACTIVITIES.—

''(A) IN GENERAL.—An agency may exclude from the requirements of paragraph (1) any building (including the associated energy consumption and gross square footage) in which energy intensive activities are carried out.

''(B) REPORTS.—Each agency shall identify and list in each report made under section 548(a) the buildings designated by the agency for exclusion under subparagraph (A).

''(3) REVIEW.—Not later than December 31, 2017, the Secretary shall—

''(A) review the results of the implementation of the energy performance requirements established under paragraph (1); and

''(B) based on the review conducted under subparagraph (A), submit to Congress a report that addresses the feasibility of requiring each agency to apply energy conservation measures to, and improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in each of fiscal years 2018 through 2030 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in the prior fiscal year, by 3 percent.''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) ONGOING COMMISSIONING.—The term 'ongoing commissioning' means an ongoing process of commissioning using monitored data, the primary goal of which is to ensure continuous optimum performance of a facility, in accordance with design or operating needs, over the useful life of the facility, while meeting facility occupancy requirements.'';

(B) in paragraph (2), by adding at the end the following:

''(C) ENERGY MANAGEMENT SYSTEM.—An energy manager designated under subparagraph (A) shall consider use of a system to manage energy use at the facility and certification of the facility in accordance with the International Organization for Standardization standard numbered 50001 and entitled 'Energy Management Systems'.'';

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) ENERGY AND WATER EVALUATIONS AND COMMISSIONING.—

''(A) EVALUATIONS.—Except as provided in subparagraph (B), effective beginning on the date that is 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, and annually thereafter, each energy manager shall complete, for each calendar year, a comprehensive energy and water evaluation and recommissioning or retrocommissioning for approximately 25 percent of the facilities of each agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each facility is completed at least once every 4 years.

''(B) EXCEPTIONS.—An evaluation and recommissioning shall not be required under subparagraph (A) with respect to a facility that—

''(i) has had a comprehensive energy and water evaluation during the 8-year period preceding the date of the evaluation;

''(ii)(I) has been commissioned, recommissioned, or retrocommissioned during the 10-year period preceding the date of the evaluation; or

''(II) is under ongoing commissioning;

''(iii) has not had a major change in function or use since the previous evaluation and commissioning;

''(iv) has been benchmarked with public disclosure under paragraph (8) within the year preceding the evaluation; and

''(v)(I) based on the benchmarking, has achieved at a facility level the most recent cumulative energy savings target under subsection (a) compared to the earlier of—

''(aa) the date of the most recent evaluation; or

''(bb) the date—

''(AA) of the most recent commissioning, recommissioning, or retrocommissioning; or

''(BB) on which ongoing commissioning began; or

''(II) has a long-term contract in place guaranteeing energy savings at least as great as the energy savings target under subclause (I).

''(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of completion of each evaluation under paragraph (3), each energy manager may—

''(i) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life-cycle cost effective; and

''(ii) bundle individual measures of varying paybacks together into combined projects.

''(B) MEASURES NOT IMPLEMENTED.—The energy manager shall, as part of the certification system under paragraph (7), explain the reasons why any life-cycle cost effective measures were not implemented under subparagraph (A) using guidelines developed by the Secretary.''; and

(D) in paragraph (7)(C), by adding at the end the following:

''(iii) SUMMARY REPORT.—The Secretary shall make available a report that summarizes the information tracked under subparagraph (B)(i) by each agency and, as applicable, by each type of measure.''.

SEC. 4__. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION SYSTEM AND LEVEL FOR GREEN BUILDINGS.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) in paragraph (6), by striking ''to be constructed'' and inserting ''constructed or altered''; and

(2) by adding at the end the following:

''(17) MAJOR RENOVATION.—The term 'major renovation' means a modification of building energy systems sufficiently extensive that the whole building can meet energy standards for new buildings, based on criteria to be established by the Secretary through notice and comment rulemaking.''.

(b) FEDERAL BUILDING EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended—

(1) in subsection (a)(3)—

(A) by striking ''(3)(A) Not later than'' and all that follows through subparagraph (B) and inserting the following:

''(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS; CERTIFICATION FOR GREEN BUILDINGS.—

''(A) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013 and after the date of approval of each subsequent revision of ASHRAE Standard 90.1 or the International Energy Conservation Code, as appropriate, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that—

''(I) new Federal buildings and alterations and additions to existing Federal buildings—

''(aa) meet or exceed the most recent revision of the International Energy Conservation Code (in the case of residential buildings) or ASHRAE Standard 90.1 (in the case of commercial buildings) that the Secretary determines saves energy compared to previous versions of the Code or Standard; and

''(bb) meet or exceed the energy provisions of State and local building codes applicable to the building, if the codes are more stringent than the International Energy Conservation Code or ASHRAE Standard 90.1, as applicable;

''(II) unless demonstrated not to be life-cycle cost effective for new Federal buildings and Federal buildings with major renovations—

''(aa) the buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, that is applied under clause (i); and

''(bb) sustainable design principles are applied to the location, siting, design, and construction of all new Federal buildings and replacement Federal buildings;

''(III) if water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost effective; and

''(IV) if life-cycle cost effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.

''(ii) LIMITATION.—Clause (i)(I) shall not apply to unaltered portions of existing Federal buildings and systems that have been added to or altered.'';

(B) in subparagraph (C), by striking ''(C) In the budget request'' and inserting the following:

''(B) BUDGET REQUEST.—In the budget request''; and

(C) in subparagraph (D)—

(i) by striking ''(D) Not later than'' and inserting the following:

''(C) ENERGY CONSUMPTION REDUCTION.—Not later than'';

(ii) by striking ''(i) For new Federal buildings'' and all that follows through the first sentence of subclause (III) and inserting the following:

''(i) NEW OR RENOVATED FEDERAL BUILDINGS.—For new Federal buildings and Federal buildings undergoing major renovations, the following requirements shall apply:

''(I) IN GENERAL.—The buildings shall be designed such that:

''(aa) The energy consumption of the buildings is reduced, as compared with energy consumption by similar buildings in fiscal year 2003 (as measured by Commercial Building Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency) by the percentage specified in the following table:

''Fiscal Year	Percentage Reduction
2020	80
2025	90

''(bb) Beginning in 2030, the buildings shall be designed to be zero-net-energy buildings (as defined in Executive Order 13514 (74 Fed. Reg. 52126)).

''(II) CALCULATION.—For purposes of calculating a reduction in energy consumption under this clause, electricity or thermal energy produced without the direct emission of greenhouse gases (including energy consumption offset by the use of renewable energy credits) shall not be counted as energy consumed by a building.

''(III) EXCLUSION.—The Secretary may allow energy consumption from combined heat and power systems that achieve at least 80 percent efficiency (or a higher percentage as specified by the Secretary) to be excluded from the calculation of whether a building achieves the requirements under subclause (I)(aa) if the Secretary finds that the exclusion would produce a substantial efficiency or environmental benefit that would not otherwise be achieved.

''(IV) DOWNWARD ADJUSTMENT.—

''(aa) IN GENERAL.—On petition by an agency subject to this subparagraph, the Secretary may adjust the applicable requirement under subclause (I)(aa) downward with respect to a specific building, if—

''(AA) the head of the agency designing the building certifies in writing that meeting the requirement would be technically impracticable in light of the specified functional needs of the agency for that building; and

''(BB) the Secretary concurs with the conclusion of the agency.

''(bb) EXCLUSION.—This subclause shall not apply to the General Services Administration.

''(D) CERTIFICATION FOR GREEN BUILDINGS.—

''(i) IN GENERAL.—'';

(iii) by striking clause (ii);

(iv) in clause (iii), by striking ''(iii) In identifying'' and inserting the following:

''(ii) CONSIDERATIONS.—In identifying'';

(v) in clause (iv)—

(I) by striking ''(iv) At least once'' and inserting the following:

''(iii) STUDY.—At least once''; and

(II) by striking ''clause (iii)'' and inserting ''clause (ii)'';

(vi) in clause (v)—

(I) by striking ''(v) The Secretary may'' and inserting the following:

''(iv) INTERNAL CERTIFICATION PROCESSES.—The Secretary may''; and

(II) by striking ''clause (i)(III)'' each place it appears and inserting ''clause (i)'';

(vii) in clause (vi)—

(I) by striking ''(vi) With respect'' and inserting the following:

''(v) PRIVATIZED MILITARY HOUSING.—With respect''; and

(II) by striking ''develop alternative criteria to those established by subclauses (I) and (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and'' and inserting ''develop alternative certification systems and levels than the systems and levels identified under clause (i) that achieve an equivalent result in terms of''; and

(viii) in clause (vii), by striking ''(vii) In addition to'' and inserting the following:

''(vi) WATER CONSERVATION TECHNOLOGIES.—In addition to''; and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) PERIODIC REVIEW.—The Secretary shall—

''(1) once every 5 years, review the Federal building energy standards established under this section; and

''(2) on completion of a review under paragraph (1), upgrade the standards to include all new energy efficiency and renewable energy measures that are technologically feasible and economically justified, if the Secretary determines that significant energy savings would result.''.

SA 1920. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. COMMUNITY ENERGY PROGRAM.

Part D of title III of the Energy Policy and Conservation Act is amended by inserting after section 364 (42 U.S.C. 6324) the following:

''SEC. 364A. COMMUNITY ENERGY PROGRAM.

''(a) IN GENERAL.—The Secretary, acting in conjunction with State energy offices, shall establish and carry out a community energy program under which the Secretary shall make grants to eligible entities to support community energy systems improvement projects, including projects involving energy assessments, development of energy system improvement strategies, and implementation of those strategies so as to reduce energy usage and increase energy supplied from renewable resources.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a municipality (including a town or city or other local unit of government); or

''(2) a nonprofit institutional entity (including an institution of higher education, hospital, or school system).

''(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall—

''(1) provide to the Secretary evidence that the entity has a commitment to improving the energy systems of the entity;

''(2) encourage broad citizen participation in the project carried out with the grant;

''(3) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(4) meet such other eligibility criteria as are established by the Secretary.

''(d) TYPES OF GRANTS.—The Secretary shall provide to eligible entities under this section—

''(1) planning and assessment grants to support—

''(A) the assessment of current energy types and uses of the eligible entity;

''(B) the identification of potential alternative energy resources to serve the energy needs of the eligible entity, including energy efficiency measures and renewable energy systems; and

''(C) the development of energy improvement project plans that specify energy efficiency measures to be adopted and renewable energy systems to be installed; and

''(2) implementation project grants to support the implementation of energy system improvements, regardless of whether the eligible entities received planning and assessment grants for the improvements under paragraph (1).

''(e) USE OF GRANTS.—

''(1) PLANNING AND ASSESSMENT GRANTS.—An eligible entity may use a planning and assessment grant provided under subsection (d)(1)—

''(A) to assess energy usage across the eligible entity, including energy used in—

''(i) public and private buildings and facilities;

''(ii) commercial and industrial applications; and

''(iii) transportation; and

''(B) to formulate energy improvement plans that describe specific energy efficiency measures to be adopted and specific renewable energy system to be installed, including identification of funding sources and implementation processes.

''(2) IMPLEMENTATION PROJECT GRANTS.—An eligible entity may use an implementation grant provided under subsection (d)(2) to implement energy efficiency measures, or install renewable energy systems, in support of energy improvement plans.

''(f) FEDERAL SHARE.—The Federal cost of carrying out a project under this section shall not exceed 50 percent of total project costs.

''(g) ADMINISTRATION.—The Secretary shall establish criteria for program participation and evaluation of proposals for projects to be carried out under this section, including criteria based on—

''(1) energy savings; and

''(2) reductions in oil consumption.

''(h) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—To assist eligible entities in carrying out projects under this section, the Secretary may—

''(A) provide training and technical assistance and support to entities that receive grants under this section; and

''(B) support regional conferences to enable entities to share information on energy assessment, planning, and implementation activities.

''(2) EVALUATION PROGRAM.—In carrying out this section, the Secretary shall develop and support use of an evaluation program that measures and evaluates the energy and economic impacts of projects carried out under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2014; and

''(2) $20,000,000 for each of fiscal years 2015 through 2018.''.

SA 1921. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 4_____. PROHIBITION ON ENFORCEMENT OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT BY THE INTERNAL REVENUE SERVICE.

(a) FINDINGS.—Congress finds the following:

(1) On May 10, 2013, the Internal Revenue Service admitted that it singled out advocacy groups, based on ideology, seeking tax-exempt status.

(2) This action raises pertinent questions about the agency's ability to implement and oversee the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(3) This action could be an indication of future Internal Revenue Service abuses in relation to the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, given that it is their responsibility to enforce a key provision, the individual mandate.

(4) Americans accept the principle that patients, families, and doctors should be making medical decisions, not the Federal Government.

(b) PROHIBITION.—The Secretary of the Treasury, or any delegate of the Secretary, shall not implement or enforce any provisions of or amendments made by the Patient Protection and Affordable Care Act (Public Law 111–148) or the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

SA 1922. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. ENDANGERED SPECIES SETTLEMENTS.

(a) DEFINITIONS.—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(1) by redesignating—

(A) paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) paragraphs (5) through (10) as paragraphs (7) through (12), respectively; and

(C) paragraphs (12) through (21) as paragraphs (13) through (22), respectively;

(2) by adding before paragraph (2) (as so redesignated) the following:

''(1) AFFECTED PARTIES.—The term 'affected party' means any person, including a business entity, or any State, tribal government, or local subdivision the rights of which may be affected by a determination made under section 4(a) in a suit brought under section 11(g)(1)(C).''; and

(3) by adding after paragraph (5) (as so redesignated) the following:

''(6) COVERED SETTLEMENT.—The term 'covered settlement' means a consent decree or a settlement agreement in an action brought under section 11(g)(1)(C).''.

(b) INTERVENTION; APPROVAL OF COVERED SETTLEMENT.—Section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540) is amended—

(1) in paragraph (3), by adding at the end the following:

''(C) PUBLISHING COMPLAINT; INTERVENTION.—

''(i) PUBLISHING COMPLAINT.—

''(I) IN GENERAL.—Not later than 30 days after the date on which the plaintiff serves the defendant with the complaint in an action brought under paragraph (1)(C) in accordance with Rule 4 of the Federal Rules of Civil Procedure, the Secretary of the Interior shall publish the complaint in a readily accessible manner, including electronically.

''(II) FAILURE TO MEET DEADLINE.—The failure of the Secretary to meet the 30-day deadline described in subclause (I) shall not be the basis for an action under paragraph (1)(C).

''(ii) INTERVENTION.—

''(I) IN GENERAL.—After the end of the 30-day period described in clause (i), each affected party shall be given a reasonable opportunity to move to intervene in the action described in clause (i), until the end of which a party may not file a motion for a consent decree or to dismiss the case pursuant to a settlement agreement.

''(II) REBUTTABLE PRESUMPTION.—In considering a motion to intervene by any affected party, the court shall presume, subject to rebuttal, that the interests of that party would not be represented adequately by the parties to the action described in clause (i).

''(III) REFERRAL TO ALTERNATIVE DISPUTE RESOLUTION.—

''(aa) IN GENERAL.—If the court grants a motion to intervene in the action, the court shall refer the action to facilitate settlement discussions to—

''(AA) the mediation program of the court; or

''(BB) a magistrate judge.

''(bb) PARTIES INCLUDED IN SETTLEMENT DISCUSSIONS.—The settlement discussions described in item (aa) shall include each—

''(AA) plaintiff;

''(BB) defendant agency; and

''(CC) intervenor.'';

(2) by striking paragraph (4) and inserting the following:

''(4) LITIGATION COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the court, in issuing any final order in any suit brought under paragraph (1), may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

''(B) COVERED SETTLEMENT.—

''(i) CONSENT DECREES.—The court shall not award costs of litigation in any proposed covered settlement that is a consent decree.

''(ii) OTHER COVERED SETTLEMENTS.—

''(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement does not include payment to any plaintiff for the costs of litigation.

''(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) if the covered settlement includes payment to any plaintiff for the costs of litigation.''; and

(3) by adding at the end the following:

''(6) APPROVAL OF COVERED SETTLEMENT.—

''(A) DEFINITION OF SPECIES.—In this paragraph, the term 'species' means a species that is the subject of an action brought under paragraph (1)(C).

''(B) IN GENERAL.—

''(i) CONSENT DECREES.—The court shall not approve a proposed covered settlement that is a consent decree unless each State and county in which the Secretary of the Interior believes a species occurs approves the covered settlement.

''(ii) OTHER COVERED SETTLEMENTS.—

''(I) IN GENERAL.—For a proposed covered settlement other than a consent decree, the court shall ensure that the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

''(II) MOTIONS.—The court shall not grant any motion, including a motion to dismiss, based on the proposed covered settlement described in subclause (I) unless the covered settlement is approved by each State and county in which the Secretary of the Interior believes a species occurs.

''(C) NOTICE.—

''(i) IN GENERAL.—The Secretary of the Interior shall provide each State and county in which the Secretary of the Interior believes a species occurs notice of a proposed covered settlement.

''(ii) DETERMINATION OF RELEVANT STATES AND COUNTIES.—The defendant in a covered settlement shall consult with each State described in clause (i) to determine each county in which the Secretary of the Interior believes a species occurs.

''(D) FAILURE TO RESPOND.—The court may approve a covered settlement or grant a motion described in subparagraph (B)(ii)(II) if, not later than 45 days after the date on which a State or county is notified under subparagraph (C)—

''(i)(I) a State or county fails to respond; and

''(II) of the States or counties that respond, each State or county approves the covered settlement; or

''(ii) all of the States and counties fail to respond.

''(E) PROOF OF APPROVAL.—The defendant in a covered settlement shall prove any State or county approval described in this paragraph in a form—

''(i) acceptable to the State or county, as applicable; and

''(ii) signed by the State or county official authorized to approve the covered settlement.''.

SA 1923. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 3_____. REPORT ON FEDERAL AGENCY FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on energy use and energy efficiency projects at the facilities occupied by each Federal agency.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an analysis of energy use at each facility occupied by a Federal agency;

(2) a list of energy audits that have been conducted at the facilities described in paragraph (1);

(3) a list of energy efficiency projects that have been conducted at the facilities described in paragraph (1); and

(4) a list of energy efficiency projects that could be achieved through the use of a consistent and timely mechanical insulation maintenance program and through the upgrading of mechanical insulation at the facilities described in paragraph (1).

SA 1924. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4_____. ENERGY EFFICIENCY REGULATION REGARDING CERTAIN BATTERY CHARGERS.

Golf cars shall be exempt from the proposed rule entitled ''Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies'' (77 Fed. Reg. 18478 (March 27, 2012)) in the same manner that low-speed vehicles that are substantially similar to golf cars in design, construction, and use, or other electric vehicles used for personal transportation are exempt from the proposed rule.

SA 1925. Mr. LEVIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4_____. COMPRESSED NATURAL GAS FUELING STATIONS REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall submit to Congress a report that describes options to incentivize the development of public compressed natural gas fueling stations.

(b) CONTENTS.—The report under subsection (a) shall analyze a variety of possible financing tools to incentivize the development of public compressed natural gas fueling stations, which may include Federal grants and credit assistance, public-private partnerships, and membership-based cooperatives.

SA 1926. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, after line 16, add the following:

SEC. 4____. NATURAL GAS VEHICLES.

(a) MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32906(a) of title 49, United States Code, is amended by striking ''(except an electric automobile)'' and inserting ''(except an electric or natural gas automobile)''.

(b) AUTOMOBILE FUEL ECONOMY DEFINITIONS.—Section 32901(a) of title 49, United States Code, is amended—

(1) in paragraph (8), by inserting '', but the inclusion of a reserve gasoline tank for incidental or emergency use in the event of alternative fuel depletion shall not detract from the dedicated nature of the automobile'' before the period at the end; and

(2) in paragraph (9)(B), by striking ''provides equal or superior energy efficiency'' and inserting ''provides reasonably comparable energy efficiency''.

(c) MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.—Section 32901(c)(2) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking ''(except electric automobiles)'' and inserting ''(except electric or natural gas automobiles)''; and

(2) in subparagraph (C), by striking ''(except electric automobiles)'' each place it appears and inserting ''(except electric or natural gas automobiles)''.

(d) MANUFACTURING PROVISION FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32905(d) of title 49, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) the percentage utilization of the model on gasoline or diesel fuel, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(c); and

''(2) the percentage utilization of the model on gaseous fuel, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under subsection (c).''.

(e) HOV FACILITIES.—Section 166 of title 23, United States Code is amended—

(1) in subsection (b)(5), by striking subparagraph (A) and inserting the following:

''(A) INHERENTLY LOW EMISSION VEHICLE.—If a State agency establishes procedures for enforcing the restrictions on the use of the HOV facility by the vehicles, the State agency may allow use of the HOV facility by both—

''(i) alternative fuel vehicles; and

''(ii) new qualified plug-in electric drive motor vehicles (as defined in section 30D(d) of the Internal Revenue Code of 1986).''; and

(2) in subsection (f)(1), in the matter preceding subparagraph (A), by inserting ''solely'' before ''operating''.

SA 1927. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3____. FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.

Section 305(a)(3)(A)(i)(II) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)(i)(II)) is amended by inserting ''location,'' after ''applied to the''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 12, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 12, 2013, at 10 a.m. to conduct a hearing entitled ''Essential Elements of Housing Finance Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 12, 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Dental Crisis in America: The Need to Address Cost'' on September 12, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be authorized to meet during the session of the Senate on September 12, 2013, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 12, 2013, at 10 a.m. in

SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that Anna Henderson, a fellow in my office, be granted floor privileges for the remainder of the 113th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, September 16, at 5 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 175 and 176; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations in the order listed; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 219; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Victoria Nuland, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (European and Eurasian Affairs).

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PROGRAM

Mr. REID. Mr. President, I have just spoken to my staff and the floor staff. Monday evening, we will come in and try to move forward on the energy efficiency legislation. I have suggested to my staff that they talk to the Republican staff and see if there is a way we can move forward on this, so we will see. I hope so, because it has been a totally wasted week.

ORDERS FOR MONDAY, SEPTEMBER 16, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 16, 2013; and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4 p.m. with Senators during that period of time being permitted to speak for up to 10 minutes each; and following morning business the Senate resume consideration of S. 1392; further, at 5 p.m., the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. REID. A vote will be at 5:30 p.m. on Monday.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 16, 2013, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Monday, September 16, 2013, at 2 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 12, 2013:

DEPARTMENT OF STATE

VICTORIA NULAND, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AND EURASIAN AFFAIRS).