

continued free flow of commerce within the United States and with its global trading partners through secure cyber communications, to provide for the continued development and exploitation of the Internet and intranet communications for such purposes, to provide for the development of a cadre of information technology specialists to improve and maintain effective cybersecurity defenses against disruption, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1144

At the request of Mr. JOHNSON, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1144, a bill to improve transit services, including in rural States.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1346

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1346, a bill to penalize crimes against humanity and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1963

At the request of Mr. AKAKA, the names of the Senator from New Hamp-

shire (Mrs. SHAHEEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1963, a bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

S. 2106

At the request of Mrs. LINCOLN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2106, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 2920

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2920, a bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving.

S. 3019

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3019, a bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3141

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3141, a bill to amend the Internal Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3205

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3205, a bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air.

S. 3206

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 3206, a bill to establish an Education Jobs Fund.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. RES. 483

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 483, a resolution congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community.

STATEMENTS ON INTRODUCED AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. THUNE):

S. 3246. A bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family; to the Committee on Indian Affairs.

Mr. WYDEN. Mr. President, today, my colleague Senator THUNE and I are introducing a piece of legislation that will correct a flaw in the Native American Housing and Self-Determination Act of 1996, NAHASDA, that could leave some disabled Native American Veterans having to choose between living with their families or having enough money to survive without them. No veteran should ever be faced with having to make that painful choice. Their service to our nation demands that they be treated with the greatest care, and this bill would help ensure that.

Native Americans serve in the U.S. military at a higher rate, per capita, than any other group. However, if a Native American veteran returns home with injuries suffered in battle, they face additional challenges because of the rules covering tribal lands.

Currently, NAHASDA counts veterans disability payments and survivor benefits as income when determining both eligibility for housing assistance and rental payments. Since virtually the only criteria for receiving public housing assistance on tribal lands is income—and the income levels on tribal lands are historically low—it does not take a large veterans disability payment to make them cross the threshold of being “too wealthy” to qualify for tribal housing. And in Indian Country,

alternatives to tribal housing are few and far between.

In addition, because disability payments are based on the level of disability, the larger the sacrifice a soldier has made, the less likely he or she will be able to return to tribal housing. This also means that a soldier who has been disabled could not move in with his family if they receive housing assistance without putting the entire family at risk of losing their housing if the payments would put them above 80 percent of area median income. No family should have to choose between a roof over their head and caring for a wounded son or daughter, father or mother. Nor should they have to choose between living on their native homelands or being forced to move off the reservation to care for this wounded veteran. Yet, this is the Catch-22 that wounded Native American veterans currently face, and it must be fixed.

Our bill would do that, in a very simple way. It would exempt veterans' disability and survivor benefits from counting as "income" for tribal housing programs. This does not affect the amount of money Congress appropriates for tribally designated housing entities. It would just allow those programs to serve Native American veterans who have been injured in combat, or the families of those killed on the battlefield. Our bill is a simple, budget-neutral way to fix a law written with the best of intentions. I urge the speedy passage of this bill.

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. 3246

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 "Indian Veterans Housing Opportunity Act of 2010".

SEC. 2. EXCLUSION FROM INCOME.

Paragraph (9) of section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(9)) is amended by adding at the end the following new subparagraph:

"(C) Any amounts received by any member of the family as disability compensation under chapter 11 of title 38, United States Code, or dependency and indemnity compensation under chapter 13 of such title."

By Mr. UDALL of Colorado (for himself, Mr. LUGAR, Mr. BROWN of Massachusetts, Mrs. HAGAN, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Mr. UDALL of New Mexico):

S. 3247. A bill to amend the Fair Credit Reporting Act with respect to fair and reasonable fees for credit scores; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of Colorado. Mr. President, earlier, I listened to the colloquy

between the two members of the Banking Committee as they outlined the importance of true Wall Street accountability and the Wall Street reforms we will consider in the future.

I rise to speak about a particular opportunity we have as we consider this important and far-reaching reform legislation, and that is to discuss a piece of legislation I have introduced today called the Fair Access to Credit Scores Act of 2010.

Senator LUGAR and I joined along with eight other colleagues, to introduce this bill that would put consumers back in control of their finances. This bill takes a commonsense yet significant step in that direction by offering Americans annual access to their credit score when they access their annual free credit report.

Making the distinction between your score and your report, a report tells consumers what outstanding credit accounts they have open, such as student loans or credit cards, maybe a car or home loan. Unfortunately, it tells Americans little else. Often, they already know—they hopefully should know that information in their credit report. In contrast, your credit score, which our legislation would make available, is what banks and lenders and increasingly even employers have access to. It is critical information that each one of us needs to know.

Today, you and I would have to jump through hoop after hoop and ultimately have to pay to have access to our credit score, while banks and lenders can get this information more easily. Mr. President, I know you have been a strong advocate for fairness in America, and that is simply not fair.

In 2003, Congress enacted legislation that required the three major consumer credit reporting agencies to provide a free annual report to each one of us on a yearly basis. This was known as the FACT Act. It was an important step in ensuring that financial records of American consumers are accurate. You could cross-check, as a consumer, what was in your report.

Many of my constituents in Colorado have seen frequent television commercials and Internet advertisements, and they are led to believe that the annual credit report under law includes this credit score I am discussing. Unfortunately, we were all disappointed—I have been personally—to find out that you only have access to your credit report, not the critical information that helps you judge your creditworthiness. You actually have to purchase your score or subscribe to a credit-monitoring service that costs you up to \$200 a year to receive it. There are some troubling cases that even go further, where consumers believe they are signing up for a free credit score, only to find out later that they have actually signed up for a costly monthly monitoring service instead. This is simply not fair. It is why the Consumer Federation of America and the Consumers Union support this legislation.

Your credit score is a critical piece of information that impacts your interest rates, your monthly payments on home loans, and it could be the difference between whether a child is able to afford college or not. As I alluded to earlier, this information is increasingly being used to decide whether you will be offered a job. When you apply for a job, your potential employer has access to that information, and you don't even know what it is. This is personal information, and the consumers themselves seem to be the only people who don't have easy access to it.

We are talking about empowering American consumers when we pass—and I know we will—Wall Street accountability legislation. We want to empower consumers to be able to shape their own financial futures and thereby the country's financial future. To do that, we have to have transparency.

When you have free access to your credit score, although that is a small part of the larger reforms we need, it addresses one of the fundamental inequities that pervade our current financial system. Put simply, the one-sided marketplace today is rigged to benefit large financial institutions at the expense of hard-working Americans who are struggling to support their families and save for retirement. Consumers continually find themselves on the losing end of this bargain.

With so much at stake, this legislation we filed today is a small step to help restore balance and put Americans back in charge of their financial health. My hope is that, as this Chamber considers the Wall Street accountability bill, we will consider adding this legislation as an amendment and restore a greater dose of fairness to consumers in Colorado, to the Presiding Officer's constituents, and to all the rest of our Nation.

Let me close by thanking a group of Senators who have joined me: Senators LUGAR, SCOTT BROWN, HAGAN, LEVIN, LIEBERMAN, KLOBUCHAR, MENENDEZ, SHAHEEN, and TOM UDALL. They have all joined me in putting consumers first by cosponsoring this commonsense, proconsumer legislation.

I ask each one of my colleagues as well to join me in supporting its passage.

By Mr. BINGAMAN (for himself, Mr. UDALL of Colorado, Mr. MCCAIN, and Mr. REID):

S. 3248. A bill to designate the Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building"; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, last month our country lost a great American with the passing of Stewart Udall, who, among his many achievements, is probably best remembered for his accomplishments as Secretary of the Interior during the Presidencies of President Kennedy and President Johnson.

His lifetime of work to protect our public lands and his efforts to improve the quality of our environment are unequalled. Stewart Udall was instrumental in the passage of virtually all of our Nation's landmark environmental laws, including the Clean Air Act of 1963, the Wilderness Act of 1964, the Federal Water Pollution Control Act of 1965, the Endangered Species Act of 1966, the National Historic Preservation Act of 1966, the National Trails System Act of 1968, and the Wild and Scenic Rivers Act of 1968. Nearly half a century later, these laws remain the key protections for our Nation's land, air, and water. In addition, he oversaw significant additions to the National Park System and the National Wildlife Refuge System. Many years after he left office, he was a driving force behind the enactment of the Radiation Exposure Compensation Act of 1990.

In the 161-year history of the Department of the Interior, there have been many exceptional individuals who have served as Secretary of the Interior, and Stewart Udall certainly ranks among the best of those. In recognition of his lifetime of work pursuing the common good and protecting our Nation's public lands and waters and in particular his achievements as the Secretary of the Interior, today I am introducing legislation to designate the Department of the Interior Building in Washington, DC, as the "Stewart Lee Udall Department of the Interior Building." I am pleased to have Senator MARK UDALL, Senator JOHN MCCAIN, and Senator HARRY REID, our majority leader, as cosponsors of this bill. Dedication of the Department of the Interior's headquarters here in Washington will be a small but fitting tribute to Stewart Udall's legendary accomplishments, many of which took place in that very building.

I know my colleague, Senator MARK UDALL, is here to also speak in support of this legislation. Let me defer to him, and then I will ask recognition again on a somewhat separate matter.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from New Mexico for his courtesy.

I rise in support of this legislation. I intend at some later date to spend additional time on the floor talking about my Uncle Stewart, who was a wonderful man, an uncle to me, but more than that, he was a mentor, he was a leader. In the last 12 years of his life after my father died, he really served as a second father to me; therefore, I feel as though I lost a second father recently.

I thank the Senator on behalf of at least my side of the family. I know my cousin TOM will, at the right time and in the right way, express his thanks as well.

My uncle was many things, but he was at his heart a student of the West. He was a son of the West. He always looked for the lessons that the land-

scapes and the people of the West could provide all of us.

I know the Senator from New Mexico knows of the many books he wrote. He wrote over half a dozen books. One of the books I took the most insight from was a book called "The Founding Fathers and Mothers of the West." He pointed out in that book that people came to the West—the Presiding Officer will be interested in this—to find a new life. He continued in that vein by talking about the great western director of western movies, John Ford. He once asked John Ford if his movies portrayed the West as it was. Ford's answer was: No; they portrayed the West as it should have been, doggone it. My uncle's point was that the West was not settled by the gunfighters and those who had gotten into conflicts. The West was settled by those who came looking to create communities and to work together. It was the people standing on the wooden sidewalks watching the gunfights who in the end settled the West, established the West as we know the West today.

My uncle in particular had great affection and respect for the Native populations in the West. That led him to have great passion and even outrage about the way Native Americans had been treated. In his later years, as the Presiding Officer knows, he went to battle in the courts through his words in every form possible advocating justice and fair treatment for our Native American brothers and sisters. In our family, we characterized him as being outraged without being outrageous.

We are going to, obviously, miss him. I am going to miss his wise counsel. I will do everything I can to live by the credo he carried forward, I say to Senator BINGAMAN, which he believed deeply: We didn't inherit the Earth from our parents; we are borrowing it from our children. I think that is the fundamental lesson our uncle left with us. The inspiring step of the Senator from New Mexico to name the Interior Building after my uncle will help us keep that firmly in our view and keep committed to that purpose for our time on this Earth.

I thank the Senator from New Mexico for his graciousness. I look forward to this bill becoming the law of the land.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator UDALL, for his very eloquent statement. Obviously, the Udall family has a great deal of which to be proud: his father's great public service, his uncle's great public service, and, of course, he is carrying on with that tradition, as is TOM UDALL, my colleague from New Mexico. We are very fortunate in this country to have the Udall family working hard to make this a better place.

I hope this legislation I have introduced today can become law soon. We will have that additional recognition for Stewart Udall and his contribution to the country.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 3250. A bill to provide for the training of Federal building personnel, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, I rise today to introduce two pieces of legislation that I believe will help the Federal Government cut its energy bill, save taxpayers' money and benefit the environment. Today is Earth Day, when people are thinking about how they can take better care of our planet. Federal agencies need to do the same.

Also important, the last few years have underscored the need for our Nation to rethink its energy use. Constantly shifting energy costs and our Nation's severe economic problems have resulted in families, homeowners, and businesses all taking a hard look at how much they are spending, including for energy needs. Governments should be no different, and they are no different.

Over the past few months, my Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security held hearings to examine how the Federal Government can lead by example in being more energy efficient. We learned, among other things, that the Federal Government is the single largest energy user in the Nation.

In fiscal year 2008, the total energy consumption of Federal Government buildings and operations was roughly 1.5 percent of all energy consumption in the United States. The energy bill for the Federal Government that year was \$24.5 billion. Of that \$24.5 billion, over \$7 billion was spent on energy to operate Federal buildings alone.

With a price tag that large, there are significant opportunities for savings. Today, I offer a series of proposals that I believe will allow the Federal Government to take better advantage of these opportunities.

The Government Accountability Office has noted that Federal agencies face a number of challenges in meeting their energy management goals. One of those is rapidly building and retrofitting our buildings with advanced technologies, without regard for the skills necessary to operate and maintain these facilities to their optimum efficiency.

The Federal Government has spent billions of dollars on technology and hardware to improve the energy efficiency of its buildings. However, if this significant investment is not safeguarded by well-trained individuals, we will never be able to achieve the biggest bang for our buck. New technology demands new skills. My legislation would better ensure that the individuals who manage our Federal facilities possess the knowledge they need to meet these demands.

The Federal Buildings Personnel Training Act of 2010, which I am introducing today along with Senator COLLINS, and Representatives CARNAHAN

and BIGGERT in the House, will ensure that the General Services Administration has all of the tools necessary to not only upgrade our infrastructure, but also guarantee that these buildings are properly maintained and operated at their highest performance levels. You wouldn't give a race car to an inexperienced driver and expect them to win the Indy 500. In the same way, we can't expect our Federal buildings to run at peak efficiency if we don't make sure our personnel have adequate training.

I am also introducing a second bill, the Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010.

Federal agencies are pursuing many ideas and technologies to reduce the amount of energy they consume, and adopt renewable energy such as solar panels on top of Federal buildings. These proven technologies have resulted in financial savings that have more than paid for the initial financial investment. This is in addition to the environmental and energy security benefits of reduced energy use.

In fact, earlier this year the Administration announced plans for Federal agencies to reduce its greenhouse gas pollution by 28 percent by 2020, representing between \$8 billion and \$11 billion in cost savings. These goals are part of a very useful and effective executive order signed last year directing agencies to not only devote more attention to energy reduction, but share their best ideas.

While the Administration's Executive Order, Federal Leadership in Environmental, Energy and Economic Performance, represents an important step forward, there is more we can do.

Federal agencies can make use of some creative financial tools where government partners with the private sector. For example, with Power Purchasing Agreements a Federal agency allows a company to use government land, for example an unused portion of military base, to build solar, wind or other renewable power production with private sector funding, and in exchange gives the Federal facility cheaper electricity. This means that governments can reduce the cost of its energy use and help clean up the environment by promoting renewable energy—all without having to spend a single taxpayer dollar. Not a bad way to do business.

Currently, DOD is more successful with Power Purchasing Agreements because their facilities are allowed to enter into longer term agreements, as compared to civilian agencies which are restricted to only 10 years. My bill will allow longer-term agreements for all agencies.

It is important to remember, the cleanest, most efficient—and cheapest—energy, is the energy we don't use. That is why I would like Federal agencies to quicken the pace of its efforts to implement energy efficiency measures. To help accomplish this, my bill establishes a \$500 million revolving

fund to provide financial support for Federal agency energy efficiency and renewable projects. This fund would increase the number of agency energy efficiency projects, such as new heating and cooling systems, which save on operations costs. Savings from the projects would be paid back into the fund over time, and eventually fund additional projects.

Other provisions of my bill adopt some good, common-sense ideas. For example, President Obama's fiscal year 2011 budget proposal outlined how the Department of Veterans Affairs is saving money by operating their computers more efficiently. Using new computers that use less energy, and software that automates when a computer is turned on and off, the agency plans to save around \$32 million over the next 5 years. My bill would require other Federal agencies to consider and adopt steps similar to that of the Department of Veteran Affairs' successful example.

I am also interested in expanding cutting edge advanced metering technology throughout government. There's an old saying that goes, "You can't manage, what you can't measure." It can easily be applied to energy use. At my recent hearings I learned that, with new digital technology, we can save energy and money by connecting facilities across an organization and monitoring buildings—and even parts of buildings and individual pieces of machinery—on their energy use in real-time. Wal-Mart uses this technology because they understand the financial savings it brings. From their headquarters in Bentonville, AR, they will know if a freezer door has been left open for too long at their store in Middletown, Delaware. The Federal Government should do the same so that building managers can make more effective decisions. The best part about deploying advanced metering is the fact that the investment pays for itself in less than a year.

As America's largest consumer of energy, Federal agencies can and should be good stewards of precious taxpayer dollars by using energy as efficiently as possible. The proposals contained in my two pieces of legislation will help the Federal Government lead by example, and demonstrate to the American people that energy efficiency efforts can pay real dividends in saving both money and the environment. I look forward to working with my colleagues and the Administration to get these two bills signed into law, and implement these important ideas.

Mr. President, I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the text of the bills were ordered to be printed in the RECORD, as follows:

S. 3250

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 "Federal Buildings Personnel Training Act of 2010".

SEC. 2. TRAINING OF FEDERAL BUILDING PERSONNEL.

(a) IDENTIFICATION OF CORE COMPETENCIES.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator of General Services, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, and after providing notice and an opportunity for comment, shall identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under Federal law. The core competencies identified shall include competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures.

(b) DESIGNATION OF RELEVANT COURSES, CERTIFICATIONS, DEGREES, LICENSES, AND REGISTRATIONS.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training with respect to each core competency, identified for a category of personnel specified in subsection (a).

(c) IDENTIFIED COMPETENCIES.—An individual shall demonstrate each core competency identified by the Administrator under subsection (a) for the category of personnel that includes such individual. An individual shall demonstrate each core competency through the means identified under subsection (b) not later than one year after the date on which such core competency is identified under subsection (a) or, if the date of hire of such individual occurs after the date of such identification, not later than one year after such date of hire. In the case of an individual hired for an employment period not to exceed one year, such individual shall demonstrate each core competency at the start of the employment period.

(d) CONTINUING EDUCATION.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards.

(e) CURRICULUM WITH RESPECT TO FACILITY MANAGEMENT AND OPERATION OF HIGH-PERFORMANCE BUILDINGS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator, acting through the head of the Office of Federal High-Performance Green Buildings, and the Secretary of Energy, acting through the head of the Office of Commercial High-Performance Green Buildings, in consultation with the heads of other appropriate Federal departments and agencies and representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

(f) APPLICABILITY OF THIS SECTION TO FUNCTIONS PERFORMED UNDER CONTRACT.—Training requirements under this section shall apply to non-Federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a Federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-Federal personnel in a

manner that is approved by the Administrator.

S. 3251

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 “Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010”.

SEC. 2. POWER PURCHASE AGREEMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COST-EFFECTIVE.—The term “cost-effective” means, with respect to a power purchase agreement entered into by the head of an executive agency for a Federal facility that is owned or controlled by the executive agency, that the 30-year average cost for the purchase of electricity under the power purchase agreement from 1 or more renewable energy generating systems is not greater than an amount equal to 110 percent of the cost of an equal quantity of electricity from the current electricity supplier of the Federal facility, taking into consideration each—

(A) applicable cost, including any cost resulting from—

- (i) a demand charge;
- (ii) an applicable rider;
- (iii) a fuel adjustment charge; or
- (iv) any other surcharge; and

(B) reasonably anticipated increase in the cost of the electricity resulting from—

- (i) inflation;
- (ii) increased regulatory requirements;
- (iii) decreased availability of fossil fuels; and

(iv) any other factor that may increase the cost of electricity.

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(3) FEDERAL FACILITY.—The term “Federal facility” has the meaning given the term in section 543(f)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(C)).

(4) GOVERNMENT CORPORATION.—The term “Government corporation” has the meaning given the term in section 103 of title 5, United States Code.

(5) RENEWABLE ENERGY SOURCE.—The term “renewable energy source” has the meaning given the term in section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259).

(b) POWER PURCHASE AGREEMENT PROJECTS.—

(1) AUTHORIZATION OF HEADS OF EXECUTIVE AGENCIES.—In accordance with paragraphs (2) and (3), the head of each executive agency or a designee may establish 1 or more projects under which the head of the executive agency may offer to enter into power purchase agreements during the 10-year period beginning on the date of enactment of this Act for the purchase of electricity from 1 or more Federal facilities that are owned or controlled by the executive agency from renewable energy sources located at the Federal facility.

(2) COST-EFFECTIVE REQUIREMENT.—A head of an executive agency described in paragraph (1) may offer to enter into a power purchase agreement described in that paragraph only if the power purchase agreement is cost-effective.

(3) TERM OF POWER PURCHASE AGREEMENT.—Notwithstanding any other provision of law (including regulations), the term of a power purchase agreement described in paragraph (1) may not be longer than a period of 30 years.

(4) ALLOCATION OF INCREMENTAL COSTS.—Each head of an executive agency (including

the Administrator of General Services) who enters into a power purchase agreement under paragraph (1) for the purchase of electricity at a Federal facility that is owned or controlled by the executive agency for distribution to 1 or more other executive agencies shall allocate, on an annual basis for the period covered by the power purchase agreement, the incremental cost or incremental savings of the power purchase agreement for the purchase of electricity at a Federal facility from renewable energy sources (as compared to the cost of electricity from the electricity supplier of the Federal facility) among each user of the Federal facility based on the proportion that—

(A) the electricity usage of the user of the Federal facility; bears to

(B) the aggregate electricity usage of all users of the Federal facility.

(c) POWER PURCHASE AGREEMENTS WITH MULTIPLE FEDERAL FACILITIES.—An executive agency may enter into an interagency agreement as part of a power purchase agreement that involves more than 1 Federal facility.

(d) NEGOTIATED RATE AS BASIS FOR DETERMINING COST EFFECTIVENESS OF FUTURE ENERGY EFFICIENCY OR RENEWABLE ENERGY PROJECTS.—An executive agency that enters into a power purchase agreement may not use the negotiated rate as a basis for determining the business case or economic feasibility of future energy efficiency or renewable energy projects.

(e) REGULATIONS.—The Secretary of Energy shall promulgate such regulations as are necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2010 through 2019, to remain available until expended.

SEC. 3. FEDERAL FACILITY ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the “Federal Facility Energy Efficiency and Renewable Energy Projects Fund” (referred to in this section as the “Fund”), consisting of such amounts as are appropriated to the Fund under subsection (b).

(b) TRANSFERS TO FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund \$500,000,000, to remain available until expended.

(2) LOAN REPAYMENTS.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to loan amounts repaid and received in the Treasury under subsection (e).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary of Energy (referred to in this section as the “Secretary”), the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide assistance for energy efficiency and renewable energy projects carried out at Federal facilities in accordance with subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) FEDERAL FACILITY ENERGY EFFICIENCY AND RENEWABLE ENERGY PROJECTS FUND PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall establish a Federal facility energy efficiency and renewable energy projects fund program under which the Secretary shall make loans to Federal agencies to assist the agencies in reducing energy use and related purposes, as determined by the Secretary.

(2) GUIDELINES FOR APPLICATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for Federal agencies to submit applications for loans under this subsection.

(3) ELIGIBILITY.—Each Federal agency shall be eligible to submit an application for a loan under this subsection.

(4) LOAN AWARDS.—

(A) IN GENERAL.—The Secretary shall award loans under this subsection on a competitive basis.

(B) ALLOCATION.—The Secretary shall convene a committee of Federal agencies to determine allocation from the Fund to carry out this subsection after a competitive assessment of the technical and economic effectiveness of each application for a loan under this subsection.

(C) SELECTION.—In determining whether to provide a loan to a Federal agency for a project under this subsection, the Secretary shall consider—

- (i) the cost-effectiveness of the project;
- (ii) the amount of energy and cost savings anticipated to the Federal Government;
- (iii) the amount of funding committed to the project by the agency;
- (iv) the extent that a project will leverage financing from other non-Federal sources; and

(v) any other factor that the Secretary determines will result in the greatest amount of energy and cost savings to the Federal Government.

SEC. 4. INCENTIVES FOR FEDERAL AGENCIES FOR UTILITY ENERGY SAVINGS CONTRACTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall promulgate regulations that enable Federal agencies to retain the financial savings that result from entering into utility energy savings contracts.

SEC. 5. RENEWABLE ENERGY FACILITIES SURVEYS BY FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall promulgate regulations that establish appropriate methods and procedures for use by Federal agencies to implement, unless inconsistent with the mission of the Federal agencies or impracticable due to environmental constraints, the identification of all potential locations at Federal facilities of the agencies for renewable energy projects (including available land, building roofs, and parking structures).

(b) IDENTIFICATION OF POTENTIAL LOCATIONS.—Not later than 1 year after the date of the promulgation of regulations under subsection (a), each Federal agency shall complete the report of the agency that identifies potential locations described in subsection (a).

SEC. 6. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(b) REPORTS ON PLANS AND SAVINGS.—Not later than 90 days after the date of the issuance of the guidance under subsection (a), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (a).

SEC. 7. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Administrator of General Services, and relevant industry and nonprofit groups, shall develop and issue guidance on a Federal energy management and data collection standard.

(b) REQUIREMENTS.—Guidance described in subsection (a) shall include, at a minimum, a plan for the General Services Administration to publish energy consumption data for individual Federal facilities on a single, searchable website, accessible by the public at no cost to access.

SEC. 8. ADVANCED METERING BEST PRACTICES FOR ADVANCED METERING.

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) PLAN.—

“(A) IN GENERAL.—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(B) UPDATES.—Reports submitted under subparagraph (A) shall be updated annually.

“(4) BEST PRACTICES REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) UPDATING.—The report described under subparagraph (A) shall be updated annually.

“(C) COMPONENTS.—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”.

SEC. 9. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 3307, of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

“(d) AVAILABILITY OF FUNDS FOR DESIGN UPDATES.—

“(1) IN GENERAL.—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

“(2) LIMITATION.—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).”.

SEC. 10. CONTINUOUS COMMISSIONING WITHIN THE FEDERAL BUILDING STOCK.

(a) IN GENERAL.—Section 3312 of title 40, United States Code, is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

“(c) CONTINUOUS COMMISSIONING WITHIN THE FEDERAL BUILDING STOCK.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010, the Administrator and the Secretary of Energy shall incorporate commissioning and re-commissioning standards (as those terms are defined in section 543(f) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f))), for all real property that—

“(A) is more than \$10,000,000 in value;

“(B) has more than 50,000 square feet; or

“(C) has energy intensity of more than \$2 per square foot.

“(2) REGULATIONS.—Not later than 180 days after the date of enactment of the Improving Energy Efficiency and Renewable Energy Use By Federal Agencies Act of 2010, the Administrator and the Secretary of Energy shall promulgate such regulations as are necessary to carry out this subsection.”.

(b) CONFORMING AMENDMENTS.—Section 3312 of title 40, United States Code, is amended—

(1) in subsection (e)(1) (as redesignated by subsection (a)(1)), by striking “and (c)” and inserting “and (d)”;

(2) in the first sentence of subsection (f) (as so redesignated), by striking “and (c)” and inserting “and (d)”;

(3) in subsection (g) (as so redesignated), by striking “subsection (b), (c), or (d) or for failure to carry out any recommendation under subsection (e)” and inserting “subsection (b), (d), or (e) or for failure to carry out any recommendation under subsection (f)”.

SEC. 11. ELIMINATION OF STATE MATCHING REQUIREMENT FOR ENERGY EFFICIENCY UPGRADES AT GUARD AND RESERVE ARMORIES AND READINESS CENTERS.

Section 18236 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “A contribution” and inserting “Except as provided under subsection (e), a contribution”; and

(2) by adding at the end the following new subsection:

“(e) A contribution made at an armory or readiness center under paragraph (4) or (5) of section 18233(a) of this title for an energy efficiency upgrade shall cover—

“(1) 100 percent of the cost of architectural, engineering and design services related to the upgrade (including advance architectural, engineering and design services under section 18233(e) of this title); and

“(2) 100 percent of the cost of construction related to the upgrade (exclusive of the cost of architectural, engineering and design services).”.

SEC. 12. AUDIT; REPORT.

(a) AUDIT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out an audit to determine—

(1) the cost-effectiveness of energy savings performance contracts; and

(2) the ability of Federal agencies to manage effectively energy savings performance contracts.

(b) REPORT.—Not later than 90 days after the date described in subsection (a), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that contains a description of the results of the audit carried out under subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 495—RECOGNIZING THE CONTINUED IMPORTANCE OF VOLUNTEERISM AND NATIONAL SERVICE AND COMMEMORATING THE ANNIVERSARY OF THE SIGNING OF THE LANDMARK SERVICE LEGISLATION, THE EDWARD M. KENNEDY SERVE AMERICA ACT

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. RES. 495

Whereas April 21, 2010, marks the first anniversary of the signing of the Serve America Act (Public Law 111-13; 123 Stat. 1460) (also known as the “Edward M. Kennedy Serve America Act”);

Whereas the Serve America Act reauthorized the Corporation for National and Community Service and the programs of the Corporation through 2014, expanding opportunities for millions of people in the United States to serve this Nation;

Whereas the United States is experiencing a wave of new innovation and collaboration