

(commonly referred to as the "OIC"), a skills training program providing training and retraining on a massive scale;

Whereas the Reverend Dr. Sullivan founded Opportunities Industrialization Centers International (commonly referred to as "OICI") and the International Foundation for Education and Self-Help (commonly referred to as "IFESH");

Whereas the Reverend Dr. Sullivan made a substantial impact on the lives of the people in Africa through the actions of OICI and IFESH;

Whereas the Reverend Dr. Sullivan founded the Progress Investment Associates (commonly referred to as the "PIA") and the Zion Nonprofit Charitable Trust (commonly referred to as the "ZNCT"), which was established to fund housing, shopping, human services, educational, and other nonprofit ventures for inner-city dwellers;

Whereas the Reverend Dr. Sullivan established inner-city retirement and assisted living complexes for the elderly and disabled in Philadelphia and other cities throughout the United States, named Opportunities Towers;

Whereas the Reverend Dr. Sullivan was able, as the first African-American member on the board of General Motors Corporation, to secure the support of the other board members to back him in the development of the unprecedented Global Sullivan Principles, a code of conduct written in 1977, for United States businesses operating in South Africa;

Whereas the Reverend Dr. Sullivan has been the recipient of the Presidential Medal of Freedom, the Notre Dame Award, the Eleanor Roosevelt Human Rights Award, the NAACP Spingarn Award, the Kappa Alpha Psi Laurel Wreath, and more than 50 doctoral degrees;

Whereas the Reverend Dr. Sullivan economically empowered individuals and combated poverty wherever he implemented programs;

Whereas the Reverend Dr. Sullivan established the African-African American summits to bring together the leaders of African countries, the United States, and other countries; and

Whereas the Reverend Dr. Sullivan established the Global Sullivan Principles (for Corporate Social Responsibility) in the late 1990s to apply the same type of principles for countries and businesses throughout the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) the United States Postal Service should issue a commemorative postage stamp honoring the Reverend Doctor Leon Sullivan; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1840. Mr. COONS 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 1841. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1842. Mr. COONS (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1843. Mr. WICKER submitted an amendment intended to be proposed by him to the

bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table.

SA 1844. Mr. ISAKSON (for himself and Mr. BENNET) 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 1845. 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 1846. Mr. UDALL of Colorado (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 1847. Mr. BENNET (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1848. Mr. REID (for Mr. PRYOR (for himself, Ms. AYOTTE, and Mr. COBURN)) proposed an amendment to the bill H.R. 1344, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to provide expedited air passenger screening to severely injured or disabled members of the Armed Forces and severely injured or disabled veterans, and for other purposes.

#### TEXT OF AMENDMENTS

SA 1840. Mr. COONS 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. USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.

(a) FINDINGS.—Congress finds the following:

(1) Private sector funding and expertise can help address the energy efficiency challenges facing the United States.

(2) The Federal Government spends more than \$6 billion annually in energy costs.

(3) Reducing Federal energy costs can help save money, create jobs, and reduce waste.

(4) Energy savings performance contracts and utility energy savings contracts are tools for utilizing private sector investment to upgrade Federal facilities without any up-front cost to the taxpayer.

(5) Performance contracting is a way to retrofit Federal buildings using private sector investment in the absence of appropriated dollars. Retrofits seek to reduce energy use, improve infrastructure, protect national security, and cut facility operations and maintenance costs.

(b) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—Section 543(f)(4) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(4)) is amended to read as follows:

"(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

"(A) IN GENERAL.—Not later than 2 years after the completion of each evaluation under paragraph (3), each energy manager shall consider—

"(i) implementing any energy- or water-saving or conservation measure that the Federal agency identified in the evaluation

conducted under paragraph (3) that is life cycle cost-effective; and

"(ii) bundling individual measures of varying paybacks together into combined projects.

"(B) MEASURES NOT IMPLEMENTED.—The energy manager, as part of the certification system under paragraph (7) and using guidelines developed by the Secretary, shall provide reasons for not implementing any life cycle cost-effective measures under subparagraph (A)."

(c) ANNUAL CONTRACTING GOAL.—Section 543(f)(10)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(10)(C)) is amended—

(1) by striking "Each Federal agency" and inserting the following:

"(i) IN GENERAL.—Each Federal agency"; and

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

"(ii) TRACKING.—Each Federal agency shall use the benchmarking systems selected or developed for the agency under paragraph (8) to track energy savings realized by the agency through the implementation of energy- or water-saving or conservation measures pursuant to paragraph (4), and shall submit information regarding such savings to the Secretary to be published on a public website of the Department of Energy.

"(iii) CONSIDERATION.—Each Federal agency shall consider using energy savings performance contracts or utility energy service contracts to implement energy- or water-saving or conservation measures pursuant to paragraph (4).

"(iv) CONTRACTING GOAL.—It shall be the goal of the Federal Government, in the implementation of energy- or water-saving or conservation measures pursuant to paragraph (4), to enter into energy savings performance contracts or utility energy service contracts equal to \$1,000,000,000 in each year during the 5-year period beginning on January 1, 2014.

"(v) REPORT TO CONGRESS.—Not later than September 30 of each year during the 5-year period referred to in clause (iv), each Federal agency shall submit to the Secretary information regarding progress made by the agency towards achieving the goal described in such clause. Not later than 60 days after each such September 30, the Secretary, acting through the Federal Energy Management Program, 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 describing the progress made by the Federal Government towards achieving such goal."

SA 1841. Mr. COONS 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:

After section 401, insert the following:

##### SEC. . EXTENSION OF PUBLICLY TRADED PARTNERSHIP OWNERSHIP STRUCTURE TO ENERGY POWER GENERATION PROJECTS, TRANSPORTATION FUELS, AND RELATED ENERGY ACTIVITIES.

(a) SHORT TITLE.—This section may be cited as the "Master Limited Partnerships Parity Act".

(b) GENERAL RULE.—Subparagraph (E) of section 7704(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "income and gains derived from the exploration" and inserting "income and gains derived from the following:

"(i) MINERALS, NATURAL RESOURCES, ETC.—The exploration",

(2) by inserting “or” before “industrial source”;

(3) by inserting a period after “carbon dioxide”, and

(4) by striking “, or the transportation or storage” and all that follows and inserting the following:

“(ii) **RENEWABLE ENERGY.**—The generation of electric power exclusively utilizing any resource described in section 45(c)(1) or energy property described in section 48 (determined without regard to any termination date), or in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of such resource.

“(iii) **ELECTRICITY STORAGE DEVICES.**—The receipt and sale of electric power that has been stored in a device directly connected to the grid.

“(iv) **COMBINED HEAT AND POWER.**—The generation, storage, or distribution of thermal energy exclusively utilizing property described in section 48(c)(3) (determined without regard to subparagraphs (B) and (D) thereof and without regard to any placed in service date).

“(v) **RENEWABLE THERMAL ENERGY.**—The generation, storage, or distribution of thermal energy exclusively using any resource described in section 45(c)(1) or energy property described in clause (i) or (iii) of section 48(a)(3)(A).

“(vi) **WASTE HEAT TO POWER.**—The use of recoverable waste energy, as defined in section 371(5) of the Energy Policy and Conservation Act (42 U.S.C. 6341(5)) (as in effect on the date of the enactment of the Master Limited Partnerships Parity Act).

“(vii) **RENEWABLE FUEL INFRASTRUCTURE.**—The storage or transportation of any fuel described in subsection (b), (c), (d), or (e) of section 6426.

“(viii) **RENEWABLE FUELS.**—The production, storage, or transportation of any renewable fuel described in section 211(o)(1)(J) of the Clean Air Act (42 U.S.C. 7545(o)(1)(J)) (as in effect on the date of the enactment of the Master Limited Partnerships Parity Act) or section 40A(d)(1).

“(ix) **RENEWABLE CHEMICALS.**—The production, storage, or transportation of any renewable chemical (as defined in paragraph (6)).

“(x) **ENERGY EFFICIENT BUILDINGS.**—The audit and installation through contract or other agreement of any energy efficient building property described in section 179D(c)(1).

“(xi) **GASIFICATION WITH SEQUESTRATION.**—The production of any product from a project that meets the requirements of subparagraphs (A) and (B) of section 48B(c)(1) and that separates and sequesters in secure geological storage (as determined under section 45Q(d)(2)) at least 75 percent of such project's total qualified carbon dioxide (as defined in section 45Q(b)).

“(xii) **CARBON CAPTURE AND SEQUESTRATION.**—The generation or storage of electric power produced from any facility which is a qualified facility described in section 45Q(c) and which disposes of any captured qualified carbon dioxide (as defined in section 45Q(b)) in secure geological storage (as determined under section 45Q(d)(2)).”

(c) **RENEWABLE CHEMICAL.**—Section 7704(d) of such Code is amended by adding at the end the following new paragraph:

“(6) **RENEWABLE CHEMICAL.**—The term ‘renewable chemical’ means a monomer, polymer, plastic, formulated product, or chemical substance produced from renewable biomass (as defined in section 9001(12) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(12)), as in effect on the

date of the enactment of the Master Limited Partnerships Parity Act).”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

**SA 1842.** Mr. COONS (for himself, Ms. COLLINS, and Mr. REED) 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—Weatherization Enhancement and Local Energy Efficiency Investment and Accountability**

**SEC. 411. FINDINGS.**

Congress finds that—

(1) the State energy program established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) (referred to in this section as “SEP”) and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) (referred to in this section as “WAP”) have proven to be beneficial, long-term partnerships among Federal, State, and local partners;

(2) the SEP and the WAP have been reauthorized on a bipartisan basis over many years to address changing national, regional, and State circumstances and needs, especially through—

(A) the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.);

(B) the Energy Conservation and Production Act (42 U.S.C. 6801 et seq.);

(C) the State Energy Efficiency Programs Improvement Act of 1990 (Public Law 101-440; 104 Stat. 1006);

(D) the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.);

(E) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.); and

(F) the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.);

(3) the SEP, also known as the “State energy conservation program”—

(A) was first created in 1975 to implement a State-based, national program in support of energy efficiency, renewable energy, economic development, energy emergency preparedness, and energy policy; and

(B) has come to operate in every sector of the economy in support of the private sector to improve productivity and has dramatically reduced the cost of government through energy savings at the State and local levels;

(4) Federal laboratory studies have concluded that, for every Federal dollar invested through the SEP, more than \$7 is saved in energy costs and almost \$11 in non-Federal funds is leveraged;

(5) the WAP—

(A) was first created in 1976 to assist low-income families in response to the first oil embargo;

(B) has become the largest residential energy conservation program in the United States, with more than 7,100,000 homes weatherized since the WAP was created;

(C) saves an estimated 35 percent of consumption in the typical weatherized home, yielding average annual savings of \$437 per year in home energy costs;

(D) has created thousands of jobs in both the construction sector and in the supply chain of materials suppliers, vendors, and manufacturers who supply the WAP;

(E) returns \$2.51 in energy savings for every Federal dollar spent in energy and

nonenergy benefits over the life of weatherized homes;

(F) serves as a foundation for residential energy efficiency retrofit standards, technical skills, and workforce training for the emerging broader market and reduces residential and power plant emissions of carbon dioxide by 2.65 metric tons each year per home; and

(G) has decreased national energy consumption by the equivalent of 24,100,000 barrels of oil annually;

(6) the WAP can be enhanced with the addition of a targeted portion of the Federal funds through an innovative program that supports projects performed by qualified nonprofit organizations that have a demonstrated capacity to build, renovate, repair, or improve the energy efficiency of a significant number of low-income homes, building on the success of the existing program without replacing the existing WAP network or creating a separate delivery mechanism for basic WAP services;

(7) the WAP has increased energy efficiency opportunities by promoting new, competitive public-private sector models of retrofitting low-income homes through new Federal partnerships;

(8) improved monitoring and reporting of the work product of the WAP has yielded benefits, and expanding independent verification of efficiency work will support the long-term goals of the WAP;

(9) reports of the Government Accountability Office in 2011, Inspector General's of the Department of Energy, and State auditors have identified State-level deficiencies in monitoring efforts that can be addressed in a manner that will ensure that WAP funds are used more effectively;

(10) through the history of the WAP, the WAP has evolved with improvements in efficiency technology, including, in the 1990s, many States adopting advanced home energy audits, which has led to great returns on investment; and

(11) as the home energy efficiency industry has become more performance-based, the WAP should continue to use those advances in technology and the professional workforce.

**PART I—WEATHERIZATION ASSISTANCE PROGRAM**

**SEC. 421. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.**

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking “appropriated—” and all that follows through the period at the end and inserting “appropriated \$450,000,000 for each of fiscal years 2014 through 2018.”

**SEC. 422. GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.**

The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

**“SEC. 414C. GRANTS FOR NEW, SELF-SUSTAINING LOW-INCOME, SINGLE-FAMILY AND MULTIFAMILY HOUSING ENERGY RETROFIT MODEL PROGRAMS TO ELIGIBLE MULTISTATE HOUSING AND ENERGY NONPROFIT ORGANIZATIONS.**

“(a) **PURPOSES.**—The purposes of this section are—

“(1) to expand the number of low-income, single-family and multifamily homes that receive energy efficiency retrofits;

“(2) to promote innovation and new models of retrofitting low-income homes through new Federal partnerships with covered organizations that leverage substantial donations, donated materials, volunteer labor,

homeowner labor equity, and other private sector resources;

“(3) to assist the covered organizations in demonstrating, evaluating, improving, and replicating widely the model low-income energy retrofit programs of the covered organizations; and

“(4) to ensure that the covered organizations make the energy retrofit programs of the covered organizations self-sustaining by the time grant funds have been expended.

“(b) DEFINITIONS.—In this section:

“(1) COVERED ORGANIZATION.—The term ‘covered organization’ means an organization that—

“(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and

“(B) has an established record of constructing, renovating, repairing, or making energy efficient a total of not less than 250 owner-occupied, single-family or multi-family homes per year for low-income households, either directly or through affiliates, chapters, or other direct partners (using the most recent year for which data are available).

“(2) LOW-INCOME.—The term ‘low-income’ means an income level that is not more than 200 percent of the poverty level (as determined in accordance with criteria established by the Director of the Office of Management and Budget) applicable to a family of the size involved, except that the Secretary may establish a higher or lower level if the Secretary determines that a higher or lower level is necessary to carry out this section.

“(3) WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.—The term ‘Weatherization Assistance Program for Low-Income Persons’ means the program established under this part (including part 440 of title 10, Code of Federal Regulations).

“(c) COMPETITIVE GRANT PROGRAM.—The Secretary shall make grants to covered organizations through a national competitive process for use in accordance with this section.

“(d) AWARD FACTORS.—In making grants under this section, the Secretary shall consider—

“(1) the number of low-income homes the applicant—

“(A) has built, renovated, repaired, or made more energy efficient as of the date of the application; and

“(B) can reasonably be projected to build, renovate, repair, or make energy efficient during the 10-year period beginning on the date of the application;

“(2) the qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;

“(3) the number and diversity of States and climates in which the applicant works as of the date of the application;

“(4) the amount of non-Federal funds, donated or discounted materials, discounted or volunteer skilled labor, volunteer unskilled labor, homeowner labor equity, and other resources the applicant will provide;

“(5) the extent to which the applicant could successfully replicate the energy retrofit program of the applicant and sustain the program after the grant funds have been expended;

“(6) regional diversity;

“(7) urban, suburban, and rural localities; and

“(8) such other factors as the Secretary determines to be appropriate.

“(e) APPLICATIONS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall request proposals from covered organizations.

“(2) ADMINISTRATION.—To be eligible to receive a grant under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) AWARDS.—Not later than 90 days after the date of issuance of a request for proposals, the Secretary shall award grants under this section.

“(f) ELIGIBLE USES OF GRANT FUNDS.—A grant under this section may be used for—

“(1) energy efficiency audits, cost-effective retrofit, and related activities in different climatic regions of the United States;

“(2) energy efficiency materials and supplies;

“(3) organizational capacity—

“(A) to significantly increase the number of energy retrofits;

“(B) to replicate an energy retrofit program in other States; and

“(C) to ensure that the program is self-sustaining after the Federal grant funds are expended;

“(4) energy efficiency, audit and retrofit training, and ongoing technical assistance;

“(5) information to homeowners on proper maintenance and energy savings behaviors;

“(6) quality control and improvement;

“(7) data collection, measurement, and verification;

“(8) program monitoring, oversight, evaluation, and reporting;

“(9) management and administration (up to a maximum of 10 percent of the total grant);

“(10) labor and training activities; and

“(11) such other activities as the Secretary determines to be appropriate.

“(g) MAXIMUM AMOUNT.—The amount of a grant provided under this section shall not exceed—

“(1) if the amount made available to carry out this section for a fiscal year is \$225,000,000 or more, \$5,000,000; and

“(2) if the amount made available to carry out this section for a fiscal year is less than \$225,000,000, \$1,500,000.

“(h) GUIDELINES.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall issue guidelines to implement the grant program established under this section.

“(2) ADMINISTRATION.—The guidelines—

“(A) shall not apply to the Weatherization Assistance Program for Low-Income Persons, in whole or major part; but

“(B) may rely on applicable provisions of law governing the Weatherization Assistance Program for Low-Income Persons to establish—

“(i) standards for allowable expenditures;

“(ii) a minimum savings-to-investment ratio;

“(iii) standards—

“(I) to carry out training programs;

“(II) to conduct energy audits and program activities;

“(III) to provide technical assistance;

“(IV) to monitor program activities; and

“(V) to verify energy and cost savings;

“(iv) liability insurance requirements; and

“(v) recordkeeping requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each home retrofitted.

“(i) REVIEW AND EVALUATION.—The Secretary shall review and evaluate the performance of any covered organization that receives a grant under this section (which may include an audit), as determined by the Secretary.

“(j) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided

under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the applicable requirement of this section.

“(k) ANNUAL REPORTS.—The Secretary shall submit to Congress annual reports that provide—

“(1) findings;

“(2) a description of energy and cost savings achieved and actions taken under this section; and

“(3) any recommendations for further action.

“(l) FUNDING.—Of the amount of funds that are made available to carry out the Weatherization Assistance Program for each of fiscal years 2014 through 2018 under section 422, the Secretary shall use to carry out this section—

“(1) for fiscal year 2014—

“(A) 1 percent of the amount if the amount is less than \$200,000,000;

“(B) 2 percent of the amount if the amount is \$200,000,000 or more but less than \$225,000,000;

“(C) 5 percent of the amount if the amount is \$225,000,000 or more but less than \$260,000,000;

“(D) 10 percent of the amount if the amount is \$260,000,000 or more but less than \$400,000,000; and

“(E) 20 percent of the amount if the amount is \$400,000,000 or more; and

“(2) for each of fiscal year 2015 through 2018—

“(A) 2 percent of the amount if the amount is less than \$225,000,000;

“(B) 5 percent of the amount if the amount is \$225,000,000 or more but less than \$260,000,000;

“(C) 10 percent of the amount if the amount is \$260,000,000 or more but less than \$400,000,000; and

“(D) 20 percent of the amount if the amount is \$400,000,000 or more.”.

#### SEC. 423. STANDARDS PROGRAM.

Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended by adding at the end the following:

“(f) STANDARDS PROGRAM.—

“(1) CONTRACTOR QUALIFICATION.—Effective beginning January 1, 2015, to be eligible to carry out weatherization using funds made available under this part, a contractor shall be selected through a competitive bidding process and be—

“(A) accredited by the Building Performance Institute;

“(B) an Energy Smart Home Performance Team accredited under the Residential Energy Services Network; or

“(C) accredited by an equivalent accreditation or program accreditation-based State certification program approved by the Secretary.

“(2) GRANTS FOR ENERGY RETROFIT MODEL PROGRAMS.—

“(A) IN GENERAL.—To be eligible to receive a grant under section 414C, a covered organization (as defined in section 414C(b)) shall use a crew chief who—

“(i) is certified or accredited in accordance with paragraph (1); and

“(ii) supervises the work performed with grant funds.

“(B) VOLUNTEER LABOR.—A volunteer who performs work for a covered organization that receives a grant under section 414C shall not be required to be certified under this subsection if the volunteer is not directly installing or repairing mechanical equipment or other items that require skilled labor.

“(C) TRAINING.—The Secretary shall use training and technical assistance funds available to the Secretary to assist covered organizations under section 414C in providing

training to obtain certification required under this subsection, including provisional or temporary certification.

“(3) MINIMUM EFFICIENCY STANDARDS.—Effective beginning October 1, 2015, the Secretary shall ensure that—

“(A) each retrofit for which weatherization assistance is provided under this part meets minimum efficiency and quality of work standards established by the Secretary after weatherization of a dwelling unit; and

“(B) at least 10 percent of the dwelling units are randomly inspected by a third party accredited under this subsection to ensure compliance with the minimum efficiency and quality of work standards established under subparagraph (A); and

“(C) the standards established under this subsection meet or exceed the industry standards for home performance work that are in effect on the date of enactment of this subsection, as determined by the Secretary.”.

## PART II—STATE ENERGY PROGRAM

### SEC. 431. REAUTHORIZATION OF STATE ENERGY PROGRAM.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking “\$125,000,000 for each of fiscal years 2007 through 2012” and inserting “\$75,000,000 for each of fiscal years 2014 through 2018”.

**SA 1843.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1243, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes; which was ordered to lie on the table; as follows:

On page 188, after line 24, insert the following:

SEC. 422. Funds appropriated or otherwise made available by this Act for grants to be awarded by the Secretary of Housing and Urban Development or the Secretary of Transportation shall be subject to the following accountability provisions:

#### (1) AUDIT REQUIREMENT.—

(A) IN GENERAL.—Beginning in the first fiscal year beginning after the date of the enactment of this title, and in each fiscal year thereafter, the Inspector General of the Department of Transportation and the Department of Housing and Development shall conduct audits of any grant amounts appropriated or otherwise made available under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspectors General shall determine the appropriate number of such audits to be conducted each year.

(B) DEFINITION.—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspectors General of the Department of Transportation and the Department of Housing and Urban Development that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(C) MANDATORY EXCLUSION.—A recipient of grant amounts appropriated or otherwise made available under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant amounts appropriated or otherwise made available under this title during the following 2 fiscal years beginning after the end of the 12-month period described under subparagraph (A).

(D) PRIORITY.—In awarding amounts appropriated or otherwise made available under

this Act, the Secretary of Transportation or the Secretary of Housing and Urban Development shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for grant amounts appropriated or otherwise made available under this Act.

(E) REIMBURSEMENT.—If an entity is awarded grant amounts appropriated or otherwise made available under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under subparagraph (B), the Secretary of Transportation or the Secretary of Housing and Urban Development shall recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

#### (2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and any grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Secretary of Transportation and the Secretary of Housing and Urban Development may not award any grant amounts appropriated or otherwise made available under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is a recipient of grant amounts appropriated or otherwise made available under this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Secretary of Transportation and the Secretary of Housing and Urban Development, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Secretary of Transportation or the Secretary of Housing and Urban Development shall make the information disclosed under this paragraph available for public inspection.

**SA 1844.** Mr. ISAKSON (for himself and Mr. BENNET) 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. ENHANCED ENERGY EFFICIENCY UNDERWRITING.

#### (a) DEFINITIONS.—In this section:

(1) COVERED AGENCY.—The term “covered agency”—

(A) means—

(i) an executive agency, as that term is defined in section 102 of title 31, United States Code; and

(ii) any other agency of the Federal Government; and

(B) includes any enterprise, as that term is defined under section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

(2) COVERED LOAN.—The term “covered loan” means a loan secured by a home that is issued, insured, purchased, or securitized by a covered agency.

(3) HOMEOWNER.—The term “homeowner” means the mortgagor under a covered loan.

(4) MORTGAGEE.—The term “mortgagee” means—

(A) an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated;

(B) any affiliate, agent, subsidiary, successor, or assignee of an original lender under a covered loan or the holder of a covered loan at the time at which that mortgage transaction is consummated;

(C) any servicer of a covered loan; and

(D) any subsequent purchaser, trustee, or transferee of any covered loan issued by an original lender.

(5) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(6) SERVICER.—The term “servicer” means the person or entity responsible for the servicing of a covered loan, including the person or entity who makes or holds a covered loan if that person or entity also services the covered loan.

(7) SERVICING.—The term “servicing” has the meaning given the term in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)).

#### (b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) energy costs for homeowners are a significant and increasing portion of their household budgets;

(B) household energy use can vary substantially depending on the efficiency and characteristics of the house;

(C) expected energy cost savings are important to the value of the house;

(D) the current test for loan affordability used by most covered agencies, commonly known as the “debt-to-income” test, is inadequate because it does not take into account the expected energy cost savings for the homeowner of an energy efficient home; and

(E) another loan limitation, commonly known as the “loan-to-value” test, is tied to the appraisal, which often does not adjust for efficiency features of houses.

(2) PURPOSES.—The purposes of this section are to—

(A) improve the accuracy of mortgage underwriting by Federal mortgage agencies by ensuring that energy cost savings are included in the underwriting process as described below, and thus to reduce the amount of energy consumed by homes and to facilitate the creation of energy efficiency retrofit and construction jobs;

(B) require a covered agency to include the expected energy cost savings of a homeowner as a regular expense in the tests, such as the debt-to-income test, used to determine the ability of the loan applicant to afford the cost of homeownership for all loan programs; and

(C) require a covered agency to include the value home buyers place on the energy efficiency of a house in tests used to compare the mortgage amount to home value, taking precautions to avoid double-counting and to support safe and sound lending.

#### (c) ENHANCED ENERGY EFFICIENCY UNDERWRITING CRITERIA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the advisory group established in subsection (f)(2), develop and issue guidelines for a covered agency to implement enhanced loan eligibility requirements, for use when testing the ability of a loan applicant to repay a covered loan, that account for the expected energy cost savings for a loan applicant at a subject property, in the manner set forth in paragraphs (2) and (3).

(2) **REQUIREMENTS TO ACCOUNT FOR ENERGY COST SAVINGS.**—The enhanced loan eligibility requirements under paragraph (1) shall require that, for all covered loans for which an energy efficiency report is voluntarily provided to the mortgagee by the mortgagee, the covered agency and the mortgagee shall take into consideration the estimated energy cost savings expected for the owner of the subject property in determining whether the loan applicant has sufficient income to service the mortgage debt plus other regular expenses. To the extent that a covered agency uses a test such as a debt-to-income test that includes certain regular expenses, such as hazard insurance and property taxes, the expected energy cost savings shall be included as an offset to these expenses. Energy costs to be assessed include the cost of electricity, natural gas, oil, and any other fuel regularly used to supply energy to the subject property.

(3) **DETERMINATION OF ESTIMATED ENERGY COST SAVINGS.**—

(A) **IN GENERAL.**—The guidelines to be issued under paragraph (1) shall include instructions for the covered agency to calculate estimated energy cost savings using—

- (i) the energy efficiency report;
- (ii) an estimate of baseline average energy costs; and
- (iii) additional sources of information as determined by the Secretary.

(B) **REPORT REQUIREMENTS.**—For the purposes of subparagraph (A), an energy efficiency report shall—

- (i) estimate the expected energy cost savings specific to the subject property, based on specific information about the property;
- (ii) be prepared in accordance with the guidelines to be issued under paragraph (1); and
- (iii) be prepared—

(I) in accordance with the Residential Energy Service Network's Home Energy Rating System (commonly known as "HERS") by an individual certified by the Residential Energy Service Network, unless the Secretary finds that the use of HERS does not further the purposes of this section; or

(II) by other methods approved by the Secretary, in consultation with the Secretary of Energy and the advisory group established in subsection (f)(2), for use under this section, which shall include a third-party quality assurance procedure.

(C) **USE BY APPRAISER.**—If an energy efficiency report is used under paragraph (2), the energy efficiency report shall be provided to the appraiser to estimate the energy efficiency of the subject property and for potential adjustments for energy efficiency.

(4) **REQUIRED DISCLOSURE TO CONSUMER FOR A HOME WITH AN ENERGY EFFICIENCY REPORT.**—If an energy efficiency report is used under paragraph (2), the guidelines to be issued under paragraph (1) shall require the mortgagee to—

(A) inform the loan applicant of the expected energy costs as estimated in the energy efficiency report, in a manner and at a time as prescribed by the Secretary, and if practicable, in the documents delivered at the time of loan application; and

(B) include the energy efficiency report in the documentation for the loan provided to the borrower.

(5) **REQUIRED DISCLOSURE TO CONSUMER FOR A HOME WITHOUT AN ENERGY EFFICIENCY REPORT.**—If an energy efficiency report is not used under paragraph (2), the guidelines to be issued under paragraph (1) shall require the mortgagee to inform the loan applicant in a manner and at a time as prescribed by the Secretary, and if practicable, in the documents delivered at the time of loan application of—

(A) typical energy cost savings that would be possible from a cost-effective energy upgrade of a home of the size and in the region of the subject property;

(B) the impact the typical energy cost savings would have on monthly ownership costs of a typical home;

(C) the impact on the size of a mortgage that could be obtained if the typical energy cost savings were reflected in an energy efficiency report; and

(D) resources for improving the energy efficiency of a home.

(6) **LIMITATIONS.**—A covered agency shall not—

(A) modify existing underwriting criteria or adopt new underwriting criteria that intentionally negate or reduce the impact of the requirements or resulting benefits that are set forth or otherwise derived from the enhanced loan eligibility requirements required under this subsection; or

(B) impose greater buy back requirements, credit overlays, insurance requirements, including private mortgage insurance, or any other material costs, impediments, or penalties on covered loans merely because the loan uses an energy efficiency report or the enhanced loan eligibility requirements required under this subsection.

(7) **APPLICABILITY AND IMPLEMENTATION DATE.**—Not later than 3 years after the date of enactment of this Act, and before December 31, 2016, the enhanced loan eligibility requirements required under this subsection shall be implemented by each covered agency to—

(A) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home;

(B) be available on any residential real property (including individual units of condominiums and cooperatives) that qualifies for a covered loan; and

(C) provide prospective mortgagees with sufficient guidance and applicable tools to implement the required underwriting methods.

(d) **ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) in consultation with the Federal Financial Institutions Examination Council and the advisory group established in subsection (f)(2), develop and issue guidelines for a covered agency to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that meets the requirements of subsection (c)(3)(B); and

(B) in consultation with the Secretary of Energy, issue guidelines for a covered agency to determine the estimated energy savings under paragraph (3) for properties with an energy efficiency report.

(2) **REQUIREMENTS.**—The enhanced energy efficiency underwriting valuation guidelines required under paragraph (1) shall include—

(A) a requirement that if an energy efficiency report that meets the requirements of subsection (c)(3)(B) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or covered agency to determine the estimated energy savings of the subject property; and

(B) a requirement that the estimated energy savings of the subject property be added to the appraised value of the subject property by a mortgagee or covered agency for the purpose of determining the loan-to-value ratio of the subject property, unless the appraisal includes the value of the overall energy efficiency of the subject property, using methods to be established under the guidelines issued under paragraph (1).

(3) **DETERMINATION OF ESTIMATED ENERGY SAVINGS.**—

(A) **AMOUNT OF ENERGY SAVINGS.**—The amount of estimated energy savings shall be determined by calculating the difference between the estimated energy costs for the average comparable houses, as determined in guidelines to be issued under paragraph (1), and the estimated energy costs for the subject property based upon the energy efficiency report.

(B) **DURATION OF ENERGY SAVINGS.**—The duration of the estimated energy savings shall be based upon the estimated life of the applicable equipment, consistent with the rating system used to produce the energy efficiency report.

(C) **PRESENT VALUE OF ENERGY SAVINGS.**—The present value of the future savings shall be discounted using the average interest rate on conventional 30-year mortgages, in the manner directed by guidelines issued under paragraph (1).

(4) **ENSURING CONSIDERATION OF ENERGY EFFICIENT FEATURES.**—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (2), by striking “; and” and inserting a semicolon; and

(B) in paragraph (3), by striking the period at the end and inserting “; and” and inserting after paragraph (3) the following:

“(4) that State certified and licensed appraisers have timely access, whenever practicable, to information from the property owner and the lender that may be relevant in developing an opinion of value regarding the energy- and water-saving improvements or features of a property, such as—

“(A) labels or ratings of buildings;

“(B) installed appliances, measures, systems or technologies;

“(C) blueprints;

“(D) construction costs;

“(E) financial or other incentives regarding energy- and water-efficient components and systems installed in a property;

“(F) utility bills;

“(G) energy consumption and benchmarking data; and

“(H) third-party verifications or representations of energy and water efficiency performance of a property, observing all financial privacy requirements adhered to by certified and licensed appraisers, including section 501 of the Gramm-Leach-Bliley Act (15 U.S.C. 6801).

Unless a property owner consents to a lender, an appraiser, in carrying out the requirements of paragraph (4), shall not have access to the commercial or financial information of the owner that is privileged or confidential.”

(5) **TRANSACTIONS REQUIRING STATE CERTIFIED APPRAISERS.**—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—

(A) in paragraph (1), by inserting before the semicolon the following: “, or any real property on which the appraiser makes adjustments using an energy efficiency report”; and

(B) in paragraph (2), by inserting after “atypical” the following: “, or an appraisal on which the appraiser makes adjustments using an energy efficiency report.”

(6) **PROTECTIONS.**—

(A) **AUTHORITY TO IMPOSE LIMITATIONS.**—The guidelines to be issued under paragraph (1) shall include such limitations and conditions as determined by the Secretary to be necessary to protect against meaningful under or over valuation of energy cost savings or duplicative counting of energy efficiency features or energy cost savings in the

valuation of any subject property that is used to determine a loan amount.

(B) **ADDITIONAL AUTHORITY.**—At the end of the 7-year period following the implementation of enhanced eligibility and underwriting valuation requirements under this section, the Secretary may modify or apply additional exceptions to the approach described in paragraph (2), where the Secretary finds that the unadjusted appraisal will reflect an accurate market value of the efficiency of the subject property or that a modified approach will better reflect an accurate market value.

(7) **APPLICABILITY AND IMPLEMENTATION DATE.**—Not later than 3 years after the date of enactment of this Act, and before December 31, 2016, each covered agency shall implement the guidelines required under this subsection, which shall—

(A) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home; and

(B) be available on any residential real property, including individual units of condominiums and cooperatives, that qualifies for a covered loan.

(e) **MONITORING.**—Not later than 1 year after the date on which the enhanced eligibility and underwriting valuation requirements are implemented under this section, and every year thereafter, each covered agency with relevant activity shall issue and make available to the public a report that—

(1) enumerates the number of covered loans of the agency for which there was an energy efficiency report, and that used energy efficiency appraisal guidelines and enhanced loan eligibility requirements; and

(2) includes the default rates and rates of foreclosures for each category of loans.

(f) **RULEMAKING.**—

(1) **IN GENERAL.**—The Secretary shall prescribe regulations to carry out this section, in consultation with the Secretary of Energy and the advisory group established in paragraph (2), which may contain such classifications, differentiations, or other provisions, and may provide for such proper implementation and appropriate treatment of different types of transactions, as the Secretary determines are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(2) **ADVISORY GROUP.**—To assist in carrying out this section, the Secretary shall establish an advisory group, consisting of individuals representing the interests of—

(A) mortgage lenders;

(B) appraisers;

(C) energy raters and residential energy consumption experts;

(D) energy efficiency organizations;

(E) real estate agents;

(F) home builders and remodelers;

(G) State energy officials; and

(H) others as determined by the Secretary.

(g) **ADDITIONAL STUDY.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall reconvene the advisory group established in subsection (f)(2), in addition to water and locational efficiency experts, to advise the Secretary on the implementation of the enhanced energy efficiency underwriting criteria established in subsections (c) and (d).

(2) **RECOMMENDATIONS.**—The advisory group established in subsection (f)(2) shall provide recommendations to the Secretary on any revisions or additions to the enhanced energy efficiency underwriting criteria deemed necessary by the group, which may include alternate methods to better account for home energy costs and additional factors to account for substantial and regular costs of homeownership such as location-based trans-

portation costs and water costs. The Secretary shall forward any legislative recommendations from the advisory group to Congress for its consideration.

**SA 1845.** 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 III, add the following:

**SEC. 3. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.**

Section 392 of the Energy Policy and Conservation Act (42 U.S.C. 6371a) is amended by adding at the end the following:

“(e) **COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.**—

“(1) **DEFINITION OF SCHOOL.**—In this subsection, the term ‘school’ means—

“(A) 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));

“(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

“(C) 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;

“(D) a school operated by the Bureau of Indian Affairs;

“(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

“(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

“(2) **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.

“(3) **REQUIREMENTS.**—In carrying out coordination and outreach under paragraph (2), the Secretary shall—

“(A) 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;

“(B) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in subparagraph (A), for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

“(i) to use existing Federal opportunities more effectively; and

“(ii) 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;

“(C) provide technical assistance for States, local educational agencies, and schools to help develop and finance energy efficiency, renewable energy, and energy retrofitting projects—

“(i) to increase the energy efficiency of buildings or facilities;

“(ii) to install systems that individually generate energy from renewable energy resources;

“(iii) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

“(iv) 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;

“(D) 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 subparagraph (A) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

“(E) establish a process for recognition of schools that—

“(i) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

“(ii) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

“(4) **REPORT.**—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing the implementation of this subsection.”.

**SA 1846.** Mr. UDALL, of Colorado (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:

Strike section 301 and insert the following:

**SEC. 301. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION AND COMMUNICATIONS TECHNOLOGIES.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (relating to large capital energy investments) as subsection (g); and

(2) by adding at the end the following:

“(h) **FEDERAL IMPLEMENTATION STRATEGY FOR ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION AND COMMUNICATIONS TECHNOLOGIES.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this subsection, each Federal agency shall collaborate with the Director of the Office of Management and Budget (referred to in this subsection as the ‘Director’) to develop an implementation strategy (including best-practices and measurement and verification techniques) for the maintenance, purchase, and use by the Federal agency of energy-efficient and energy-saving information and communications technologies and practices.



“(2) CONTENT.—Each implementation strategy shall be flexible, cost-effective, and based on the specific operating requirements and statutory mission of the agency.

“(3) ADMINISTRATION.—In developing an implementation strategy, each Federal agency shall—

“(A) consider information and communications technologies (referred to in this subsection as ‘ICT’) and related infrastructure and practices, such as—

“(i) advanced metering infrastructure;

“(ii) ICT services and products;

“(iii) efficient data center strategies and methods of increasing ICT asset and related infrastructure utilization;

“(iv) ICT and related infrastructure power management;

“(v) building information modeling, including building energy management; and

“(vi) secure telework and travel substitution tools; and

“(B) ensure that the agency realizes the savings and rewards brought about through increased efficiency and utilization.

“(4) PERFORMANCE GOALS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Director, in consultation with the Secretary, shall establish performance goals for evaluating the efforts of Federal agencies in improving the maintenance, purchase, and use of energy-efficient and energy-saving information and communications technology systems and practices.

“(B) BEST PRACTICES.—The Director shall supplement the performance goals established under this paragraph with recommendations on best practices for the attainment of the performance goals, to include a requirement for agencies to evaluate the use of energy savings performance contracting and utility energy services contracting as preferred acquisition methods.

“(C) ADMINISTRATION.—The performance goals established under this paragraph shall—

“(i) measure information technology costs over a specific time period of 3 to 5 years;

“(ii) measure cost savings attained via the use of energy-efficient and energy-saving information and communications solutions during the same time period; and

“(iii) provide, to the maximum extent practicable, a complete picture of all costs and savings, including energy costs and savings.

“(5) REPORTS.—

“(A) AGENCY REPORTS.—Each Federal agency subject to the requirements of this subsection shall include in the report of the agency under section 527 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17143) a description of the efforts and results of the agency under this subsection.

“(B) OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.—Effective beginning not later than October 1, 2013, the Director shall include in the annual report and scorecard of the Director required under section 528 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17144) a description of the efforts and results of Federal agencies under this subsection.

“(C) USE OF EXISTING REPORTING STRUCTURES.—The Director may require Federal agencies to submit any information required to be submitted under this subsection though reporting structures in use as of the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013.”

At the end of title III, add the following:

#### SEC. 304. ENERGY EFFICIENT DATA CENTERS.

Section 453 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112) is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, the Secretary and the Administrator shall—

“(A) designate an established information technology industry organization to coordinate the program described in subsection (b); and

“(B) make the designation public, including on an appropriate website.”;

(2) by striking subsections (e) and (f) and inserting the following:

“(e) STUDY.—The Secretary, with assistance from the Administrator, shall—

“(1) not later than December 31, 2013, make available to the public an update to the Report to Congress on Server and Data Center Energy Efficiency published on August 2, 2007, under section 1 of Public Law 109-431 (120 Stat. 2920), that provides—

“(A) a comparison and gap analysis of the estimates and projections contained in the original report with new data regarding the period from 2007 through 2012;

“(B) an analysis considering the impact of information and communications technologies asset and related infrastructure utilization solutions, to include virtualization and cloud computing-based solutions, in the public and private sectors; and

“(C) updated projections and recommendations for best practices; and

“(2) collaborate with the organization designated under subsection (c) in preparing the report.

“(f) DATA CENTER ENERGY PRACTITIONER PROGRAM.—

“(1) IN GENERAL.—The Secretary, in collaboration with the organization designated under subsection (c) and in consultation with the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget, shall maintain a data center energy practitioner program that leads to the certification of energy practitioners qualified to evaluate the energy usage and efficiency opportunities in data centers.

“(2) EVALUATIONS.—Each Federal agency shall have the data centers of the agency evaluated every 4 years by energy practitioners certified pursuant to the program, whenever practicable using certified practitioners employed by the agency.”;

(3) by redesignating subsection (g) as subsection (j); and

(4) by inserting after subsection (f) the following:

“(g) OPEN DATA INITIATIVE.—

“(1) IN GENERAL.—The Secretary, in collaboration with the organization designated under subsection (c) and in consultation with the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget, shall establish an open data initiative for Federal data center energy usage data, with the purpose of making the data available and accessible in a manner that empowers further data center innovation while protecting United States national security interests.

“(2) ADMINISTRATION.—In establishing the initiative, the Secretary shall consider use of the online Data Center Maturity Model.

“(h) INTERNATIONAL SPECIFICATIONS AND METRICS.—The Secretary, in collaboration with the organization designated under subsection (c), shall actively participate in efforts to harmonize global specifications and metrics for data center energy efficiency.

“(i) ICT ASSET UTILIZATION METRIC.—The Secretary, in collaboration with the organization designated under subsection (c), shall assist in the development of an efficiency metric that measures the energy efficiency of the overall data center, including infor-

mation and communications technology systems and related infrastructure.”.

**SA 1847.** Mr. BENNET (for himself and Ms. AYOTTE) 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—Energy Efficiency Measures in Commercial Buildings

#### SEC. 121. SEPARATE SPACES WITH HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURES.

Subtitle B of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081 et seq.) is amended by adding at the end the following:

#### “SEC. 424. SEPARATE SPACES WITH HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURES.

“(a) DEFINITIONS.—In this section:

“(1) HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURE.—The term ‘high-performance energy efficiency measure’ means a technology, product, or practice that will result in substantial operational cost savings by reducing energy consumption and utility costs.

“(2) SEPARATE SPACES.—The term ‘separate spaces’ means areas within a commercial building that are leased or otherwise occupied by a tenant or other occupant for a period of time pursuant to the terms of a written agreement.

“(b) STUDY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall complete a study on the feasibility of—

“(A) significantly improving energy efficiency in commercial buildings through the design and construction, by owners and tenants, of separate spaces with high-performance energy efficiency measures; and

“(B) encouraging owners and tenants to implement high-performance energy efficiency measures in separate spaces.

“(2) SCOPE.—The study shall, at a minimum, include—

“(A) descriptions of—

“(i) high-performance energy efficiency measures that should be considered as part of the initial design and construction of separate spaces;

“(ii) processes that owners, tenants, architects, and engineers may replicate when designing and constructing separate spaces with high-performance energy efficiency measures;

“(iii) standards and best practices to achieve appropriate energy intensities for lighting, plug loads, pipe loads, heating, cooling, cooking, laundry, and other systems to satisfy the needs of the commercial building tenant;

“(iv) return on investment and payback analyses of the incremental cost and projected energy savings of the proposed set of high-performance energy efficiency measures, including consideration of tax and other available incentives;

“(v) models and simulation methods that predict the quantity of energy used by separate spaces with high-performance energy efficiency measures and that compare that predicted quantity to the quantity of energy used by separate spaces without high-performance energy efficiency measures but that otherwise comply with applicable building code requirements;

“(vi) measurement and verification platforms demonstrating actual energy use of

high-performance energy efficiency measures installed in separate spaces, and whether the measures generate the savings intended in the initial design and construction of the separate spaces;

“(vii) best practices that encourage an integrated approach to designing and constructing separate spaces to perform at optimum energy efficiency in conjunction with the central systems of a commercial building; and

“(viii) any impact on employment resulting from the design and construction of separate spaces with high-performance energy efficiency measures; and

“(B) case studies reporting economic and energy saving returns in the design and construction of separate spaces with high-performance energy efficiency measures.

“(3) PUBLIC PARTICIPATION.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish a notice in the Federal Register requesting public comments regarding effective methods, measures, and practices for the design and construction of separate spaces with high-performance energy efficiency measures.

“(4) PUBLICATION.—The Secretary shall publish the study on the website of the Department of Energy.”

#### SEC. 122. TENANT STAR PROGRAM.

Subtitle B of title IV of the Energy Independence and Security Act of 2007 (42 U.S.C. 17081 et seq.) (as amended by section 121) is amended by adding at the end the following:

#### “SEC. 425. TENANT STAR PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) HIGH-PERFORMANCE ENERGY EFFICIENCY MEASURE.—The term ‘high-performance energy efficiency measure’ has the meaning given the term in section 424.

“(2) SEPARATE SPACES.—The term ‘separate spaces’ has the meaning given the term in section 424.

“(b) TENANT STAR.—The Administrator of the Environmental Protection Agency and the Secretary shall develop a voluntary program within the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), which may be known as Tenant Star, to promote energy efficiency in separate spaces leased by tenants or otherwise occupied within commercial buildings.

“(c) AGREEMENTS.—Responsibilities under the program developed under subsection (b) shall be divided between the Secretary and the Administrator of the Environmental Protection Agency in accordance with the terms of applicable agreements between the Secretary and the Administrator.

“(d) EXPANDING SURVEY DATA.—The Secretary, acting through the Administrator of the Energy Information Administration, shall—

“(1) collect, through each Commercial Building Energy Consumption Survey of the Energy Information Administration that is conducted after the date of enactment of this section, data on—

“(A) categories of building occupancy that are known to consume significant quantities of energy, such as occupancy by law firms, data centers, trading floors, restaurants, retail outlets, and financial services firms; and

“(B) other aspects of the property, building operation, or building occupancy determined by the Administrator of the Energy Information Administration, in consultation with the Administrator of the Environmental Protection Agency, to be relevant in lowering energy consumption; and

“(2) make data collected under paragraph (1) available to the public in aggregated form and provide the data, and any associated results, to the Administrator of the Environmental Protection Agency for use in accordance with subsection (e).

“(e) RECOGNITION OF OWNERS AND TENANTS.—

“(1) OCCUPANCY-BASED RECOGNITION.—Not later than 1 year after the date on which the data described in subsection (d) is received, the Secretary and the Administrator of the Environmental Protection Agency shall, following an opportunity for public notice and comment—

“(A) in a manner similar to the Energy Star rating system for commercial buildings, develop voluntary policies and procedures to recognize tenants that voluntarily achieve high levels of energy efficiency in separate spaces;

“(B) establish building occupancy categories eligible for Tenant Star recognition based on the data collected under subsection (d)(1) and any associated results; and

“(C) consider other forms of recognition for commercial building tenants or other occupants that lower energy consumption in separate spaces.

“(2) DESIGN- AND CONSTRUCTION-BASED RECOGNITION.—After the study required under section 424(b) is completed and following an opportunity for public notice and comment, the Administrator of the Environmental Protection and the Secretary may develop a voluntary program to recognize commercial building owners and tenants that use high-performance energy efficiency measures in the design and construction of separate spaces.”

**SA 1848.** Mr. REID (for Mr. PRYOR (for himself, Ms. AYOTTE, and Mr. COBURN)) proposed an amendment to the bill H.R. 1344, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to provide expedited air passenger screening to severely injured or disabled members of the Armed Forces and severely injured or disabled veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Helping Heroes Fly Act”.

#### SEC. 2. OPERATIONS CENTER PROGRAM FOR SEVERELY INJURED OR DISABLED MEMBERS OF THE ARMED FORCES AND SEVERELY INJURED OR DISABLED VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

#### “§ 44927. Expedited screening for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans

“(a) PASSENGER SCREENING.—The Assistant Secretary, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and organizations identified by the Secretaries of Defense and Veteran Affairs that advocate on behalf of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans, shall develop and implement a process to support and facilitate the ease of travel and to the extent possible provide expedited passenger screening services for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans through passenger screening. The process shall be designed to offer the individual private screening to the maximum extent practicable.

“(b) OPERATIONS CENTER.—As part of the process under subsection (a), the Assistant

Secretary shall maintain an operations center to provide support and facilitate the movement of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans through passenger screening prior to boarding a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.

“(c) PROTOCOLS.—The Assistant Secretary shall—

“(1) establish and publish protocols, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the organizations identified under subsection (a), under which a severely injured or disabled member of the Armed Forces or severely injured or disabled veteran, or the family member or other representative of such member or veteran, may contact the operations center maintained under subsection (b) and request the expedited passenger screening services described in subsection (a) for that member or veteran; and

“(2) upon receipt of a request under paragraph (1), require the operations center to notify the appropriate Federal Security Director of the request for expedited passenger screening services, as described in subsection (a), for that member or veteran.

“(d) TRAINING.—The Assistant Secretary shall integrate training on the protocols established under subsection (c) into the training provided to all employees who will regularly provide the passenger screening services described in subsection (a).

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall affect the authority of the Assistant Secretary to require additional screening of a severely injured or disabled member of the Armed Forces, a severely injured or disabled veteran, or their accompanying family members or nonmedical attendants, if intelligence, law enforcement, or other information indicates that additional screening is necessary.

“(f) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Assistant Secretary shall submit to Congress a report on the implementation of this section. Each report shall include each of the following:

“(1) Information on the training provided under subsection (d).

“(2) Information on the consultations between the Assistant Secretary and the organizations identified under subsection (a).

“(3) The number of people who accessed the operations center during the period covered by the report.

“(4) Such other information as the Assistant Secretary determines is appropriate.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44926 the following new item:

“44927. Expedited screening for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans.”

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on August 1, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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