

for the generation of credits for all gasoline (regardless of whether the gasoline is blended) provided through a fuel terminal in the State to be calculated as though the gasoline were blended with the maximum allowable ethanol content of gasoline allowed in that State to apply toward the applicable volume of renewable fuel determined under clause (i).”.

SA 1885. Ms. LANDRIEU (for herself and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, after line 21, add the following:

SEC. 21 . THIRD-PARTY CERTIFICATION UNDER ENERGY STAR PROGRAM.

Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:

“(e) THIRD-PARTY CERTIFICATION.—

“(1) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of enactment of this subsection, the Administrator shall revise the certification requirements for the labeling of consumer, home, and office electronic products for program partners that have complied with all requirements of the Energy Star program for a period of at least 18 months.

“(2) ADMINISTRATION.—In the case of a program partner described in paragraph (1), the new requirements under paragraph (1)—

“(A) shall not require third-party certification for a product to be listed; but

“(B) may require that test data and other product information be submitted to facilitate product listing and performance verification for a sample of products.

“(3) THIRD PARTIES.—Nothing in this subsection prevents the Administrator from using third parties in the course of the administration of the Energy Star program.

“(4) TERMINATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), an exemption from third-party certification provided to a program partner under paragraph (1) shall terminate if the program partner is found to have violated program requirements with respect to at least 2 separate models during a 2-year period.

“(B) RESUMPTION.—A termination for a program partner under subparagraph (A) shall cease if the program partner complies with all Energy Star program requirements for a period of at least 3 years.”.

SA 1886. Ms. LANDRIEU (for herself, Mr. WICKER, and Mr. PRYOR) submitted an amendment intended to be proposed by her to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add following:

SEC. 304. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)) is amended—

(1) in clause (i), by striking subclause (III) and inserting the following:

“(III) SUSTAINABLE DESIGN PRINCIPLES.—

“(aa) IN GENERAL.—Sustainable design principles shall be applied to the siting, design, and construction of buildings covered by this clause.

“(bb) SELECTION OF CERTIFICATION SYSTEMS.—The Secretary, after reviewing the findings of the Federal Director under section 436(h) of the Energy Independence and

Security Act of 2007 (42 U.S.C. 17092(h)), in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense relating to those facilities under the custody and control of the Department of Defense, shall determine those certification systems for green commercial and residential buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally sound approach to certification of green buildings.

“(cc) BASIS FOR SELECTION.—The determination of the certification systems shall be based on ongoing review of the findings of the Federal Director under section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)) and the criteria described in clause (iii).

“(dd) ADMINISTRATION.—In determining certification systems under this subclause, the Secretary shall—

“(AA) make a separate determination for all or part of each system;

“(BB) confirm that the criteria used to support the selection of building products, materials, brands, and technologies are fair and neutral (meaning that such criteria are based on an objective assessment of relevant technical data), do not prohibit, disfavor, or discriminate against selection based on technically inadequate information to inform human or environmental risk, and are expressed to prefer performance measures whenever performance measures may reasonably be used in lieu of prescriptive measures; and

“(CC) use environmental and health criteria that are based on risk assessment methodology that is generally accepted by the applicable scientific disciplines.”;

(2) in clause (iii), by striking “identifying the green building certification system and level” and inserting “determining the green building certification systems”;

(3) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

(4) by striking clauses (iv) and (v) and inserting the following:

“(iv) REVIEW.—The Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall conduct an ongoing review to evaluate and compare private sector green building certification systems, taking into account—

“(I) the criteria described in clause (iii); and

“(II) the identification made by the Federal Director under section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)).

“(v) EXCLUSIONS.—

“(I) IN GENERAL.—Subject to subclause (II), if a certification system fails to meet the review requirements of clause (i)(III), the Secretary shall—

“(aa) identify the portions of the system, whether prerequisites, credits, points, or otherwise, that meet the review criteria of clause (i)(III);

“(bb) determine the portions of the system that are suitable for use; and

“(cc) exclude all other portions of the system from identification and use.

“(II) ENTIRE SYSTEMS.—The Secretary shall exclude an entire system from use if an exclusion under subclause (I)—

“(aa) impedes the integrated use of the system;

“(bb) creates disparate review criteria or unequal point access for competing materials; or

“(cc) increases agency costs of the use.

“(vi) INTERNAL CERTIFICATION PROCESSES.—The Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in

lieu of certification by certification entities identified under clause (i)(III).”;

(5) by adding at the end the following:

“(ix) EFFECTIVE DATE.—

“(I) DETERMINATIONS MADE AFTER DECEMBER 31, 2015.—The amendments made by section 405 of the Energy Savings and Industrial Competitiveness Act of 2013 shall apply to any determination made by a Federal agency after December 31, 2015.

“(II) DETERMINATIONS MADE ON OR BEFORE DECEMBER 31, 2015.—This subparagraph (as in effect on the day before the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013) shall apply to any use of a certification system for green commercial and residential buildings by a Federal agency on or before December 31, 2015.”.

SEC. 305. HIGH-PERFORMANCE GREEN FEDERAL BUILDINGS.

Section 436(h) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092(h)) is amended—

(1) in the subsection heading, by striking “SYSTEM” and inserting “SYSTEMS”;

(2) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Based on an ongoing review, the Federal Director shall identify and shall provide to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), a list of those certification systems that the Director identifies as the most likely to encourage a comprehensive and environmentally sound approach to certification of green buildings.”; and

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “system” and inserting “systems”;

(B) by striking subparagraph (A) and inserting the following:

“(A) an ongoing review provided to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), which shall—

“(i) be carried out by the Federal Director to compare and evaluate standards; and

“(ii) allow any developer or administrator of a rating system or certification system to be included in the review.”;

(C) in subparagraph (E)(v), by striking “and” after the semicolon at the end;

(D) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(G) a finding that, for all credits addressing grown, harvested, or mined materials, the system does not discriminate against the use of domestic products that have obtained certifications of responsible sourcing; and

“(H) a finding that the system incorporates life-cycle assessment as a credit pathway.”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Senate Committee on Energy and Natural Resources on Tuesday, September 17, 2013, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the business meeting is to consider a committee funding resolution for the period October 1, 2013, through February 28, 2015. In addition,

I would like to announce that immediately following the business meeting the Committee will hold a hearing to consider the nominations of Mr. Ronald J. Binz to be a Commissioner of the Federal Energy Regulatory Commission, Ms. Elizabeth M. Robinson to be Under Secretary of Energy, and Mr. Michael L. Connor to be Deputy Secretary of Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510-6150, or by email to Abigail_Campbell@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Abigail Campbell at (202) 224-4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 11, 2013, at 9:30 a.m. to conduct a hearing entitled "The Department of Homeland Security at 10 Years: Examining Challenges and Achievements and Addressing Emerging Threats."

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

COMMITTEE ON THE JUDICIARY

Mr. KAINE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 11, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judiciary Nominations."

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

PRIVILEGES OF THE FLOOR

Mr. KAINE. Mr. President, I ask unanimous consent that Sergio Aguirre, a legislative fellow in my office, be granted floor privileges during morning business today, September 11, 2013.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Donnie Turner, have privileges of the floor for the balance of the day.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that Kevin Reed, a legislative fellow in my office, be granted the privilege of the floor for the remainder of the consideration of S. 1392.

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

Mr. REID. Mr. President, I ask unanimous consent that Amitai Bin-Nun, a fellow in the office of Senator COONS, be granted the privilege of the floor during consideration of S. 1392.

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

NATIONAL SAVE FOR RETIREMENT WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 222.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 222) supporting the goals and ideals of National Save For Retirement Week, including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ENERGY EFFICIENCY

Mr. REID. Mr. President, I commend the managers of the energy efficiency bill, Senator WYDEN, chairman of the full committee, Senator MURKOWSKI, the ranking member, and the sponsors of this legislation, Senators SHAHEEN and PORTMAN, for their work in bringing this bill to the floor and managing it today.

We have had a number of Senators who have tried to offer amendments. I was told by Senator SHAHEEN that she had a dozen or so bipartisan amendments that were waiting to be offered. There has been an attempt to offer amendments dealing with the bill but there is a little hurdle here with something that is totally nongermane that has been offered.

One of the amendments Senator UDALL of Colorado would like to offer is a bipartisan amendment to promote energy retrofitting of schools. Senator BENNET of Colorado seeks to offer a bipartisan amendment to facilitate best practices in commercial real estate energy efficiency. Senator KLOBUCHAR would like to offer her amendment to promote energy retrofitting of non-profit buildings. But once again, Mr. President, once again my Republican colleagues can't help themselves. They have objected to the consideration of any of these amendments or any other amendments until the Senate considers

an amendment—and not only considers an amendment but is guaranteed a vote on it.

Pretty interesting situation. The Senator's amendment is, of course, and everyone knows it, only for looks. It is a "gotcha" amendment. The Senator's amendment is the sort of amendment that is to help get some headlines in newspapers or some kind of news story. We recognize it is for show. But be that as it may, we will work with managers to craft a way forward on this bill, perhaps, or we may have to take the bill down. But we will make that decision at a subsequent time.

It is unfortunate, but that is the political world we live in now with the tea-party-driven House of Representatives. And by the way—of course everyone knows by now—they couldn't pass their continuing resolution today, so that is off the table. They were going to do that not today but tomorrow, and they pulled that down. Then we have our folks over here trying to just outmatch what they do over there so we wind up getting nothing done. Such a shame.

ORDERS FOR THURSDAY, SEPTEMBER 12, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 12, 2013; and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks the Senate be in a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Republicans the final half; that following morning business, the Senate resume consideration of S. 1392, the Energy Savings and Industrial Competitiveness Act.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Thursday, September 12, 2013, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

ROY K. J. WILLIAMS, OF OHIO, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT, VICE JOHN R. FERNANDEZ, RESIGNED.