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Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $5,194,253, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $2,164,272, of which amount (1) not to exceed $3,333.33 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $833.33 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1929. Mr. BLUMENTHAL 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 1930. Mr. BENNET (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1931. Mrs. FISCHER (for herself and Mr. FLAKE) submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1932. Mr. SANDERS (for himself, Mr. WYDEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1933. 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 1934. Mr. FLAKE (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1935. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1936. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1937. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1938. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1939. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1940. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Ms. STABENOW) submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1941. Mr. FRANKEN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1942. Mr. MANCHIN (for himself, Mr. VITTER, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1943. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1944. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1945. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1946. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1947. Ms. WARREN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1948. Mr. UDALL of Colorado (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1949. Mr. BROWN (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1950. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1951. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1952. Mr. WARNER (for himself, Mr. MANCHIN, Mr. TESTER, and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1929. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, after line 16, add the following:

SEC. 4_____. STUDY ON BENEFITS OF ENERGY SAVING DEVICES AND ENERGY CODE COMPLIANCE IN COMMERCIAL BUILDINGS.

(a) IN GENERAL.—The Secretary shall conduct a study of—

(1) the potential future energy and energy cost savings from full implementation of cost-effective investments in energy saving devices, equipment, and systems in the commercial building sector, including—

(A) devices such as timers, dimmers, and sensors with applications for reducing the power consumption of lighting and plug load in a building;

(B) equipment such as air control and hot aisle containment products with applications for reducing power consumption in data centers through signification reduction of cooling requirements; and

(C) systems such as controllers and sensors that work together to reduce power consumption of lighting and plug load at the room, floor, and building levels;

(2) the quantified energy savings and quantified nonenergy benefits of achieving full compliance with national model building energy codes (including any additional energy savings) if all new commercial building construction—

(A) meets national model building energy codes;

(B) exceeds national model codes by 25 percent; and

(C) exceeds national model codes by 50 percent; and

(3) the quantified energy saving and quantified nonenergy benefits realized from conducting comprehensive or deep retrofits in existing commercial buildings, including the effect that expanding the retrofit program would have with respect to—

(A) the United States as a whole; and

(B) 2 States selected for study.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In carrying out studies under paragraphs (2) and (3) of subsection (a), the Secretary shall—

(A) include in nonenergy benefits improved health of building occupants and the general population, and greater office productivity that may be achieved from the adoption of national model building energy codes; and

(B) for each of the scenarios described in subsection (a)(2), calculate the societal return on investment from full implementation of national model building energy codes, with and without nonenergy benefits.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the studies required under subsection (a).

SA 1930. Mr. BENNET (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 303 and insert the following:

SEC. 303. FEDERAL DATA CENTER CONSOLIDATION INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator for the Office of E-Government and Information Technology within the Office of Management and Budget.

(2) FDCCI.—The term ''FDCCI'' means the Federal Data Center Consolidation Initiative described in the Office of Management and Budget Memorandum on the Federal Data Center Consolidation Initiative, dated February 26, 2010, or any successor thereto.

(b) FEDERAL DATA CENTER CONSOLIDATION INVENTORIES AND STRATEGIES.—

(1) IN GENERAL.—

(A) ANNUAL REPORTING.—Each year, beginning in the first fiscal year after the date of enactment of this Act and for each of the 4 fiscal years thereafter, the head of each agency that is described in subparagraph (D), assisted by the Chief Information Officer of the agency, shall submit to the Administrator—

(i) a comprehensive asset inventory of the data centers owned, operated, or maintained by or on behalf of the agency, even if the center is administered by a third party; and

(ii) a multi-year strategy to achieve the optimization and consolidation of agency data center assets, that includes—

(I) performance metrics—

(aa) that are consistent with performance metrics established by the Administrator under subparagraphs (C) and (G) of paragraph (2); and

(bb) by which the quantitative and qualitative progress of the agency toward data center consolidation goals can be measured;

(II) a timeline for agency activities completed under the FDCCI, with an emphasis on benchmarks the agency can achieve by specific dates;

(III) an aggregation of year-by-year investment and cost savings calculations for the period beginning on the date of enactment of this Act and ending on the date described in subsection (e), broken down by each year, including a description of any initial costs for data center consolidation and life cycle cost savings, with an emphasis on—

(aa) meeting the Government-wide performance metrics described in subparagraphs (C) and (G) of paragraph (2); and

(bb) demonstrating agency-specific savings each fiscal year achieved through the FDCCI; and

(IV) any additional information required by the Administrator.

(B) USE OF EXISTING REPORTING STRUCTURES.—The Administrator may require agencies described in subparagraph (D) to submit any information required to be submitted under this subsection through reporting structures in use as of the date of enactment of this Act.

(C) CERTIFICATION.—Each year, beginning in the first fiscal year after the date of enactment of this Act and for each of the 4 fiscal years thereafter, acting through the chief information officer of the agency, shall submit a statement to the Administrator certifying that the agency has complied with the requirements of this Act.

(D) AGENCIES DESCRIBED.—The agencies (including all associated components of the agency) described in this paragraph are the—

(i) Department of Agriculture;

(ii) Department of Commerce;

(iii) Department of Defense;

(iv) Department of Education;

(v) Department of Energy;

(vi) Department of Health and Human Services;

(vii) Department of Homeland Security;

(viii) Department of Housing and Urban Development;

(ix) Department of the Interior;

(x) Department of Justice;

(xi) Department of Labor;

(xii) Department of State;

(xiii) Department of Transportation;

(xiv) Department of Treasury;

(xv) Department of Veterans Affairs;

(xvi) Environmental Protection Agency;

(xvii) General Services Administration;

(xviii) National Aeronautics and Space Administration;

(xix) National Science Foundation;

(xx) Nuclear Regulatory Commission;

(xxi) Office of Personnel Management;

(xxii) Small Business Administration;

(xxiii) Social Security Administration; and

(xxiv) United States Agency for International Development.

(E) AGENCY IMPLEMENTATION OF STRATEGIES.—Each agency described in subparagraph (D), under the direction of the Chief Information Officer of the agency shall—

(i) implement the consolidation strategy required under subparagraph (A)(ii); and

(ii) provide updates to the Administrator, on a quarterly basis, of —

(I) the completion of activities by the agency under the FDCCI;

(II) any progress of the agency towards meeting the Government-wide data center performance metrics described in subparagraphs (C) and (G) of paragraph (2); and

(III) the actual cost savings realized through the implementation of the FDCCI.

(F) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the reporting of information by any agency described in subparagraph (F) to the Administrator, the Director of the Office of Management and Budget, or to Congress.

(2) ADMINISTRATOR RESPONSIBILITIES.—The Administrator shall—

(A) establish the deadline, on an annual basis, for agencies to submit information under this section;

(B) establish a list of requirements that the agencies must meet to be considered in compliance with paragraph (1);

(C) ensure that each certification submitted under paragraph (1)(C) and information relating to agency progress towards meeting the Government-wide total cost of ownership optimization and consolidation metrics is made available in a timely manner to the general public;

(D) review the plans submitted under paragraph (1) to determine whether each plan is comprehensive and complete;

(E) monitor the implementation of the data center plan of each agency described in paragraph (1)(A)(ii);

(F) update, on an annual basis, the cumulative cost savings realized through the implementation of the agency plans; and

(G) establish Government-wide data center total cost of ownership optimization and consolidation metrics, which shall include server efficiency and other comprehensive metrics established at the discretion of the Administrator.

(3) COST SAVING GOAL AND UPDATES FOR CONGRESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and publish a goal for the total amount of planned cost savings by the Federal Government through the Federal Data Center Consolidation Initiative during the 5-year period beginning on the date of enactment of this Act, which shall include a breakdown on a year-by-year basis of the projected savings.

(B) ANNUAL UPDATE.—

(i) IN GENERAL.—Not later than 1 year after the date on which the goal described in subparagraph (A) is determined and each year thereafter until the end of 2018, the Administrator shall aggregate the savings achieved to date, by each relevant agency, through the FDCCI as compared to the projected savings developed under subparagraph (A) (based on data collected from each affected agency under paragraph (1)).

(ii) UPDATE FOR CONGRESS.—The goal required to be developed and published under subparagraph (A) shall be submitted to Congress and shall include an update on the progress made by each agency described in subsection paragraph (1)(E) on—

(I) whether each agency has in fact submitted a comprehensive asset inventory, including an assessment broken down by agency, which shall include the specific numbers, utilization, and efficiency level of data centers; and

(II) whether each agency has submitted a comprehensive consolidation plan with the key elements described in paragraph (1)(A)(ii).

(iii) REQUEST FOR INFORMATION.—Upon request from the Committee on Homeland Security and Governmental Affairs of the Senate or the Committee on Oversight and Government Reform of the House of Representatives, the head of an agency described in paragraph (1)(E) or the Director of the Office of Management and Budget shall submit to the requesting committee any report or information submitted to the Office of Management and Budget for the purpose of preparing a report required under clause (i) or an updated progress report required under clause (ii).

(4) GAO REVIEW.—

(A) IN GENERAL.—During the 5-fiscal-year period following the date of enactment of this Act, the Comptroller General of the United States shall review the quality and completeness, and verify, each agency's asset inventory and plans required under paragraph (1)(A).

(B) REPORT.—The Comptroller General of the United States shall, on an annual basis during the 5-fiscal-year period following the date of enactment of this Act, publish a report on each review conducted under subparagraph (A) of an agency during the fiscal year for which the report is published.

(c) ENSURING CYBERSECURITY STANDARDS FOR DATA CENTER CONSOLIDATION AND CLOUD COMPUTING.—An agency required to implement a data center consolidation plan under this Act and migrate to cloud computing shall do so in a manner that is consistent with Federal guidelines on cloud computing security, including—

(1) applicable provisions found within the Federal Risk and Authorization Management Program (FedRAMP); and

(2) guidance published by the National Institute of Standards and Technology.

(d) CLASSIFIED INFORMATION.—The Director of National Intelligence may waive the requirements of this Act for any element (or

component of an element) of the intelligence community.

(e) SUNSET.—This section is repealed effective on October 1, 2018.

SA 1931. Mrs. FISCHER (for herself and Mr. FLAKE) 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:

Beginning on page 23, strike line 6 and all that follows through page 25, line 21.

SA 1932. Mr. SANDERS (for himself, Mr. WYDEN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 17 and all that follows through page 48, line 2, and insert the following:

SEC. 4_____. STATE RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES LOAN PILOT PROGRAM.

(a) LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended by adding at the end the following:

"SEC. 367. LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.

''(a) DEFINITIONS.—In this section:

''(1) CONSUMER-FRIENDLY.—The term 'consumer-friendly', with respect to a loan repayment approach, means a loan repayment approach that—

''(A) emphasizes convenience for customers;

''(B) is of low cost to consumers; and

''(C) emphasizes simplicity and ease of use for consumers in the billing process.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State or territory of the United States; and

''(B) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

''(3) ENERGY ADVISOR PROGRAM.—

''(A) IN GENERAL.—The term 'energy advisor program' means any program to provide to owners or residents of residential buildings advice, information, and support in the identification, prioritization, and implementation of energy efficiency and energy savings measures.

''(B) INCLUSIONS.—The term 'energy advisor program' includes a program that provides—

''(i) interpretation of energy audit reports;

''(ii) assistance in the prioritization of improvements;

''(iii) assistance in finding qualified contractors;

''(iv) assistance in contractor bid reviews;

''(v) education on energy conservation and energy efficiency;

''(vi) explanations of available incentives and tax credits;

''(vii) assistance in completion of rebate and incentive paperwork; and

''(viii) any other similar type of support.

''(4) ENERGY EFFICIENCY.—The term 'energy efficiency' means a decrease in homeowner or residential tenant consumption of energy (including electricity and thermal energy) that is achieved without reducing the quality of energy services through—

''(A) a measure or program that targets customer behavior;

''(B) equipment;

''(C) a device; or

''(D) other material.

''(5) ENERGY EFFICIENCY UPGRADE.—

''(A) IN GENERAL.—The term 'energy efficiency upgrade' means any project or activity—

''(i) the primary purpose of which is increasing energy efficiency; and

''(ii) that is carried out on a residential building.

''(B) INCLUSIONS.—The term 'energy efficiency upgrade' includes the installation or improvement of a renewable energy facility for heating or electricity generation serving a residential building carried out in conjunction with an energy efficiency project or activity.

''(6) RESIDENTIAL BUILDING.—

''(A) IN GENERAL.—The term 'residential building' means a building used for residential purposes.

''(B) INCLUSIONS.—The term 'residential building' includes—

''(i) a single-family residence;

''(ii) a multifamily residence composed not more than 4 units; and

''(iii) a mixed-use building that includes not more than 4 residential units.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under this part under which the Secretary shall make available to eligible entities loans for the purpose of establishing or expanding programs that provide to residential property owners or tenants financing for energy efficiency upgrades of residential buildings.

''(2) CONSULTATION.—In establishing the program under paragraph (1), the Secretary shall consult, as the Secretary determines to be appropriate, with stakeholders and the public.

''(3) NO REQUIREMENT TO PARTICIPATE.—No eligible entity shall be required to participate in any manner in the program established under paragraph (1).

''(4) DEADLINES.—The Secretary shall—

''(A) not later than 1 year after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, implement the program established under paragraph (1) (including soliciting applications from eligible entities in accordance with subsection (c)); and

''(B) not later than 2 years after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, disburse the initial loans provided under this section.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) SELECTION DATE.—Not later than 21 months after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2013, the Secretary shall select eligible entities to receive the initial loans provided under this section, in accordance with the requirements described in paragraph (3).

''(3) REQUIREMENTS.—In selecting eligible entities to receive loans under this section, the Secretary shall—

''(A) to the maximum extent practicable, ensure—

''(i) that both innovative and established approaches to the challenges of financing energy efficiency upgrades are supported;

''(ii) that energy efficiency upgrades are conducted and validated to comply with best practices for work quality, as determined by the Secretary;

''(iii) regional diversity among recipients, including participation by rural States and small States;

''(iv) significant participation by families with income levels at or below the median income level for the applicable geographical region, as determined by the Secretary; and

''(v) the incorporation by recipients of an energy advisor program;

''(B) evaluate applications based primarily on—

''(i) the projected reduction in energy use, as determined in accordance with such specific and commonly available methodology as the Secretary shall establish, by regulation;

''(ii) the creditworthiness of the eligible entity; and

''(iii) the incorporation of measures for making the loan repayment system for recipients of financing as consumer-friendly as practicable;

''(C) evaluate applications based secondarily on—

''(i) the extent to which the proposed financing program of the eligible entity incorporates best practices for such a program, as determined by the Secretary;

''(ii) whether the eligible entity has created a plan for evaluating the effectiveness of the proposed financing program and whether the plan includes—

''(I) a robust strategy for collecting, managing, and analyzing data, as well as making the data available to the public; and

''(II) experimental studies, which may include investigations of how human behavior impacts the effectiveness of efficiency improvements;

''(iii) the extent to which Federal funds are matched by funding from State, local, philanthropic, private sector, and other sources;

''(iv) the extent to which the proposed financing program will be coordinated and marketed with other existing or planned energy efficiency or energy conservation programs administered by—

''(I) utilities;

''(II) State, tribal, territorial, or local governments; or

''(III) community development financial institutions; and

''(v) such other factors as the Secretary determines to be appropriate; and

''(D) not provide an advantage or disadvantage to applications that include renewable energy in the program.

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) TERM.—The Secretary shall establish terms for loans provided to eligible entities under this section—

''(A) in a manner that—

''(i) provides for a high degree of cost recovery; and

''(ii) ensures that, with respect to all loans provided to or by eligible entities under this section, the loans are competitive with, or superior to, other forms of financing for similar purposes; and

''(B) subject to the condition that the term of a loan provided to an eligible entity under this section shall not exceed 35 years.

''(2) INTEREST RATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, at the discretion of the Secretary, shall charge interest on a loan provided to an eligible entity under this section at a fixed rate equal, or approximately equal, to the interest rate charged on Treasury securities of comparable maturity.

''(B) LEVERAGED LOANS.—The interest rate and other terms of the loans provided to eligible entities under this section shall be established in a manner that ensures that the total amount of the loans is equal to not less than 20 times, and not more than 50 times, the amount appropriated for credit subsidy costs pursuant to subsection (g)(i).

''(3) NO PENALTY ON EARLY REPAYMENT.—The Secretary shall not assess any penalty for early repayment by an eligible entity of a loan provided under this section.

''(4) RETURN OF UNUSED PORTION.—As a condition of receipt of a loan under this section, an eligible entity shall agree to return to the general fund of the Treasury any portion of the loan amount that is unused by the eligible entity within a reasonable period after the date of receipt of the loan, as determined by the Secretary.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall use a loan provided under this section to establish or expand 1 or more financing programs—

''(A) the purpose of which is to enable residential building owners or tenants to conduct energy efficiency upgrades of residential buildings;

''(B) that may, at the sole discretion of the eligible entity, require an outlay of capital by owners or residents of residential buildings in accordance with the goals of the program under this section; and

''(C) that incorporate a consumer-friendly loan repayment approach.

''(2) STRUCTURE OF FINANCING PROGRAM.—A financing program of an eligible entity may—

''(A) consist—

''(i) primarily or entirely of a financing program administered by—

''(I) the applicable State; or

''(II) a local government, utility, or other entity; or

''(ii) of a combination of programs described in clause (i);

''(B) rely on financing provided by—

''(i) the eligible entity; or

''(ii) a third party, acting through the eligible entity; and

''(C) include a provision pursuant to which a recipient of assistance under the financing program shall agree to return to the eligible entity any portion of the assistance that is unused by the recipient within a reasonable period after the date of receipt of the assistance, as determined by the eligible entity.

''(3) FORM OF ASSISTANCE.—Assistance from an eligible entity under this subsection may be provided in any form, or in accordance with any program, authorized by Federal law (including regulations), including in the form of—

''(A) a revolving loan fund;

''(B) a credit enhancement structure designed to mitigate the effects of default; or

''(C) a program that—

''(i) adopts any other approach for providing financing for energy efficiency upgrades producing significant energy efficiency gains; and

''(ii) incorporates measures for making the loan repayment system for recipients of financing as consumer-friendly as practicable.

''(4) SCOPE OF ASSISTANCE.—Assistance provided by an eligible entity under this subsection may be used to pay for costs associated with carrying out an energy efficiency upgrade, including materials and labor.

''(5) ADDITIONAL ASSISTANCE.—In addition to the amount of the loan provided to an eligible entity by the Secretary under subsection (b), the eligible entity may provide to recipients such assistance under this subsection as the eligible entity considers to be appropriate from any other funds of the eligible entity, including funds provided to the eligible entity by the Secretary for administrative costs pursuant to this section.

''(6) LIMITATIONS.—

''(A) INTEREST RATES.—

''(i) INTEREST CHARGED BY ELIGIBLE ENTITIES.—The interest rate charged by an eligible entity on assistance provided under this subsection—

''(I) shall be fixed; and

''(II) shall not exceed the interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

''(ii) INTEREST CHARGED BY ASSISTANCE RECIPIENTS.—A recipient of assistance provided by an eligible entity under this subsection for the purpose of capitalizing a residential energy efficiency financing program of the recipient may charge interest on any loan provided by the recipient at a fixed rate that is as low as practicable, but not more than 5 percent more than the applicable interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

''(B) NO PENALTY ON EARLY REPAYMENT.—An eligible entity, or a recipient of assistance provided by an eligible entity, shall not assess any penalty for early repayment by any recipient of assistance provided under this subsection by the eligible entity or recipient, as applicable.

''(f) REPORTS.—

''(1) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including anonymized loan performance data.

''(B) REQUIREMENTS.—The Secretary, in consultation with eligible entities and other stakeholders (such as lending institutions and the real estate industry), shall establish such requirements for the reports under this paragraph as the Secretary determines to be appropriate—

''(i) to ensure that the reports are clear, consistent, and straightforward; and

''(ii) taking into account the reporting requirements for similar programs in which the eligible entities are participating, if any.

''(2) SECRETARY.—The Secretary shall submit to Congress and make available to the public—

''(A) not less frequently than once each year, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under paragraph (1)(A); and

''(B) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $20,000,000 for the cost of credit subsidies;

''(2) $37,500,000 for energy advisor programs;

''(3) $5,000,000 for administrative costs to the Secretary of carrying out this section; and

''(4) $37,500,000 for administrative costs to States in carrying out this section.''.

(b) REORGANIZATION.—

(1) IN GENERAL.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended—

(A) by redesignating sections 362, 363, 364, 365, and 366 as sections 364, 365, 366, 363, and 362, respectively, and moving the sections so as to appear in numerical order;

(B) in section 362 (as so redesignated)—

(i) in paragraph (3)(B)(i), by striking ''section 367, and'' and inserting ''section 367 (as in effect on the day before the date of enactment of the State Energy Efficiency Programs Improvement Act of 1990 (42 U.S.C. 6201 note; Public Law 101–440)); and''; and

(ii) in each of paragraphs (4) and (6), by striking ''section 365(e)(1)'' each place it appears and inserting ''section 363(e)(1)'';

(C) in section 363 (as so redesignated)—

(i) in subsection (b), by striking ''the provisions of sections 362 and 364 and subsection (a) of section 363'' and inserting ''sections 364, 365(a), and 366''; and

(ii) in subsection (g)(1)(A), in the second sentence, by striking ''section 362'' and inserting ''section 364''; and

(D) in section 365 (as so redesignated)—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''section 362,'' and inserting ''section 364;''; and

(II) in paragraph (2), by striking ''section 362(b) or (e)'' and inserting ''subsection (b) or (e) of section 364''; and

(ii) in subsection (b)(2), in the matter preceding subparagraph (A), by striking ''section 362(b) or (e)'' and inserting ''subsection (b) or (e) of section 364''.

(2) CONFORMING AMENDMENTS.—Section 391 of the Energy Policy and Conservation Act (42 U.S.C. 6371) is amended—

(A) in paragraph (2)(M), by striking ''section 365(e)(2)'' and inserting ''section 363(e)(2)''; and

(B) in paragraph (10), by striking ''section 362 of this Act'' and inserting ''section 364''.

(3) CLERICAL AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94–163) is amended by striking the items relating to part D of title III and inserting the following:

''PART D—STATE ENERGY CONSERVATION PROGRAMS

''Sec. 361. Findings and purpose.
''Sec. 362. Definitions.
''Sec. 363. General provisions.
''Sec. 364. State energy conservation plans.
''Sec. 365. Federal assistance to States.
''Sec. 366. State energy efficiency goals.
''Sec. 367. Loans for residential building energy efficiency upgrades.''.

SEC. 4_____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for fiscal year 2013;
''(5) $125,000,000 for fiscal year 2014;
''(6) $85,000,000 for fiscal year 2015;
''(7) $80,000,000 for fiscal year 2016;
''(8) $70,000,000 for fiscal year 2017; and
''(9) $70,000,000 for fiscal year 2018.''.

SA 1933. 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:

On page 45, strike lines 3 through 24 and insert the following:

SEC. 301. ENERGY-EFFICIENT AND ENERGY-SAVING INFORMATION 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 TECHNOLOGIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(B) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given the term in section 11101 of title 40, United States Code.

''(2) DEVELOPMENT OF IMPLEMENTATION STRATEGY.—Not later than 1 year after the date of enactment of this subsection, each Federal agency shall collaborate with 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 technologies.

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

''(A) advanced metering infrastructure;

''(B) energy efficient data center strategies and methods of increasing asset and infrastructure utilization;

''(C) advanced power management tools;

''(D) building information modeling, including building energy management; and

''(E) secure telework and travel substitution tools.

''(4) PERFORMANCE GOALS.—

''(A) IN GENERAL.—Not later than September 30, 2014, 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 technology systems.

''(B) BEST PRACTICES.—The Chief Information Officers Council established under section 3603 of title 44, United States Code, 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 consider the use of—

''(i) energy savings performance contracting; and

''(ii) utility energy services contracting.

''(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, 2014, 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.''.

On page 47, between lines 15 and 16, insert 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, 2014, 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 2013;

''(B) an analysis considering the impact of information technologies, to include virtualization and cloud computing, in the public and private sectors; and

''(C) updated projections and recommendations for best practices through fiscal year 2020; 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 consider having 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 optimization and consolidation.

''(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) DATA CENTER 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.''.

SA 1934. Mr. FLAKE (for himself, Mr. COBURN, and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DELAY IN APPLICATION OF PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(a) ONE-YEAR DELAY IN PPACA PROVISIONS SCHEDULED TO TAKE EFFECT ON OR AFTER JANUARY 1, 2014.—Notwithstanding any other provision of law, any provision of (including any amendment made by) the Patient Protection and Affordable Care Act (Public Law 111–148) or of title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2011 (Public Law 111–152) that is otherwise scheduled to take effect on or after January 1, 2014, shall not take effect until the date that is one year after the date on which such provision would otherwise have been scheduled to take effect.

(b) ONE-YEAR SUSPENSION OF CERTAIN TAX INCREASES ALREADY IN EFFECT.—Notwithstanding any other provision of law, in the case of any tax which is imposed or increased by any provision of (including any amendment made by) the Patient Protection and Affordable Care Act (Public Law 111–148) or of title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2011 (Public Law 111–152), if such tax or increase takes effect before January 1, 2014, such tax or increase shall not apply during the 1-year period beginning on such date.

SA 1935. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4__. REGIONAL HAZE.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not consider any element of a proposed better-than Best Available Retrofit Technology (''BART'') alternative to a Federal regional haze implementation plan under the regional haze regulations of the Environmental Protection Agency described in section 51.308 of title 40, Code of Federal Regulations (or successor regulations) that is not substantially and directly related to the regulation of regional haze.

SA 1936. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 16 and 17, insert the following:

SEC. 4__. ENERGY-RELATED AGREEMENTS THAT IMPACT INDIAN TRIBES.

The Secretary of the Interior, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall not enter into any agreement under this Act or the Clean Air Act (42 U.S.C. 7401 et seq.) that directly affects an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) or the trust assets of an Indian tribe without first consulting the affected Indian tribe.

SA 1937. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 1 and all that follows through page 44, line 23.

SA 1938. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, lines 23 through 25, strike ''Not later than 2 years after the date on which a model building energy code is updated, each'' and insert ''If a State of Indian tribe has submitted written notification to the Secretary that the State or Indian tribe has decided to participate in the program under this section, not later than 2 years after the date on which a model building energy code is updated, each participating''.

SA 1939. Mr. FLAKE (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4 __. OFFSETS FOR INCREASED COSTS TO FEDERAL AGENCIES FOR REGULATIONS LIMITING GREENHOUSE GAS EMISSIONS.

(a) IN GENERAL.—If the Administrator of the Environmental Protection Agency proposes a rule that limits greenhouse gas emissions and imposes increased costs on 1 or more other Federal agencies, the Administrator shall include in the proposed rule an offset from funds available to the Administrator for all projected increased costs that the proposed rule would impose on other Federal agencies.

(b) NO OFFSETS.—If the Administrator proposes a rule that limits greenhouse gas emissions and imposes increased costs on 1 or more other Federal agencies but does not provide an offset in accordance with paragraph (1), the Administrator may not finalize the rule until the promulgation of the final rule is approved by law.

SA 1940. Ms. KLOBUCHAR (for herself, Mr. HOEVEN, and Ms. STABENOW) 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 48, after line 16, add the following:

SEC. 4____. ENERGY EFFICIENCY RETROFIT PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term ''applicant'' means a nonprofit organization that applies for a grant under this section.

(2) ENERGY-EFFICIENCY IMPROVEMENT.—

(A) IN GENERAL.—The term ''energy-efficiency improvement'' means an installed measure (including a product, equipment, system, service, or practice) that results in a reduction in use by a nonprofit organization for energy or fuel supplied from outside the nonprofit building.

(B) INCLUSIONS.—The term ''energy-efficiency improvement'' includes an installed measure described in subparagraph (A) involving—

(i) repairing, replacing, or installing—

(I) a roof or lighting system, or component of a roof or lighting system;

(II) a window;

(III) a door, including a security door; or

(IV) a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing improvements needed to serve a more efficient system);

(ii) a renewable energy generation or heating system, including a solar, photovoltaic, wind, geothermal, or biomass (including wood pellet) system or component of the system; and

(iii) any other measure taken to modernize, renovate, or repair a nonprofit building to make the nonprofit building more energy efficient.

(3) NONPROFIT BUILDING.—

(A) IN GENERAL.—The term ''nonprofit building'' means a building operated and owned by a nonprofit organization.

(B) INCLUSIONS.—The term ''nonprofit building'' includes a building described in subparagraph (A) that is—

(i) a hospital;

(ii) a youth center;

(iii) a school;

(iv) a social-welfare program facility;

(v) a faith-based organization; and

(vi) any other nonresidential and noncommercial structure.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a pilot program to award grants for the purpose of retrofitting nonprofit buildings with energy-efficiency improvements.

(c) GRANTS.—

(1) IN GENERAL.—The Secretary may award grants under the program established under subsection (b).

(2) APPLICATION.—The Secretary may award a grant under this section if an applicant submits to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

(3) CRITERIA FOR GRANT.—In determining whether to award a grant under this section, the Secretary shall apply performance-based criteria, which shall give priority to applications based on—

(A) the energy savings achieved;

(B) the cost-effectiveness of the energy-efficiency improvement;

(C) an effective plan for evaluation, measurement, and verification of energy savings;

(D) the financial need of the applicant; and

(E) the percentage of the matching contribution by the applicant.

(4) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—Each grant awarded under this section shall not exceed—

(A) an amount equal to 50 percent of the energy-efficiency improvement; and

(B) $200,000.

(5) COST SHARING.—

(A) IN GENERAL.—A grant awarded under this section shall be subject to a minimum non-Federal cost-sharing requirement of 50 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of in-kind contributions of materials or services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2014 through 2018, to remain available until expended.

(e) OFFSET.—Section 942(f) of the Energy Policy Act of 2005 (42 U.S.C. 16251(f)) is amended by striking ''$250,000,000'' and inserting ''$200,000,000''.

SA 1941. Mr. FRANKEN (for himself and Ms. MURKOWSKI) 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 II, add the following:

Subtitle E—Technical Assistance Program

SEC. 241. SHORT TITLE.

This title may be cited as the ''Local Energy Supply and Resiliency Act of 2013''.

SEC. 242. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) a quantity of energy that is more than—

(A) 27 percent of the total energy consumption in the United States is released from power plants in the form of waste heat; and

(B) 36 percent of the total energy consumption in the United States is released from power plants, industrial facilities, and other buildings in the form of waste heat;

(2) waste heat can be—

(A) recovered and distributed to meet building heating or industrial process heating requirements;

(B) converted to chilled water for air conditioning or industrial process cooling; or

(C) converted to electricity;

(3) renewable energy resources in communities in the United States can be used to meet local thermal and electric energy requirements;

(4) use of local energy resources and implementation of local energy infrastructure can strengthen the reliability and resiliency of energy supplies in the United States in response to extreme weather events, power grid failures, or interruptions in the supply of fossil fuels;

(5) use of local waste heat and renewable energy resources—

(A) strengthens United States industrial competitiveness;

(B) helps reduce reliance on fossil fuels and the associated emissions of air pollution and carbon dioxide;

(C) increases energy supply resiliency and security; and

(D) keeps more energy dollars in local economies, thereby creating jobs;

(6) district energy systems represent a key opportunity to tap waste heat and renewable energy resources;

(7) district energy systems are important for expanding implementation of combined heat and power systems because district energy systems provide infrastructure for delivering thermal energy from a CHP system to a substantial base of end users;

(8) district energy systems serve institutions of higher education, hospitals, airports, military bases, and downtown areas;

(9) district energy systems help cut peak power demand and reduce power transmission and distribution system constraints by—

(A) shifting power demand through thermal storage;

(B) generating power near load centers with a CHP system; and

(C) meeting air conditioning demand through the delivery of chilled water produced with heat generated by a CHP system or other energy sources;

(10) evaluation and implementation of district energy systems—

(A) is a complex undertaking involving a variety of technical, economic, legal, and institutional issues and barriers; and

(B) often requires technical assistance to successfully navigate those barriers; and

(11) a major constraint to the use of local waste heat and renewable energy resources is a lack of low-interest, long-term capital funding for implementation.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage the use and distribution of waste heat and renewable thermal energy—

(A) to reduce fossil fuel consumption;

(B) to enhance energy supply resiliency, reliability, and security;

(C) to reduce air pollution and greenhouse gas emissions;

(D) to strengthen industrial competitiveness; and

(E) to retain more energy dollars in local economies; and

(2) to facilitate the implementation of a local energy infrastructure that accomplishes the goals described in paragraph (1) by—

(A) providing technical assistance to evaluate, design, and develop projects to build local energy infrastructure; and

(B) facilitating low-cost financing for the construction of local energy infrastructure though the issuance of loan guarantees.

SEC. 243. DEFINITIONS.

In this title:

(1) COMBINED HEAT AND POWER SYSTEM.—The term ''combined heat and power system'' or ''CHP system'' means generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

(2) DEMAND RESPONSE.—The term ''demand response'' means a change in electricity use by an electric utility customer, as measured against the usual consumption pattern of the consumer, in response to—

(A) a change in the price of electricity during a given period of time; or

(B) an incentive payment designed to induce lower electricity use when—

(i) wholesale market prices are high; or

(ii) system reliability is jeopardized.

(3) DISTRICT ENERGY SYSTEM.—The term ''district energy system'' means a system that provides thermal energy to buildings and other energy consumers from 1 or more plants to individual buildings to provide space heating, air conditioning, domestic hot water, industrial process energy, and other end uses.

(4) LOCAL ENERGY INFRASTRUCTURE.—The term ''local energy infrastructure'' means a system that—

(A) recovers or produces useful thermal or electric energy from waste energy or renewable energy resources;

(B) generates electricity using a combined heat and power system;

(C) distributes electricity in microgrids;

(D) stores thermal energy; or

(E) distributes thermal energy or transfers thermal energy to building heating and cooling systems via a district energy system.

(5) MICROGRID.—The term ''microgrid'' means a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the grid; and

(B) can connect and disconnect from the grid to enable the microgrid to operate in both grid-connected or island-mode.

(6) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' means —

(A) closed-loop and open-loop biomass (as defined in paragraphs (2) and (3), respectively, of section 45(c) of the Internal Revenue Code of 1986);

(B) gaseous or liquid fuels produced from the materials described in subparagraph (A);

(C) geothermal energy (as defined in section 45(c)(4) of such Code);

(D) municipal solid waste (as defined in section 45(c)(6) of such Code); or

(E) solar energy (which is used, undefined, in section 45 of such Code).

(7) RENEWABLE THERMAL ENERGY.—The term ''renewable thermal energy'' means—

(A) heating or cooling energy derived from a renewable energy resource;

(B) natural sources of cooling such as cold lake or ocean water; or

(C) other renewable thermal energy sources, as determined by the Secretary.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(9) THERMAL ENERGY.—The term ''thermal energy'' means—

(A) heating energy in the form of hot water or steam that is used to provide space heating, domestic hot water, or process heat; or

(B) cooling energy in the form of chilled water, ice or other media that is used to provide air conditioning, or process cooling.

(10) WASTE ENERGY.—The term ''waste energy'' means energy that—

(A) is contained in—

(i) exhaust gas, exhaust steam, condenser water, jacket cooling heat, or lubricating oil in power generation systems;

(ii) exhaust heat, hot liquids, or flared gas from any industrial process;

(iii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(iv) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat;

(v) condenser water from chilled water or refrigeration plants; or

(vi) any other form of waste energy, as determined by the Secretary; and

(B)(i) in the case of an existing facility, is not being used; or

(ii) in the case of a new facility, is not conventionally used in comparable systems.

SEC. 244. TECHNICAL ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to disseminate information and provide technical assistance, directly through the establishment of 1 or more clean energy application centers or through grants so that recipients may contract to obtain technical assistance, to assist eligible entities in identifying, evaluating, planning, and designing local energy infrastructure.

(2) TECHNICAL ASSISTANCE.—The technical assistance under paragraph (1) shall include assistance with 1 or more of the following:

(A) Identification of opportunities to use waste energy or renewable energy resources.

(B) Assessment of technical and economic characteristics.

(C) Utility interconnection.

(D) Negotiation of power and fuel contracts, including assessment of the value of demand response capabilities.

(E) Permitting and siting issues.

(F) Marketing and contract negotiations.

(G) Business planning and financial analysis.

(H) Engineering design.

(3) INFORMATION DISSEMINATION.—The information disseminated under paragraph (1) shall include—

(A) information relating to the topics identified in paragraph (2), including case studies of successful examples; and

(B) computer software for assessment, design, and operation and maintenance of local energy infrastructure.

(b) ELIGIBLE ENTITY.—Any nonprofit or for-profit entity shall be eligible to receive assistance under the program established under subsection (a).

(c) ELIGIBLE COSTS.—On application by an eligible entity, the Secretary may award a grant to the eligible entity to provide amounts to cover not more than—

(1) 100 percent of the cost of initial assessment to identify local energy opportunities;

(2) 75 percent of the cost of feasibility studies to assess the potential for the implementation of local energy infrastructure;

(3) 60 percent of the cost of guidance on overcoming barriers to the implementation of local energy infrastructure, including financial, contracting, siting, and permitting issues; and

(4) 45 percent of the cost of detailed engineering of local energy infrastructure.

(d) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring technical assistance under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require under the rules and procedures adopted under subsection (f).

(2) APPLICATION PROCESS.—The Secretary shall solicit applications for technical assistance under this section—

(A) on a competitive basis; and

(B) on a periodic basis, but not less frequently than once every 12 months.

(e) PRIORITIES.—In evaluating projects, the Secretary shall give priority to projects that have the greatest potential for—

(1) maximizing elimination of fossil fuel use;

(2) strengthening the reliability of local energy supplies and boosting the resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(3) minimizing environmental impact, including regulated air pollutants, greenhouse gas emissions, and use of ozone-depleting refrigerants;

(4) facilitating use of renewable energy resources;

(5) increasing industrial competitiveness; and

(6) maximizing local job creation.

(f) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for the administration of the program established under this section, consistent with the provisions of this title.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for the period of fiscal years 2014 through 2018, to remain available until expended.

SEC. 245. LOAN GUARANTEES FOR LOCAL ENERGY INFRASTRUCTURE.

(a) ASSURANCE OF REPAYMENT.—Section 1702(d) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

''(2) LOCAL ENERGY INFRASTRUCTURE DOCUMENTATION.—No guarantee shall be made for local energy infrastructure unless the borrower submits to the Secretary—

''(A) an independent engineering report, prepared by an engineer with experience in the industry and familiarity with similar projects, that includes detailed information on—

''(i) how the technology to be employed in the project is a proven, commercial technology;

''(ii) project siting;

''(iii) engineering and design;

''(iv) permitting and environmental compliance;

''(v) testing and commissioning; and

''(vi) operations and maintenance;

''(B) a detailed description of the overall financial plan for the proposed project, including all sources and uses of funding, equity and debt, and the liability of parties associated with the project over the term of the guarantee agreement;

''(C) all applicable financial statements of the borrower and any non-Federal parties providing financial assistance to the borrower, which shall have been audited by an independent certified public accountant;

''(D) the business plan on which the project is based and a financial model presenting project pro forma statements for the proposed term of the guarantee, including income statements, balance sheets, and cash flows;

''(E) a copy of any power purchase agreement, thermal energy purchase agreement, and other long-term offtake or revenue-generating agreement that will be the primary source of revenue for the project, including repayment of the debt obligations for which a guarantee is sought; and

''(F) a list of each engineering and design contractor, construction contractor, and equipment supplier for the project, as well as any performance guarantee, performance bond, liquidated damages provision, and equipment warranty to be provided.''.

(b) ELIGIBLE PROJECTS.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (b), by adding at the end the following:

''(11) Local energy infrastructure, as defined in section 243 of the Local Energy Supply and Resiliency Act of 2013.''; and

(2) by adding at the end the following:

''(f) SPECIAL RULES FOR LOCAL ENERGY INFRASTRUCTURE.—

''(1) IN GENERAL.—Subsection (a)(2) shall not apply to a project described in subsection (b)(11).

''(2) REQUIREMENTS FOR LOAN GUARANTEE.—A loan guarantee shall only be made available for a project described in subsection (b)(11) to the extent specifically provided for in advance by an appropriations Act enacted after the date of enactment of the Local Energy Supply and Resiliency Act of 2013.''.

SEC. 246. DEFINITION OF INVESTMENT AREA.

Section 103(16) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(16)) is amended—

(1) in subparagraph (A)(ii), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) has the potential for implementation of local energy infrastructure (as defined in section 243 of the Local Energy Supply and Resiliency Act of 2013).''.

SEC. 247. STATE ENERGY CONSERVATION PLANS.

Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking ''and'' at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

''(17) programs to support the evaluation and implementation of local energy infrastructure (as defined in section 243 of the Local Energy Supply and Resiliency Act of 2013).''.

Beginning on page 47, strike line 24 and all that follows through page 48, line 2, and insert the following:

''(4) $200,000,000 for fiscal year 2013;

''(5) $180,000,000 for fiscal year 2014;

''(6) $130,000,000 for fiscal year 2015; and

''(7) $80,000,000 for each of fiscal years 2016 through 2018.''.

SA 1942. Mr. MANCHIN (for himself, Mr. VITTER, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended in the first sentence by striking ''The Administrator'' and inserting ''Until such time as a permit under this section has been issued by the Secretary, the Administrator''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 18, 1972.

SA 1943. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, after line 16, add the following:

TITLE V—CLEAN WATER COOPERATIVE FEDERALISM

SECTION 501. SHORT TITLE.

This title may be cited as the ''Clean Water Cooperative Federalism Act of 2013''.

SEC. 502. STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''(4)'' and inserting ''(4)(A)'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) The Administrator shall promulgate''; and

(4) by adding at the end the following:

''(C) Notwithstanding subparagraph (A)(ii), the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the Administrator's determination that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of such Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

(c) STATE NPDES PERMIT PROGRAMS.—Section 402(c) of such Act (42 U.S.C. 1342(c)) is amended by adding at the end the following:

''(5) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO WITHDRAW APPROVAL OF STATE PROGRAMS.—The Administrator may not withdraw approval of a State program under paragraph (3) or (4), or limit Federal financial assistance for the State program, on the basis that the Administrator disagrees with the State regarding—

''(A) the implementation of any water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

(d) LIMITATION ON AUTHORITY OF ADMINISTRATOR TO OBJECT TO INDIVIDUAL PERMITS.—Section 402(d) of such Act (33 U.S.C. 1342(d)) is amended by adding at the end the following:

''(5) The Administrator may not object under paragraph (2) to the issuance of a permit by a State on the basis of—

''(A) the Administrator's interpretation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c); or

''(B) the implementation of any Federal guidance that directs the interpretation of the State's water quality standards.''.

SEC. 503. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) AUTHORITY OF EPA ADMINISTRATOR.—Section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)) is amended—

(1) by striking ''(c)'' and inserting ''(c)(1)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the Administrator's determination that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(b) STATE PERMIT PROGRAMS.—The first sentence of section 404(g)(1) of such Act (33 U.S.C. 1344(g)(1)) is amended by striking ''The Governor of any State desiring to administer its own individual and general permit program for the discharge'' and inserting ''The Governor of any State desiring to administer its own individual and general permit program for some or all of the discharges''.

SEC. 504. DEADLINES FOR AGENCY COMMENTS.

Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) in subsection (m) by striking ''ninetieth day'' and inserting ''30th day (or the 60th day if additional time is requested)''; and

(2) in subsection (q)—

(A) by striking ''(q)'' and inserting ''(q)(1)''; and

(B) by adding at the end the following:

''(2) The Administrator and the head of a department or agency referred to in paragraph (1) shall each submit any comments with respect to an application for a permit under subsection (a) or (e) not later than the 30th day (or the 60th day if additional time is requested) after the date of receipt of an application for a permit under that subsection.''.

SEC. 505. APPLICABILITY OF AMENDMENTS.

The amendments made by this title shall apply to actions taken on or after the date of enactment of this Act, including actions taken with respect to permit applications that are pending or revised or new standards that are being promulgated as of such date of enactment.

SEC. 506. REPORTING ON HARMFUL POLLUTANTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report on any increase or reduction in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a State under the provisions of this title, including the amendments made by this title.

SEC. 507. PIPELINES CROSSING STREAMBEDS.

None of the provisions of this title, including the amendments made by this title, shall be construed to limit the authority of the Administrator of the Environmental Protection Agency, as in effect on the day before the date of enactment of this Act, to regulate a pipeline that crosses a streambed.

SEC. 508. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.

(b) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the State's Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1201 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year. Any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

SA 1944. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. ENERGY INDEPENDENCE INVESTMENT.

(a) FINDINGS.—Congress finds that—

(1) for the last 5 years, the Department of Energy has had $8,000,000,000 available for loan guarantees for advanced fossil energy projects, but in the 5 years that the funding has been available, the Department of Energy has not approved any projects;

(2) advanced fossil energy technologies will increase energy efficiency and result in less wasted energy in the United States; and

(3) advanced fossil energy technologies will result in dramatic reductions in greenhouse gas and other emissions.

(b) PROJECTS AUTHORIZED.—Notwithstanding any other provision of law, not later than 1 year after the date of enactment of this Act, the Secretary shall give final approval to applications for loan guarantees totaling $2,000,000,0000 for advanced fossil energy projects.

SA 1945. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. STUDY ON REDUCTIONS OF CARBON DIOXIDE EMISSIONS IN ELECTRIC GENERATING SECTOR.

(a) FINDINGS.—Congress finds that—

(1) electric generating units were the top source category of greenhouse gas emissions in the United States in calendar year 2011, accounting for approximately 33 percent of the total greenhouse gas emitted in the United States;

(2) in calendar year 2011, carbon dioxide equivalent emissions attributable to the electric generating sector declined by 4.5 percent from calendar year 2010 emissions levels;

(3) significant changes in the number, fuel source, and efficiency of electric generating units have occurred in recent years and are expected to continue to occur as a result of various factors, including—

(A) the major capital expenditures and operating expenses that would be incurred to meet new environmental regulations that the Environmental Protection Agency or individual States have recently adopted or are currently developing;

(B) the current low price of natural gas; and

(C) Federal and State programs to improve energy efficiency and deploy low- or zero-emitting generating technologies; and

(4) carbon dioxide emissions attributable to electric generating units can be expected to continue to decline significantly because existing units will be converted to or replaced by more highly efficient coal-fired and natural gas-fired generation or zero-emitting nuclear, renewable power generation, and energy efficiency gains.

(b) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Energy Information Administration shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the changes that have occurred and will occur in the electric generating sector that have resulted in reductions in carbon dioxide emissions, including the annual capacity by fuel type and the quantity of carbon dioxide emissions reductions that are expected to result from the changes, as described in subsection (c).

(c) CONTENT OF REPORT.—The report required under subsection (b) shall—

(1) quantify carbon dioxide emissions on an annual and cumulative basis from electric generating units in the United States and (using a calendar year 2005 baseline) calculate the annual and cumulative reduction in carbon dioxide emissions in each of calendar years 2005 through 2020 that is attributable to the—

(A) changes in the composition of the electric generating fleet that—

(i) has occurred since calendar year 2005 for whatever reason; and

(ii) are expected to occur by calendar year 2020, as determined by the Energy Information Administration based on—

(I) the consultation process described in subsection (d);

(II) a review of Federal and State laws (including regulations) or other requirements for the addition of renewable resources, incorporation of energy efficiency improvements, and other measures that have the effect of reducing carbon dioxide and other greenhouse gas emissions in the electricity generating sector; and

(III) comprehensive economic modeling of the electric power sector, as developed by the Energy Information Administration; and

(B) other changes in operation of the existing electric generating fleet in the United States due to any Federal or State environmental regulations, renewable energy initiatives, or market conditions;

(2) compare the average generation efficiency, expressed in terms of carbon dioxide emissions per megawatt hour, that the electric generating fleet in the United States (including all emitting and nonemitting energy resources) achieved in calendar years 2005 and 2010 to the average generation efficiency projected to be achieved in calendar year 2020; and

(3) quantify the total quantity of megawatt hours that are generated in the United States by each fuel type on an annual basis for each of calendar years 2005 through 2020.

(d) CONSULTATION PROCESS.—

(1) IN GENERAL.—To identify changes in the number and fuel type of electric generating units that have occurred since calendar year 2005 or are expected to occur prior to calendar year 2020, the Energy Information Administration shall consult on an individual basis with the owners and operators of electric generating units regarding the announced plans or legal obligations of the units.

(2) LONG-TERM REDUCTIONS.—If, during the consultation process, the Energy Information Administration identifies units with announced plans or legal obligations that will result in carbon dioxide emissions reduction after calendar year 2020, the units and associated emission reductions shall be identified in the report.

SA 1946. Ms. BALDWIN 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 30, between lines 12 and 13, insert the following:

''(C) an outreach program based at each of the industrial research and assessment centers that would—

''(i) deploy liaisons to identify industry needs and connect manufacturers with resources available under this subsection;

''(ii) ensure that the liaisons have experience working with the manufacturing industry the liaisons serve; and

''(iii) ensure that the industrial research and assessment centers and entities described in paragraph (2) make comprehensive information about the program available to the liaisons for distribution to manufacturers; and

''(D) evaluation of outreach activities and coordination activities under this subsection to identify—

''(i) emerging needs;

''(ii) best practices; and

''(iii) opportunities to streamline duplicative efforts.

SA 1947. Ms. WARREN (for herself and Mr. CRAPO) 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 45, after line 24, insert the following:

(c) STUDY AND REPORT ON ENERGY SAVINGS BENEFITS OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.—

(1) DEFINITION OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.—In this subsection, the term ''operational efficiency programs and services'' means programs and services that use information and communications technologies (including computer hardware, energy efficiency software, and power management tools) to operate buildings and equipment in the optimum manner at the optimum times.

(2) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study and issue a report that quantifies the energy savings benefits of operational efficiency programs and services for commercial, institutional, industrial, and governmental entities, including Federal agencies.

(3) MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS.—The report required under this subsection shall recommend methodologies or protocols for utilities, utility regulators, and Federal agencies to evaluate, measure, and verify energy savings from operational efficiency programs and services.

SA 1948. Mr. UDALL of Colorado (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 17 and all that follows through page 48, line 2, and insert the following:

SEC. 4_____. CONSUMER ACCESS TO ELECTRIC ENERGY INFORMATION.

(a) IN GENERAL.—The Secretary shall encourage and support the adoption of policies that allow electricity consumers access to their own electricity data.

(b) ELIGIBILITY FOR STATE ENERGY PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking ''and'' after the semicolon at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

''(17) programs—

''(A) to enhance consumer access to and understanding of energy usage and price information, including consumers' own residential and commercial electricity information; and

''(B) to allow for the development and adoption of innovative products and services to assist consumers in managing energy consumption and expenditures; and''.

(c) VOLUNTARY GUIDELINES FOR ELECTRIC CONSUMER ACCESS.—

(1) DEFINITIONS.—In this subsection:

(A) RETAIL ELECTRIC ENERGY INFORMATION.—The term ''retail electric energy information'' means—

(i) the electric energy consumption of an electric consumer over a defined time period;

(ii) the retail electric energy prices or rates applied to the electricity usage for the defined time period described in clause (i) for the electric consumer;

(iii) the estimated cost of service by the consumer, including (if smart meter usage information is available) the estimated cost of service since the last billing cycle of the consumer; and

(iv) in the case of nonresidential electric meters, any other electrical information that the meter is programmed to record (such as demand measured in kilowatts, voltage, frequency, current, and power factor).

(B) SMART METER.—The term ''smart meter'' means the device used by an electric utility that—

(i)(I) measures electric energy consumption by an electric consumer at the home or facility of the electric consumer in intervals of 1 hour or less; and

(II) is capable of sending electric energy usage information through a communications network to the electric utility; or

(ii) meets the guidelines issued under paragraph (2).

(2) VOLUNTARY GUIDELINES FOR ELECTRIC CONSUMER ACCESS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, subject to subparagraph (B), the Secretary shall issue voluntary guidelines that establish model standards for implementation of retail electric energy information access in States.

(B) CONSULTATION.—Before issuing the voluntary guidelines, the Secretary shall—

(i) consult with—

(I) State and local regulatory authorities, including the National Association of Regulatory Utility Commissioners;

(II) other appropriate Federal agencies, including the National Institute of Standards and Technology;

(III) consumer and privacy advocacy groups;

(IV) utilities;

(V) the National Association of State Energy Officials; and

(VI) other appropriate entities, including groups representing commercial and residential building owners and groups that represent demand response and electricity data devices and services; and

(ii) provide notice and opportunity for comment.

(C) STATE AND LOCAL REGULATORY ACTION.—In issuing the voluntary guidelines, the Secretary shall, to the maximum extent practicable, be guided by actions taken by State and local regulatory authorities to ensure electric consumer access to retail electric energy information, including actions taken after consideration of the standard established under section 111(d)(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)(17)).

(D) CONTENTS.—

(i) IN GENERAL.—The voluntary guidelines shall provide guidance on issues necessary to carry out this subsection, including—

(I) the timeliness and specificity of retail electric energy information;

(II) appropriate nationally recognized open standards for data;

(III) the protection of data security and electric consumer privacy, including consumer consent requirements; and

(IV) issues relating to access of electric energy information for owners and managers of multitenant commercial and residential buildings.

(ii) INCLUSIONS.—The voluntary guidelines shall include guidance that—

(I) retail electric energy information should be made available to electric consumers (and third party designees of the electric consumers) in the United States—

(aa) in an electronic machine readable form, without additional charge, in conformity with nationally recognized open standards developed by a nationally recognized standards organization;

(bb) as timely as is reasonably practicable;

(cc) at the level of specificity that the data is transmitted by the meter or as is reasonably practicable; and

(dd) in a manner that provides adequate protections for the security of the information and the privacy of the electric consumer;

(II) in the case of an electric consumer that is served by a smart meter that can also communicate energy usage information to a device or network of an electric consumer or a device or network of a third party authorized by the consumer, the feasibility should be considered of providing to the consumer or third party designee, at a minimum, access to usage information (not including price information) of the consumer directly from the smart meter;

(III) retail electric energy information should be provided by the electric utility of the consumer or such other entity as may be designated by the applicable electric retail regulatory authority;

(IV) retail electric energy information of the consumer should be made available to the consumer through a website or other electronic access authorized by the electric consumer, for a period of at least 13 months after the date on which the usage occurred;

(V) consumer access to data, including data provided to owners and managers of commercial and multifamily buildings with multiple tenants, should not interfere with or compromise the integrity, security, or privacy of the operations of a utility and the electric consumer;

(VI) electric energy information relating to usage information generated by devices in or on the property of the consumer that is transmitted to the electric utility should be made available to the electric consumer or the third party agent designated by the electric consumer; and

(VII) the same privacy and security requirements applicable to the contracting utility should apply to third party agents contracting with a utility to process the customer data of that utility.

(E) REVISIONS.—The Secretary shall periodically review and, as necessary, revise the voluntary guidelines to reflect changes in technology, privacy needs, and the market for electric energy and services.

(d) VERIFICATION AND IMPLEMENTATION.—

(1) IN GENERAL.—A State may submit to the Secretary a description of the data sharing policies of the State relating to consumer access to electric energy information for certification by the Secretary that the policies meet the voluntary guidelines issued under subsection (c)(2).

(2) ASSISTANCE.—Subject to the availability of funds under paragraph (3), the Secretary shall make Federal amounts available to any State that has data sharing policies described in paragraph (1) that the Secretary certifies meets the voluntary guidelines issued under subsection (c)(2) to assist the State in implementing section 362(d)(17) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(17)).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2015, to remain available until expended.

SEC. 4_____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for each of fiscal years 2013 and 2014;

''(5) $145,000,000 for fiscal year 2015; and

''(6) $100,000,000 for each of fiscal years 2016 through 2018.''.

SA 1949. Mr. BROWN (for himself and Mr. KIRK) 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___. INCREASING WATER EFFICIENCY IN FEDERAL BUILDINGS.

(a) DEFINITIONS.—In this section:

(1) ANSI-ACCREDITED PLUMBING CODE.—The term ''ANSI-accredited plumbing code'' means a construction code for a plumbing system of a building that meets applicable codes established by the American National Standards Institute.

(2) ANSI-AUDITED DESIGNATOR.—The term ''ANSI-audited designator'' means an accredited developer that is recognized by the American National Standards Institute.

(3) GREEN PLUMBERS USA TRAINING PROGRAM.—The term ''Green Plumbers USA training program'' means the training and certification program teaching sustainability and water-savings practices that is established by the Green Plumbers organization.

(4) HELMETS TO HARDHATS PROGRAM.—The term ''Helmets to Hardhats program'' means the national, nonprofit program that connects National Guard, Reserve, retired, and transitioning active-duty military service members with skilled training and quality career opportunities in the construction industry.

(5) PLUMBING EFFICIENCY RESEARCH COALITION.—The term ''Plumbing Efficiency Research Coalition'' means the industry coalition comprised of plumbing manufacturers, code developers, plumbing engineers, and water efficiency experts established to advance plumbing research initiatives that support the development of water efficiency and sustainable plumbing products, systems, and practices.

(b) WATER EFFICIENCY STANDARDS.—The Secretary shall work with ANSI-audited designators to promote the implementation and use in the construction of Federal building of plumbing products, systems, and practices that meet standards and codes that achieve the highest level of water efficiency and conservation practicable consistent with construction budgets and the goals of Executive Order 13514 (42 U.S.C. 4321 note; relating to Federal leadership in environmental, energy, and economic performance), including —

(1) the most recent version of the ANSI-accredited plumbing code; and

(2) if no ANSI-accredited plumbing code exists, alternative plumbing standards and codes established by the Secretary.

(c) TRAINING PROGRAMS.—The Secretary shall work with nationally recognized plumbing training programs that meet applicable plumbing licensing requirements to provide competency training for individuals who install and repair plumbing systems in Federal and other buildings, including—

(1) the Helmets to Hardhats training program; and

(2) the Green Plumbers USA training program.

(d) WATER EFFICIENCY RESEARCH.—The Secretary shall promote plumbing research that increases water efficiency and conservation in plumbing products, systems, and practices used in Federal and other buildings and reduces the unintended consequences of reduced flows in the building drains and water supply systems of the United States, which may include working with the Andrew W. Breidenbach Environmental Research Center and the Plumbing Efficiency Research Coalition—

(1) to provide and exchange experts to conduct water efficiency and conservation plumbing-related studies;

(2) to assist in creating public awareness of reports of the Plumbing Efficiency Research Coalition; and

(3) to provide financial assistance if applicable and available.

SA 1950. Mrs. MURRAY 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 the following:

SEC. 3___. ALTERNATIVE FUEL INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given the term in section 400AA(g) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)).

(2) ALTERNATIVE FUEL INFRASTRUCTURE.—The term ''alternative fuel infrastructure'' means any ancillary equipment necessary to provide alternative fuel to vehicles.

(3) COVERED INDIVIDUAL.—The term ''covered individual'' means—

(A) any employee (as defined in section 2105 of title 5, United States Code); or

(B) any other individual who performs services for or on behalf of a Federal agency under a contract or subcontract with a Federal agency.

(4) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(b) AUTHORITY.—

(1) IN GENERAL.—The head of a Federal agency may—

(A) construct, operate, and maintain alternative fuel infrastructure on a reimbursable basis in parking areas under the jurisdiction of the Federal agency; and

(B) provide alternative fuel on a reimbursable basis in parking areas under the jurisdiction of the Federal agency for use by privately owned vehicles used by covered individuals.

(2) VENDORS AUTHORIZED.—In carrying out paragraph (1), the head of a Federal agency may use 1 or more vendors on a commission basis.

(c) FEES.—The head of a Federal agency shall charge fees for alternative fuel provided to covered individuals sufficient to cover the costs to the head of the Federal agency of carrying out this section, including the costs of any vendors or other costs associated with maintaining the alternative fuel infrastructure.

(d) DEPOSIT AND AVAILABILITY OF FEES AND COMMISSIONS.—Any fees or commissions collected by the head of a Federal agency under this section—

(1) shall be—

(A) deposited into the account of the Treasury from which the amounts were made available to carry out this section; and

(B) transferred from the Treasury to an appropriate account of the agency if the agency operates with a budget outside of the Treasury; and

(2) shall be available for obligation by the head of the Federal agency without further appropriation during—

(A) the fiscal year collected; and

(B) the fiscal year following the fiscal year collected.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the head of each Federal agency participating in the activities authorized by subsection (b) shall submit to the Administrator of General Services a report on the financial administration and cost recovery of activities carried out under this section with respect to that fiscal year.

(2) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act and every 3 years thereafter, the Administrator of General Services, in consultation with the Secretary, shall submit to the appropriate committees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report that—

(A) aggregates the information provided by the heads of Federal agencies in the annual reports under paragraph (1); and

(B) provides information on whether the fees collected under subsection (c) are sufficient to cover the cost to the head of a Federal agency of carrying out this section.

SA 1951. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 401 and insert the following:

SEC. 4___. COMMUNITY ENERGY PROGRAM.

Part D of title III of the Energy Policy and Conservation Act is amended by inserting after section 364 (42 U.S.C. 6324) the following:

''SEC. 364A. COMMUNITY ENERGY PROGRAM.

''(a) IN GENERAL.—The Secretary, acting in conjunction with State energy offices, shall establish and carry out a community energy program under which the Secretary shall make grants to eligible entities to support community energy systems improvement projects, including projects involving energy assessments, development of energy system improvement strategies, and implementation of those strategies so as to reduce energy usage and increase energy supplied from renewable resources.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a municipality (including a town or city or other local unit of government); or

''(2) a nonprofit institutional entity (including an institution of higher education, hospital, or school system).

''(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall—

''(1) provide to the Secretary evidence that the entity has a commitment to improving the energy systems of the entity;

''(2) encourage broad citizen participation in the project carried out with the grant;

''(3) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(4) meet such other eligibility criteria as are established by the Secretary.

''(d) TYPES OF GRANTS.—The Secretary shall provide to eligible entities under this section—

''(1) planning and assessment grants to support—

''(A) the assessment of current energy types and uses of the eligible entity;

''(B) the identification of potential alternative energy resources to serve the energy needs of the eligible entity, including energy efficiency measures and renewable energy systems; and

''(C) the development of energy improvement project plans that specify energy efficiency measures to be adopted and renewable energy systems to be installed; and

''(2) implementation project grants to support the implementation of energy system improvements, regardless of whether the eligible entities received planning and assessment grants for the improvements under paragraph (1).

''(e) USE OF GRANTS.—

''(1) PLANNING AND ASSESSMENT GRANTS.—An eligible entity may use a planning and assessment grant provided under subsection (d)(1)—

''(A) to assess energy usage across the eligible entity, including energy used in—

''(i) public and private buildings and facilities;

''(ii) commercial and industrial applications; and

''(iii) transportation; and

''(B) to formulate energy improvement plans that describe specific energy efficiency measures to be adopted and specific renewable energy systems to be installed, including identification of funding sources and implementation processes.

''(2) IMPLEMENTATION PROJECT GRANTS.—An eligible entity may use an implementation grant provided under subsection (d)(2) to implement energy efficiency measures, or install renewable energy systems, in support of energy improvement plans.

''(f) FEDERAL SHARE.—The Federal cost of carrying out a project under this section shall not exceed 50 percent of total project costs.

''(g) ADMINISTRATION.—The Secretary shall establish criteria for program participation and evaluation of proposals for projects to be carried out under this section, including criteria based on—

''(1) energy savings; and

''(2) reductions in oil consumption.

''(h) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—To assist eligible entities in carrying out projects under this section, the Secretary may—

''(A) provide training and technical assistance and support to entities that receive grants under this section; and

''(B) support regional conferences to enable entities to share information on energy assessment, planning, and implementation activities.

''(2) EVALUATION PROGRAM.—In carrying out this section, the Secretary shall develop and support use of an evaluation program that measures and evaluates the energy and economic impacts of projects carried out under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2014; and

''(2) $20,000,000 for each of fiscal years 2015 through 2018.''.

SEC. 4____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for fiscal year 2013;

''(5) $190,000,000 for fiscal year 2014;

''(6) $130,000,000 for fiscal year 2015; and

''(7) $80,000,000 for each of fiscal years 2016 through 2018.''.

SA 1952. Mr. WARNER (for himself, Mr. MANCHIN, Mr. TESTER, and Mr. SCHATZ) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

Subtitle B—State Energy Race to the Top Initiative

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''State Energy Race to the Top Initiative Act of 2013''.

SEC. 412. PURPOSE.

The purpose of this subtitle is to assist energy policy innovation in the States to promote the goal of doubling electric and thermal energy productivity by January 1, 2030.

SEC. 413. DEFINITIONS.

In this subtitle:

(1) ENERGY PRODUCTIVITY.—The term ''energy productivity'' means, in the case of a State or Indian tribe, the gross State or tribal product per British thermal unit of energy consumed in the State or tribal land of the Indian tribe, respectively.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) STATE.—The term ''State'' has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

SEC. 414. PHASE 1: INITIAL ALLOCATION OF GRANTS TO STATES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue an invitation to States to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this section.

(b) GRANTS.—

(1) IN GENERAL.—Subject to section 417, the Secretary shall use funds made available under section 418(b)(1) to provide an initial allocation of grants to not more than 25 States.

(2) AMOUNT.—The amount of a grant provided to a State under this section shall be not less than $500,000 nor more than $1,750,000.

(c) SUBMISSION OF PLANS.—To receive a grant under this section, not later than 90 days after the date of issuance of the invitation under subsection (a), a State (in consultation with energy utilities, regulatory bodies, and others) shall submit to the Secretary an application to receive the grant by submitting a revised State energy conservation plan under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(d) DECISION BY SECRETARY.—

(1) BASIS.—The Secretary shall base the decision of the Secretary on an application submitted under this section on—

(A) plans for improvement in electric and thermal energy productivity consistent with this subtitle; and

(B) other factors determined appropriate by the Secretary, including geographic diversity.

(2) RANKING.—The Secretary shall—

(A) rank revised plans submitted under this section in order of the greatest to least likely contribution to improving energy productivity in the State; and

(B) provide grants under this section in accordance with the ranking and the scale and scope of a plan.

(e) PLAN REQUIREMENTS.—A plan submitted under subsection (c) shall provide—

(1) a description of the manner in which—

(A) energy savings will be monitored and verified and energy productivity improvements will be calculated using inflation-adjusted dollars;

(B) a statewide baseline of energy use and potential resources for calendar year 2010 will be established to measure improvements;

(C) the plan will promote achievement of energy savings and demand reduction goals;

(D) public and private sector investments in energy efficiency will be leveraged with available Federal funding; and

(E) the plan will not cause cost-shifting among utility customer classes or negatively impact low-income populations; and

(2) an assurance that—

(A) the State energy office required to submit the plan, the energy utilities in the State participating in the plan, and the State public service commission are cooperating and coordinating programs and activities under this subtitle;

(B) the State is cooperating with local units of government, Indian tribes, and energy utilities to expand programs as appropriate; and

(C) grants provided under this subtitle will be used to supplement and not supplant Federal, State, or ratepayer-funded programs or activities in existence on the date of enactment of this subtitle.

(f) USES.—A State may use grants provided under this section to promote—

(1) the expansion of policies and programs that will advance industrial energy efficiency, waste heat recovery, combined heat and power, and waste heat-to-power utilization;

(2) the expansion of policies and programs that will advance energy efficiency construction and retrofits for public and private commercial buildings (including schools, hospitals, and residential buildings, including multifamily buildings) such as through expanded energy service performance contracts, equivalent utility energy service contracts, zero net-energy buildings, and improved building energy efficiency codes;

(3) the establishment or expansion of incentives in the electric utility sector to enhance demand response and energy efficiency, including consideration of additional incentives to promote the purposes of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)), such as appropriate, cost-effective policies regarding rate structures, grid improvements, behavior change, combined heat and power and waste heat-to-power incentives, financing of energy efficiency programs, data use incentives, district heating, and regular energy audits; and

(4) leadership by example, in which State activities involving both facilities and vehicle fleets can be a model for other action to promote energy efficiency and can be expanded with Federal grants provided under this subtitle.

SEC. 415. PHASE 2: SUBSEQUENT ALLOCATION OF GRANTS TO STATES.

(a) REPORTS.—Not later than 18 months after the receipt of grants under section 414, each State (in consultation with other parties described in subsection (b)(3)(F) that received grants under section 414 may submit to the Secretary a report that describes—

(1) the performance of the programs and activities carried out with the grants; and

(2) in consultation with other parties described in subsection (b)(3)(F), the manner in which additional funds would be used to carry out programs and activities to promote the purposes of this subtitle.

(b) GRANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the receipt of the reports required under subsection (a), subject to section 417, the Secretary shall use amounts made available under section 418(b)(2) to provide grants to not more than 6 States to carry out the programs and activities described in subsection (a)(2).

(2) AMOUNT.—The amount of a grant provided to a State under this section shall be not more than $15,000,000.

(3) BASIS.—The Secretary shall base the decision of the Secretary to provide grants under this section on—

(A) the performance of the State in the programs and activities carried out with grants provided under section 414;

(B) the potential of the programs and activities described in subsection (a)(2) to achieve the purposes of this subtitle;

(C) the desirability of maintaining a total project portfolio that is geographically and functionally diverse;

(D) the amount of non-Federal funds that are leveraged as a result of the grants to ensure that Federal dollars are leveraged effectively;

(E) plans for continuation of the improvements after the receipt of grants under this subtitle; and

(F) demonstrated effort by the State to involve diverse groups, including—

(i) investor-owned, cooperative, and public power utilities;

(ii) local governments; and

(iii) nonprofit organizations.

SEC. 416. ALLOCATION OF GRANTS TO INDIAN TRIBES.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall invite Indian tribes to submit plans to participate in an electric and thermal energy productivity challenge in accordance with this section.

(b) SUBMISSION OF PLANS.—To receive a grant under this section, not later than 90 days after the date of issuance of the invitation under subsection (a), an Indian tribe shall submit to the Secretary a plan to increase electric and thermal energy productivity by the Indian tribe.

(c) DECISION BY SECRETARY.—

(1) IN GENERAL.—Not later than 90 days after the submission of plans under subsection (b), the Secretary shall make a final decision on the allocation of grants under this section.

(2) BASIS.—The Secretary shall base the decision of the Secretary under paragraph (1) on—

(A) plans for improvement in electric and thermal energy productivity consistent with this subtitle;

(B) plans for continuation of the improvements after the receipt of grants under this subtitle; and

(C) other factors determined appropriate by the Secretary, including—

(i) geographic diversity; and

(ii) size differences among Indian tribes.

(3) LIMITATION.—An individual Indian tribe shall not receive more than 20 percent of the total amount available to carry out this section.

SEC. 417. ADMINISTRATION.

(a) INDEPENDENT EVALUATION.—To evaluate program performance and effectiveness under this subtitle, the Secretary shall consult with the National Research Council regarding requirements for data and evaluation for recipients of grants under this subtitle.

(b) COORDINATION WITH STATE ENERGY CONSERVATION PROGRAMS.—

(1) IN GENERAL.—Grants to States under this subtitle shall be provided through additional funding to carry out State energy conservation programs under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(2) RELATIONSHIP TO STATE ENERGY CONSERVATION PROGRAMS.—

(A) IN GENERAL.—A grant provided to a State under this subtitle shall be used to supplement (and not supplant) funds provided to the State under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(B) MINIMUM FUNDING.—A grant shall not be provided to a State for a fiscal year under this subtitle if the amount of funding provided to all State grantees under the base formula for the fiscal year under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is less than $50,000,000.

(c) VOLUNTARY PARTICIPATION.—The participation of a State in a challenge established under this subtitle shall be voluntary.

SEC. 418. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $100,000,000 for the period of fiscal years 2014 through 2017.

(b) ALLOCATION.—Of the total amount of funds made available under subsection (a)—

(1) 30 percent shall be used to provide an initial allocation of grants to States under section 414;

(2) 61 percent shall be used to provide a subsequent allocation of grants to States under section 415;

(3) 4 percent shall be used to make grants to Indian tribes under section 416; and

(4) 5 percent shall be available to the Secretary for the cost of administration and technical support to carry out this subtitle.

SEC. 419. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) (as amended by section 401) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) $175,000,000 for fiscal year 2014;

''(6) $125,000,000 for fiscal year 2015;

''(7) $75,000,000 for each of fiscal years 2016 and 2017; and

''(8) $100,000,000 for fiscal year 2018.''.

NOTICE OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, September 18, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to mark-up S. 1086, The Child Care and Development Block Grant Act of 2013, the Committee Funding Resolution for the 113th Congress, the nominations of Richard F. Griffin, Jr., to serve as General Counsel of the National Labor Relations Board, and Scott Dahl, to serve as Inspector General of the US Department of Labor, as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, September 19, 2013. at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''The Triad: Promoting a System of Shared Responsibility. Issues for Reauthorization of the Higher Education Act''

For further information regarding this meeting, please contact the Committee at (202) 224–5501.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, September 24, 2013. at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled ''U.S. Efforts to Reduce Healthcare-Associated Infections''

For further information regarding this meeting, please contact the Committee at (202) 224–7675.

COMMITTEE ON INDIAN AFFAIRS

Ms. CANTWELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on September 18, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a business meeting to authorize expenditures by the Committee through February of 2015.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

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 hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, October 1, 2013, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the following legislation:

S. 812, a bill to authorize the Secretary of the Interior to take actions to implement the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico; and,

H.R. 1613, a bill to amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify