

Mr. WARNER, Mr. HELLER, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas Hispanic-Serving Institutions are degree-granting institutions that have a full-time equivalent undergraduate enrollment of at least 25 percent Hispanic students;

Whereas Hispanic-Serving Institutions play an important role in educating many underprivileged students and helping those students attain their full potential through higher education;

Whereas more than 350 Hispanic-Serving Institutions operate in the United States;

Whereas Hispanic-Serving Institutions serve more than half, or 56 percent, of all Hispanic students, enrolling more than 1,480,000 students in 2011;

Whereas Hispanic-Serving Institutions are actively involved in stabilizing and improving the communities in which the institutions are located;

Whereas celebrating the vast contributions of Hispanic-Serving Institutions to the United States strengthens the culture of the United States; and

Whereas the achievements and goals of Hispanic-Serving Institutions deserve national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the achievements and goals of Hispanic-Serving Institutions across the United States;

(2) designates the week beginning September 15, 2013, as “National Hispanic-Serving Institutions Week”; and

(3) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-Serving Institutions.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1953. Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, and Mr. FRANKEN) 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 1954. 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.

SA 1955. Ms. KLOBUCHAR (for herself, Mr. GRAHAM, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1956. Ms. KLOBUCHAR (for herself, Mr. FRANKEN, and Mr. HOEVEN) submitted an amendment intended to be proposed by her to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1957. Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. CARDIN, 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.

#### TEXT OF AMENDMENTS

**SA 1953.** Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, and Mr. FRANKEN) 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. SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a utility;

(B) a municipality;

(C) a water district; and

(D) any other authority that provides water, wastewater, or water reuse services.

(2) SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.—The term “smart water resource management pilot program” or “pilot program” means the pilot program established under subsection (b).

(b) SMART WATER RESOURCE MANAGEMENT PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and carry out a smart water resource management pilot program in accordance with this section.

(2) PURPOSE.—The purpose of the smart water resource management pilot program is to award grants to eligible entities to demonstrate novel and innovative technology-based solutions that will—

(A) increase the energy and water efficiency of water, wastewater, and water reuse systems;

(B) improve water, wastewater, and water reuse systems to help communities across the United States make significant progress in conserving water, saving energy, and reducing costs; and

(C) support the implementation of innovative processes and the installation of advanced automated systems that provide real-time data on energy and water.

(3) PROJECT SELECTION.—

(A) IN GENERAL.—The Secretary shall make competitive, merit-reviewed grants under the pilot program to not less than 3, but not more than 5, eligible entities.

(B) SELECTION CRITERIA.—In selecting an eligible entity to receive a grant under the pilot program, the Secretary shall consider—

(i) energy and cost savings;

(ii) the novelty of the technology to be used;

(iii) the degree to which the project integrates next-generation sensors, software, analytics, and management tools;

(iv) the anticipated cost-effectiveness of the pilot project in terms of energy efficiency savings, water savings or reuse, and infrastructure costs averted;

(v) whether the technology can be deployed in a variety of geographic regions and the degree to which the technology can be implemented on a smaller or larger scale; and

(vi) whether the project will be completed in 5 years or less.

(C) APPLICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), an eligible entity seeking a grant under the pilot program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

(ii) CONTENTS.—An application under clause (i) shall, at a minimum, include—

(I) a description of the project;

(II) a description of the technology to be used in the project;

(III) the anticipated results, including energy and water savings, of the project;

(IV) a comprehensive budget for the project;

(V) the names of the project lead organization and any partners;

(VI) the number of users to be served by the project; and

(VII) any other information that the Secretary determines to be necessary to complete the review and selection of a grant recipient.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 300 days after the date of enactment of this Act, the Secretary shall select grant recipients under this section.

(B) EVALUATIONS.—The Secretary shall annually carry out an evaluation of each project for which a grant is provided under this section that—

(i) evaluates the progress and impact of the project; and

(ii) assesses the degree to which the project is meeting the goals of the pilot program.

(C) TECHNICAL AND POLICY ASSISTANCE.—On the request of a grant recipient, the Secretary shall provide technical and policy assistance.

(D) BEST PRACTICES.—The Secretary shall make available to the public—

(i) a copy of each evaluation carried out under subparagraph (B); and

(ii) a description of any best practices identified by the Secretary as a result of those evaluations.

(E) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report containing the results of each evaluation carried out under subparagraph (B).

(c) FUNDING.—

(1) IN GENERAL.—The Secretary shall use not less than \$7,500,000 of amounts made available to the Secretary to carry out this section.

(2) PRIORITIZATION.—In funding activities under this section, the Secretary shall prioritize funding in the following manner:

(A) Any unobligated amounts made available for the State Energy Program of the Department of Energy.

(B) Any unobligated amounts (other than those described in subparagraph (A)) made available to the Secretary.

**SA 1954.** 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—Energy Productivity Innovation Challenge**

#### **SEC. 411. SHORT TITLE.**

This subtitle may be cited as the “Energy Productivity Innovation Challenge Act of 2013” or the “EPIC 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, hos-

pitals, 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.”.

**SA 1955.** Ms. KLOBUCHAR (for herself, Mr. GRAHAM, and Mr. SCHUMER) 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, add the following:

**TITLE V—METAL THEFT PREVENTION ACT**  
**SEC. 501. SHORT TITLE.**

This title may be cited as the “Metal Theft Prevention Act of 2013”.

**SEC. 502. DEFINITIONS.**

In this title—

(1) the term “critical infrastructure” has the meaning given the term in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e));

(2) the term “specified metal” means metal that—

(A)(i) is marked with the name, logo, or initials of a city, county, State, or Federal government entity, a railroad, an electric, gas, or water company, a telephone company, a cable company, a retail establishment, a beer supplier or distributor, or a public utility; or

(ii) has been altered for the purpose of removing, concealing, or obliterating a name, logo, or initials described in clause (i) through burning or cutting of wire sheathing or other means; or

(B) is part of—

(i) a street light pole or street light fixture;

(ii) a road or bridge guard rail;

(iii) a highway or street sign;

(iv) a water meter cover;

(v) a storm water grate;

(vi) unused or undamaged building construction or utility material;

(vii) a historical marker;

(viii) a grave marker or cemetery urn;

(ix) a utility access cover; or

(x) a container used to transport or store beer with a capacity of 5 gallons or more;

(C) is a wire or cable commonly used by communications and electrical utilities; or

(D) is copper, aluminum, and other metal (including any metal combined with other materials) that is valuable for recycling or reuse as raw metal, except for—

(i) aluminum cans; and

(ii) motor vehicles, the purchases of which are reported to the National Motor Vehicle Title Information System (established under section 30502 of title 49); and

(3) the term “recycling agent” means any person engaged in the business of purchasing specified metal for reuse or recycling, without regard to whether that person is engaged in the business of recycling or otherwise processing the purchased specified metal for reuse.

**SEC. 503. THEFT OF SPECIFIED METAL.**

(a) OFFENSE.—It shall be unlawful to knowingly steal specified metal—

(1) being used in or affecting interstate or foreign commerce; and

(2) the theft of which is from and harms critical infrastructure.

(b) PENALTY.—Any person who commits an offense described in subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

**SEC. 504. DOCUMENTATION OF OWNERSHIP OR AUTHORITY TO SELL.**

(a) OFFENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a recycling agent to purchase specified metal described in subparagraph (A) or (B) of section 502(2), unless—

(A) the seller, at the time of the transaction, provides documentation of ownership of, or other proof of the authority of the seller to sell, the specified metal; and

(B) there is a reasonable basis to believe that the documentation or other proof of authority provided under subparagraph (A) is valid.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a requirement on recycling agents to obtain documentation of ownership or proof of authority to sell specified metal before purchasing specified metal.

(3) RESPONSIBILITY OF RECYCLING AGENT.—A recycling agent is not required to independently verify the validity of the documentation or other proof of authority described in paragraph (1).

(4) PURCHASE OF STOLEN METAL.—It shall be unlawful for a recycling agent to purchase any specified metal that the recycling agent—

(A) knows to be stolen; or

(B) should know or believe, based upon commercial experience and practice, to be stolen.

(b) CIVIL PENALTY.—A person who knowingly violates subsection (a) shall be subject to a civil penalty of not more than \$10,000 for each violation.

**SEC. 505. TRANSACTION REQUIREMENTS.**

(a) RECORDING REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a recycling agent shall maintain a written or electronic record of each purchase of specified metal.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth recording requirements that are substantially similar to the requirements described in paragraph (3) for the purchase of specified metal.

(3) CONTENTS.—A record under paragraph (1) shall include—

(A) the name and address of the recycling agent; and

(B) for each purchase of specified metal—

(i) the date of the transaction;

(ii) a description of the specified metal purchased using widely used and accepted industry terminology;

(iii) the amount paid by the recycling agent;

(iv) the name and address of the person to which the payment was made;

(v) the name of the person delivering the specified metal to the recycling agent, including a distinctive number from a Federal or State government-issued photo identification card and a description of the type of the identification; and

(vi) the license plate number and State-of-issue, make, and model, if available, of the vehicle used to deliver the specified metal to the recycling agent.

(4) REPEAT SELLERS.—A recycling agent may comply with the requirements of this subsection with respect to a purchase of specified metal from a person from which the recycling agent has previously purchased specified metal by—

(A) reference to the existing record relating to the seller; and

(B) recording any information for the transaction that is different from the record relating to the previous purchase from that person.

(5) RECORD RETENTION PERIOD.—A recycling agent shall maintain any record required under this subsection for not less than 2

years after the date of the transaction to which the record relates.

(6) CONFIDENTIALITY.—Any information collected or retained under this section may be disclosed to any Federal, State, or local law enforcement authority or as otherwise directed by a court of law.

(b) PURCHASES IN EXCESS OF \$100.—

(1) IN GENERAL.—Except as provided in paragraph (2), a recycling agent may not pay cash for a single purchase of specified metal of more than \$100. For purposes of this paragraph, more than 1 purchase in any 48-hour period from the same seller shall be considered to be a single purchase.

(2) EXCEPTION.—Paragraph (1) shall not apply to a recycling agent that is subject to a State or local law that sets forth a maximum amount for cash payments for the purchase of specified metal.

(3) PAYMENT METHOD.—

(A) OCCASIONAL SELLERS.—Except as provided in subparagraph (B), for any purchase of specified metal of more than \$100 a recycling agent shall make payment by check that—

(i) is payable to the seller; and

(ii) includes the name and address of the seller.

(B) ESTABLISHED COMMERCIAL TRANSACTIONS.—A recycling agent may make payments for a purchase of specified metal of more than \$100 from a governmental or commercial supplier of specified metal with which the recycling agent has an established commercial relationship by electronic funds transfer or other established commercial transaction payment method through a commercial bank if the recycling agent maintains a written record of the payment that identifies the seller, the amount paid, and the date of the purchase.

(c) CIVIL PENALTY.—A person who knowingly violates subsection (a) or (b) shall be subject to a civil penalty of not more than \$5,000 for each violation, except that a person who commits a minor violation shall be subject to a penalty of not more than \$1,000.

**SEC. 506. ENFORCEMENT BY ATTORNEY GENERAL.**

The Attorney General may bring an enforcement action in an appropriate United States district court against any person that engages in conduct that violates this title.

**SEC. 507. ENFORCEMENT BY STATE ATTORNEYS GENERAL.**

(a) IN GENERAL.—An attorney general or equivalent regulator of a State may bring a civil action in the name of the State, as parens patriae on behalf of natural persons residing in the State, in any district court of the United States or other competent court having jurisdiction over the defendant, to secure monetary or equitable relief for a violation of this title.

(b) NOTICE REQUIRED.—Not later than 30 days before the date on which an action under subsection (a) is filed, the attorney general or equivalent regulator of the State involved shall provide to the Attorney General—

(1) written notice of the action; and

(2) a copy of the complaint for the action.

(c) ATTORNEY GENERAL ACTION.—Upon receiving notice under subsection (b), the Attorney General shall have the right—

(1) to intervene in the action;

(2) upon so intervening, to be heard on all matters arising therein;

(3) to remove the action to an appropriate district court of the United States; and

(4) to file petitions for appeal.

(d) PENDING FEDERAL PROCEEDINGS.—If a civil action has been instituted by the Attorney General for a violation of this title, no State may, during the pendency of the action instituted by the Attorney General, institute a civil action under this title against

any defendant named in the complaint in the civil action for any violation alleged in the complaint.

(e) CONSTRUCTION.—For purposes of bringing a civil action under subsection (a), nothing in this section regarding notification shall be construed to prevent the attorney general or equivalent regulator of the State from exercising any powers conferred under the laws of that State to—

- (1) conduct investigations;
- (2) administer oaths or affirmations; or
- (3) compel the attendance of witnesses or the production of documentary and other evidence.

#### SEC. 508. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission, shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to a person convicted of a criminal violation of section 503 of this title or any other Federal criminal law based on the theft of specified metal by such person.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission shall—

- (1) ensure that the sentencing guidelines and policy statements reflect the—

(A) serious nature of the theft of specified metal; and

(B) need for an effective deterrent and appropriate punishment to prevent such theft;

- (2) consider the extent to which the guidelines and policy statements appropriately account for—

(A) the potential and actual harm to the public from the offense, including any damage to critical infrastructure;

(B) the amount of loss, or the costs associated with replacement or repair, attributable to the offense;

(C) the level of sophistication and planning involved in the offense; and

(D) whether the offense was intended to or had the effect of creating a threat to public health or safety, injury to another person, or death;

(3) account for any additional aggravating or mitigating circumstances that may justify exceptions to the generally applicable sentencing ranges;

(4) assure reasonable consistency with other relevant directives and with other sentencing guidelines and policy statements; and

(5) assure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

#### SEC. 509. STATE AND LOCAL LAW NOT PRE-EMPTED.

Nothing in this title shall be construed to preempt any State or local law regulating the sale or purchase of specified metal, the reporting of such transactions, or any other aspect of the metal recycling industry.

#### SEC. 510. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

**SA 1956.** Ms. KLOBUCHAR (for herself, Mr. FRANKEN, and Mr. HOEVEN) 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 \_\_\_\_\_. COORDINATION OF REFINERY OUTAGES.

Section 804 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17283) is amended to read as follows:

#### “SEC. 804. COORDINATION OF REFINERY OUTAGES.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Energy Information Administration.

“(2) PLANNED REFINERY OUTAGE.—The term ‘planned refinery outage’ means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

“(3) REFINED PETROLEUM PRODUCT.—The term ‘refined petroleum product’ means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

“(4) REFINERY.—The term ‘refinery’ means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

“(5) UNPLANNED REFINERY OUTAGE.—The ‘unplanned refinery outage’ means the removal of a refinery, or any unit of a refinery, from service that is not scheduled in advance.

“(b) REPORTING REQUIREMENT.—The owner or operator of a refinery shall submit to the Administrator information describing—

“(1) the schedule of the refinery for any planned refinery outage, including—

“(A) the dates for the planned refinery outage at least 1 year in advance of the date of the expected outage or the date the outage is scheduled; and

“(B) the estimated inventories and production of refined petroleum products during the period described in subparagraph (A); and

“(2) any unplanned refinery outages as soon as practicable

“(c) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

“(1) review information on planned refinery outages and unplanned refinery outages—

“(A) reported by refineries under subsection (b); and

“(B) that is available from commercial reporting services;

“(2) analyze that information to determine whether the scheduling of a planned refinery outage or an unplanned refinery outage may nationally or regionally substantially affect the price or supply of any refined petroleum product by—

“(A) decreasing the production of the refined petroleum product; and

“(B) causing or contributing to a retail or wholesale supply shortage or disruption; and

“(3) alert the Secretary of any refinery outage that the Administrator determines may nationally or regionally substantially affect the price or supply of a refined petroleum product.

“(d) ACTION BY SECRETARY.—On a determination by the Secretary that a refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages or unplanned refinery outages to prevent significant market disruptions.

“(e) LIMITATION.—Nothing in this section—

“(1) alters any existing legal obligation or responsibility of a refinery operator;

“(2) creates any legal right of action; or

“(3) authorizes the Secretary—

“(A) to prohibit a refinery operator from conducting a planned refinery outage; or

“(B) to require a refinery operator to continue to operate a refinery.

“(f) STUDY ON NATIONAL STRATEGIC REFINED PETROLEUM PRODUCTS RESERVE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this sub-

section, the Secretary shall study and submit to Congress a report on the costs and benefits of creating a national strategic refined petroleum products reserve for refined petroleum products.

“(2) INFORMATION.—The report required under paragraph (1) shall include information on—

“(A) the days of existing storage capabilities within the different petroleum administration defense districts based on normal usage of refined petroleum products;

“(B) the feasibility of increasing storage capacity for refined petroleum products on a regional basis; and

“(C) the impact additional storage capacity would have on the retail price of refined petroleum products for consumers in the event of a supply shortage or market disruption from a natural disaster or refinery outage.”

**SA 1957.** Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. CARDIN, 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:

At the beginning of title IV, insert the following:

#### SEC. 4 \_\_\_\_\_. RENEWABLE ELECTRICITY STANDARD.

(a) IN GENERAL.—Title VI of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended by adding at the end the following:

#### “SEC. 610. RENEWABLE ELECTRICITY STANDARD.

“(a) DEFINITIONS.—In this section:

“(1) BASE QUANTITY OF ELECTRICITY.—

“(A) IN GENERAL.—The term ‘base quantity of electricity’ means the total quantity of electric energy sold by a retail electric supplier, expressed in terms of kilowatt hours, to electric customers for purposes other than resale during the most recent calendar year for which information is available.

“(B) EXCLUSIONS.—The term ‘base quantity of electricity’ does not include—

“(i) electric energy that is not incremental hydropower generated by a hydroelectric facility; and

“(ii) electricity generated through the incineration of municipal solid waste.

“(2) BIOMASS.—

“(A) IN GENERAL.—The term ‘biomass’ means—

“(i) cellulosic (plant fiber) organic materials from a plant that is planted for the purpose of being used to produce energy;

“(ii) nonhazardous plant or algal matter that is derived from—

“(I) an agricultural crop, crop byproduct, or residue resource; or

“(II) waste, such as landscape or right-of-way trimmings (but not including municipal solid waste, recyclable postconsumer waste paper, painted, treated, or pressurized wood, wood contaminated with plastic, or metals);

“(iii) animal waste or animal byproducts; and

“(iv) landfill methane.

“(B) NATIONAL FOREST LAND AND CERTAIN OTHER PUBLIC LAND.—In the case of organic material removed from National Forest System land or from public land administered by the Secretary of the Interior, the term ‘biomass’ means only organic material from—

“(i) ecological forest restoration;

“(ii) precommercial thinnings;

“(iii) brush;

“(iv) mill residues; or

“(v) slash.

“(C) EXCLUSION OF CERTAIN FEDERAL LAND.—Notwithstanding subparagraph (B),

the term ‘biomass’ does not include material or matter that would otherwise qualify as biomass if the material or matter is located on the following Federal land:

“(i) Federal land containing old growth forest or late successional forest unless the Secretary of the Interior or the Secretary of Agriculture determines that the removal of organic material from the land—

“(I) is appropriate for the applicable forest type; and

“(II) maximizes the retention of—

“(aa) late-successional and large and old growth trees;

“(bb) late-successional and old growth forest structure; and

“(cc) late-successional and old growth forest composition.

“(ii) Federal land on which the removal of vegetation is prohibited, including components of the National Wilderness Preservation System.

“(iii) Wilderness study areas.

“(iv) Inventoried roadless areas.

“(v) Components of the National Landscape Conservation System.

“(vi) National Monuments.

“(3) EXISTING FACILITY.—The term ‘existing facility’ means a facility for the generation of electric energy from a renewable energy resource that is not an eligible facility.

“(4) INCREMENTAL HYDROPOWER.—The term ‘incremental hydropower’ means additional generation that is achieved from increased efficiency or additions of capacity made on or after—

“(A) the date of enactment of this section; or

“(B) the effective date of an existing applicable State renewable portfolio standard program at a hydroelectric facility that was placed in service before that date.

“(5) INDIAN LAND.—The term ‘Indian land’ means—

“(A) any land within the limits of any Indian reservation, pueblo, or rancharia;

“(B) any land not within the limits of any Indian reservation, pueblo, or rancharia title to which was on the date of enactment of this section held by—

“(i) the United States for the benefit of any Indian tribe or individual; or

“(ii) any Indian tribe or individual subject to restriction by the United States against alienation;

“(C) any dependent Indian community; or

“(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

“(6) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(7) RENEWABLE ENERGY.—The term ‘renewable energy’ means electric energy generated by a renewable energy resource.

“(8) RENEWABLE ENERGY RESOURCE.—The term ‘renewable energy resource’ means solar, wind, ocean, tidal, geothermal energy, biomass, landfill gas, incremental hydropower, or hydrokinetic energy.

“(9) REPOWERING OR COFIRING INCREMENT.—The term ‘repowering or cofiring increment’ means—

“(A) the additional generation from a modification that is placed in service on or after the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource;

“(B) the additional generation above the average generation during the 3-year period ending on the date of enactment of this section at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section; or

“(C) the portion of the electric generation from a facility placed in service on or after the date of enactment of this section, or a modification to a facility placed in service before the date of enactment of this section made on or after January 1, 2001, associated with cofiring biomass.

“(10) RETAIL ELECTRIC SUPPLIER.—

“(A) IN GENERAL.—The term ‘retail electric supplier’ means a person that sells electric energy to electric consumers that sold not less than 1,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

“(B) INCLUSION.—The term ‘retail electric supplier’ includes a person that sells electric energy to electric consumers that, in combination with the sales of any affiliate organized after the date of enactment of this section, sells not less than 1,000,000 megawatt hours of electric energy to consumers for purposes other than resale.

“(C) SALES TO PARENT COMPANIES OR AFFILIATES.—For purposes of this paragraph, sales by any person to a parent company or to other affiliates of the person shall not be treated as sales to electric consumers.

“(D) GOVERNMENTAL AGENCIES.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘retail electric supplier’ does not include—

“(I) the United States, a State, any political subdivision of a State, or any agency, authority, or instrumentality of the United States, State, or political subdivision; or

“(II) a rural electric cooperative.

“(ii) INCLUSION.—The term ‘retail electric supplier’ includes an entity that is a political subdivision of a State, or an agency, authority, or instrumentality of the United States, a State, a political subdivision of a State, a rural electric cooperative that sells electric energy to electric consumers, or any other entity that sells electric energy to electric consumers that would not otherwise qualify as a retail electric supplier if the entity notifies the Secretary that the entity voluntarily agrees to participate in the Federal renewable electricity standard program.

“(b) COMPLIANCE.—For calendar year 2014 and each calendar year thereafter, each retail electric supplier shall meet the requirements of subsection (c) by submitting to the Secretary, not later than April 1 of the following calendar year, 1 or more of the following:

“(1) Federal renewable energy credits issued under subsection (e).

“(2) Certification of the renewable energy generated and electricity savings pursuant to the funds associated with State compliance payments as specified in subsection (e)(4)(G).

“(3) Alternative compliance payments pursuant to subsection (h).

“(c) REQUIRED ANNUAL PERCENTAGE.—For each of calendar years 2014 through 2039, the required annual percentage of the base quantity of electricity of a retail electric supplier that shall be generated from renewable energy resources, or otherwise credited towards the percentage requirement pursuant to subsection (d), shall be the applicable percentage specified in the following table:

Calendar Years	Required Amount percentage
2014 .....	6.0

2015 .....	8.5
2016 .....	11.0
2017 .....	11.0
2018 .....	14.0
2019 .....	14.0
2020 .....	17.5
2021 .....	17.5
2022 .....	21.0
2023 .....	21.0
2024 .....	23.0

2025 and thereafter through 2039 25.0.

“(d) RENEWABLE ENERGY CREDITS.—

“(1) IN GENERAL.—A retail electric supplier may satisfy the requirements of subsection (b)(1) through the submission of Federal renewable energy credits—

“(A) issued to the retail electric supplier under subsection (e);

“(B) obtained by purchase or exchange under subsection (f); or

“(C) borrowed under subsection (g).

“(2) FEDERAL RENEWABLE ENERGY CREDITS.—A Federal renewable energy credit may be counted toward compliance with subsection (b)(1) only once.

“(e) ISSUANCE OF FEDERAL RENEWABLE ENERGY CREDITS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish by rule a program—

“(A) to verify and issue Federal renewable energy credits to generators of renewable energy;

“(B) to track the sale, exchange, and retirement of the credits; and

“(C) to enforce the requirements of this section.

“(2) EXISTING NON-FEDERAL TRACKING SYSTEMS.—To the maximum extent practicable, in establishing the program, the Secretary shall rely on existing and emerging State or regional tracking systems that issue and track non-Federal renewable energy credits.

“(3) APPLICATION.—

“(A) IN GENERAL.—An entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

“(B) ELIGIBILITY.—To be eligible for the issuance of the credits, the applicant shall demonstrate to the Secretary that—

“(i) the electric energy will be transmitted onto the grid; or

“(ii) in the case of a generation offset, the electric energy offset would have otherwise been consumed onsite.

“(C) CONTENTS.—The application shall indicate—

“(i) the type of renewable energy resource that is used to produce the electricity;

“(ii) the location at which the electric energy will be produced; and

“(iii) any other information the Secretary determines appropriate.

“(4) QUANTITY OF FEDERAL RENEWABLE ENERGY CREDITS.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall issue to a generator of electric energy 1 Federal renewable energy credit for each kilowatt hour of electric energy generated by the use of a renewable energy resource at an eligible facility.

“(B) INCREMENTAL HYDROPOWER.—

“(i) IN GENERAL.—For purpose of compliance with this section, Federal renewable energy credits for incremental hydropower shall be based on the increase in average annual generation resulting from the efficiency improvements or capacity additions.

“(ii) WATER FLOW INFORMATION.—The incremental generation shall be calculated using the same water flow information that is—

“(I) used to determine a historic average annual generation baseline for the hydroelectric facility; and

“(II) certified by the Secretary or the Federal Energy Regulatory Commission.

“(iii) OPERATIONAL CHANGES.—The calculation of the Federal renewable energy credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility that is not directly associated with the efficiency improvements or capacity additions.

“(C) INDIAN LAND.—

“(i) IN GENERAL.—The Secretary shall issue 2 renewable energy credits for each kilowatt hour of electric energy generated and supplied to the grid in a calendar year through the use of a renewable energy resource at an eligible facility located on Indian land.

“(ii) BIOMASS.—For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for 2 credits only if the biomass was grown on the land.

“(D) ON-SITE ELIGIBLE FACILITIES.—

“(i) IN GENERAL.—In the case of electric energy generated by a renewable energy resource at an on-site eligible facility that is not larger than 1 megawatt in capacity and is used to offset all or part of the requirements of a customer for electric energy, the Secretary shall issue 3 renewable energy credits to the customer for each kilowatt hour generated.

“(ii) INDIAN LAND.—In the case of an on-site eligible facility on Indian land, the Secretary shall issue not more than 3 credits per kilowatt hour.

“(E) COMBINATION OF RENEWABLE AND NON-RENEWABLE ENERGY RESOURCES.—If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue the Federal renewable energy credits based on the proportion of the renewable energy resources used.

“(F) RETAIL ELECTRIC SUPPLIERS.—If a generator has sold electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract for power from an existing facility and the contract has not determined ownership of the Federal renewable energy credits associated with the generation, the Secretary shall issue the Federal renewable energy credits to the retail electric supplier for the duration of the contract.

“(G) COMPLIANCE WITH STATE RENEWABLE PORTFOLIO STANDARD PROGRAMS.—Payments made by a retail electricity supplier, directly or indirectly, to a State for compliance with a State renewable portfolio standard program, or for an alternative compliance mechanism, shall be valued at 1 credit per kilowatt hour for the purpose of subsection (b)(2) based on the quantity of electric energy generation from renewable resources that results from the payments.

“(f) RENEWABLE ENERGY CREDIT TRADING.—

“(1) IN GENERAL.—A Federal renewable energy credit may be sold, transferred, or exchanged by the entity to whom the credit is issued or by any other entity that acquires the Federal renewable energy credit, other than renewable energy credits from existing facilities.

“(2) CARRYOVER.—A Federal renewable energy credit for any year that is not submitted to satisfy the minimum renewable

generation requirement of subsection (c) for that year may be carried forward for use pursuant to subsection (b)(1) within the next 3 years.

“(3) DELEGATION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

“(g) RENEWABLE ENERGY CREDIT BORROWING.—

“(1) IN GENERAL.—Not later than December 31, 2014, a retail electric supplier that has reason to believe the retail electric supplier will not be able to fully comply with subsection (b) may—

“(A) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient Federal renewable energy credits within the next 3 calendar years that, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (b) for calendar year 2014 and the subsequent calendar years involved; and

“(B) on the approval of the plan by the Secretary, apply Federal renewable energy credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (b) for each calendar year involved.

“(2) REPAYMENT.—The retail electric supplier shall repay all of the borrowed Federal renewable energy credits by submitting an equivalent number of Federal renewable energy credits, in addition to the credits otherwise required under subsection (b), by calendar year 2022 or any earlier deadlines specified in the approved plan.

“(h) ALTERNATIVE COMPLIANCE PAYMENTS.—As a means of compliance under subsection (b)(4), the Secretary shall accept payment equal to the lesser of—

“(1) 200 percent of the average market value of Federal renewable energy credits and Federal energy efficiency credits for the applicable compliance period; or

“(2) 3 cents per kilowatt hour (as adjusted on January 1 of each year following calendar year 2006 based on the implicit price deflator for the gross national product).

“(i) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

“(1)(A) the annual renewable energy generation of any retail electric supplier; and

“(B) Federal renewable energy credits submitted by a retail electric supplier pursuant to subsection (b)(1);

“(2) the validity of Federal renewable energy credits submitted for compliance by a retail electric supplier to the Secretary; and

“(3) the quantity of electricity sales of all retail electric suppliers.

“(j) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

“(k) STATE PROGRAMS.—

“(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State—

“(A) to adopt or enforce any law (including regulations) respecting renewable energy, including programs that exceed the required quantity of renewable energy under this section; or

“(B) to regulate the acquisition and disposition of Federal renewable energy credits by retail electric suppliers.

“(2) COMPLIANCE WITH SECTION.—No law or regulation referred to in paragraph (1)(A) shall relieve any person of any requirement otherwise applicable under this section.

“(3) COORDINATION WITH STATE PROGRAM.—The Secretary, in consultation with States

that have in effect renewable energy programs, shall—

“(A) preserve the integrity of the State programs, including programs that exceed the required quantity of renewable energy under this section; and

“(B) facilitate coordination between the Federal program and State programs.

“(4) EXISTING RENEWABLE ENERGY PROGRAMS.—In the regulations establishing the program under this section, the Secretary shall incorporate common elements of existing renewable energy programs, including State programs, to ensure administrative ease, market transparency and effective enforcement.

“(5) MINIMIZATION OF ADMINISTRATIVE BURDENS AND COSTS.—In carrying out this section, the Secretary shall work with the States to minimize administrative burdens and costs to retail electric suppliers.

“(1) RECOVERY OF COSTS.—An electric utility that has sales of electric energy that are subject to rate regulation (including any utility with rates that are regulated by the Commission and any State regulated electric utility) shall not be denied the opportunity to recover the full amount of the prudently incurred incremental cost of renewable energy obtained to comply with the requirements of subsection (b).

“(m) PROGRAM REVIEW.—

“(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a comprehensive evaluation of all aspects of the program established under this section.

“(2) EVALUATION.—The study shall include an evaluation of—

“(A) the effectiveness of the program in increasing the market penetration and lowering the cost of the eligible renewable energy technologies;

“(B) the opportunities for any additional technologies and sources of renewable energy emerging since the date of enactment of this section;

“(C) the impact on the regional diversity and reliability of supply sources, including the power quality benefits of distributed generation;

“(D) the regional resource development relative to renewable potential and reasons for any investment in renewable resources; and

“(E) the net cost/benefit of the renewable electricity standard to the national and State economies, including—

“(i) retail power costs;

“(ii) the economic development benefits of investment;

“(iii) avoided costs related to environmental and congestion mitigation investments that would otherwise have been required;

“(iv) the impact on natural gas demand and price; and

“(v) the effectiveness of green marketing programs at reducing the cost of renewable resources.

“(3) REPORT.—Not later than January 1, 2018, the Secretary shall transmit to Congress a report describing the results of the evaluation and any recommendations for modifications and improvements to the program.

“(n) STATE RENEWABLE ENERGY ACCOUNT.—

“(1) IN GENERAL.—There is established in the Treasury a State renewable energy account.

“(2) DEPOSITS.—All money collected by the Secretary from the alternative compliance payments under subsection (h) shall be deposited into the State renewable energy account established under paragraph (1).

“(3) GRANTS.—



“(A) IN GENERAL.—Proceeds deposited in the State renewable energy account shall be used by the Secretary, subject to annual appropriations, for a program to provide grants—

“(i) to the State agency responsible for administering a fund to promote renewable energy generation for customers of the State or an alternative agency designated by the State; or

“(ii) if no agency described in clause (i), to the State agency developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

“(B) USE.—The grants shall be used for the purpose of—

“(i) promoting renewable energy production; and

“(ii) providing energy assistance and weatherization services to low-income consumers.

“(C) CRITERIA.—The Secretary may issue guidelines and criteria for grants awarded under this paragraph.

“(D) STATE-APPROVED FUNDING MECHANISMS.—At least 75 percent of the funds provided to each State for each fiscal year shall be used to promote renewable energy production through grants, production incentives, or other State-approved funding mechanisms.

“(E) ALLOCATION.—The funds shall be allocated to the States on the basis of retail electric sales subject to the renewable electricity standard under this section or through voluntary participation.

“(F) RECORDS.—State agencies receiving grants under this paragraph shall maintain such records and evidence of compliance as the Secretary may require.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

“Sec. 609. Rural and remote communities electrification grants.

“Sec. 610. Renewable electricity standard.”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on September 18, 2013.

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

##### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on September 18, 2013, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 18, 2013, at 10 a.m. in room 406 of the

Dirksen Senate office building, to conduct a hearing entitled, “Implementing MAP-21’s Provision to Accelerate Project Delivery.”

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

##### COMMITTEE ON FINANCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 18, 2013.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on September 18, 2013, at 10 a.m. in room SD-430 of the Dirksen Senate office building.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 18, 2013, at 9:30 a.m.

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

##### COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to 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.

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

##### COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 18, 2013, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Reevaluating the Effectiveness of Federal Mandatory Minimum Sentences.”

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

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Small Business and entrepreneurship be authorized to meet during the session of the Senate on September 18, 2013, at 10 a.m. in Room 428A Russell Senate Office Building to conduct a roundtable entitled “Closing the Wealth Gap: Empowering Minority Owned Businesses to Reach Their Full Potential for Growth and Job Creation.”

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

##### SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I ask unanimous consent that the Special

Committee on Aging be authorized to meet during the session of the Senate September 18, 2013, to conduct a hearing entitled “Older Americans: The Changing Face of HIV/AIDS.”

The Committee will meet in room 562 of the Dirksen Senate Office Building beginning at 2 p.m.

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

##### SUBCOMMITTEE ON ECONOMIC POLICY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Economic Policy be authorized to meet during the session of the Senate on September 18, 2013, at 2:30 p.m. to conduct a hearing entitled “Implementation of the Biggert-Waters Flood Insurance Act of 2012: One Year After Enactment.”

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

##### SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on September 18, 2013, at 10:30 a.m. to conduct a hearing entitled “Recovering From Superstorm Sandy: Assessing the Progress, Continuing Needs, and Rebuilding Strategy.”

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

#### NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 164 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 164) designating October 30, 2013, as a national day of remembrance for nuclear weapons program workers.

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

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

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

The resolution (S. Res. 164) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)