

energy efficiency software, and power management tools) to operate buildings and equipment in the optimum manner at the optimum times.

(b) **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.

(c) **MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS.**—The report required under this section 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 2984.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2262, 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 117, strike line 23 and all that follows through page 123, line 25, and insert the following:

(8) **APPLICABILITY AND IMPLEMENTATION DATE.**—Not later than 4 years after the date of enactment of this Act, and before December 31, 2017, the enhanced loan eligibility requirements required under this subsection shall be implemented by each covered agency to—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(A) labels or ratings of buildings;

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

“(C) blueprints;

“(D) construction costs;

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

“(F) utility bills;

“(G) energy consumption and benchmarking data; and

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

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

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

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

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

(6) **PROTECTIONS.**—

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

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

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

(7) **APPLICABILITY AND IMPLEMENTATION DATE.**—Not later than 4 years after the date of enactment of this Act, and before December 31, 2017,

## NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to consideration of H.R. 4120, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

The bill (H.R. 4120) to amend the National Law Enforcement Museum Act to extend the termination date.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent the bill be read three times and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 4120) was ordered to a third reading, was read the third time, and passed.

## RECOGNIZING CINCO DE MAYO

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 437.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 437) recognizing the historic significance of the Mexican holiday of Cinco de Mayo.

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

## CINCO DE MAYO

Mr. REID. Mr. President, today I wish everyone, especially Mexican Americans across the country and in Nevada, a happy Cinco de Mayo. All Americans, regardless of background, join with the Mexican-American community in commemorating the causes of freedom, liberty, and Hispanic heritage represented by this holiday.

There are celebrations all over America today. Driving to work this morning, I saw a couple of people with great big sombreros wanting to come to one of the celebrations in and around

Washington. So this is a wonderful holiday we all celebrate.

Mr. UDALL of Colorado. Mr. President, I support this resolution, with Senator Cornyn and others, commemorating Cinco de Mayo.

We all love Cinco de Mayo for the food and festivities that we have grown so accustomed to across our country. However, we commemorate Cinco de Mayo in order to celebrate the joint-history and values that are shared by both Mexicans and Americans. Cinco de Mayo is a day that reminds us that the citizens of Mexico possess the same courage that we, as Americans, value in ourselves. For that reason, the commemoration of Cinco de Mayo has transcended from being a celebration of the victorious Battle of Puebla that Mexico won over France, to a celebration of courage and a recognition of all contributions that the Mexican-American community has had both in Colorado and in our great Nation. Celebrating Cinco de Mayo brings pride to both the Mexican-American community and all Americans.

The courage displayed by Mexican forces on May 5, 1862 parallels the courage that we as Americans have used to overcome adversity and thrive since our founding. The victory of the beleaguered force of Mexican troops at the Battle of Puebla weakened France's immense resources and limited its ability to meddle in America's Civil War. As Mexico sought to defend itself from European aggression, the Battle of Puebla reminds us that the foundation of the United States was also built through battles in which the United States often found itself as the underdog. Through courage, perseverance, and the willingness to fight and die for freedom, our Nation has become stronger. These contributions that the Mexican-American community has had in our Nation should be celebrated as part of our country's history.

While Cinco de Mayo remains a Mexican national holiday, the commemoration of this holiday has become imbedded in American culture. Both in Colorado and throughout our Nation, the contributions of the millions of Mexican-American families are seen throughout our communities. As in years past, I continue to encourage my fellow Coloradans to celebrate Cinco de Mayo by remembering and educating but also by coming together with friends and neighbors to enjoy food, music, and dancing.

Mr. MERKLEY. Mr. President, I ask unanimous consent that 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 was agreed to.

The preamble was agreed to.

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

# DESIGNATING ST. LOUIS, MISSOURI, AS THE "NATIONAL CHESS CAPITAL" OF THE UNITED STATES

Mr. MERKLEY. Mr. President, I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 102 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 102) expressing support for the designation of Saint Louis, Missouri, as the "National Chess Capital" of the United States to enhance awareness of the educational benefits of chess and to encourage schools and community centers to engage in chess programs to promote problem-solving, critical thinking, spatial awareness, and goal setting.

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

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

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

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 102

Whereas, in 2009 and 2011, the United States Chess Federation awarded Saint Louis, Missouri, the title of "Chess City of the Year" and, in 2010, the Chess Club and Scholastic Center of Saint Louis was named "Chess Club of the Year";

Whereas Saint Louis hosted the United States Chess Championship and United States Women's Chess Championship in 2009, 2010, 2011, and 2012 and the United States Junior Closed Chess Championship in 2010, 2011, and 2012, which are the three most prestigious, invitation-only chess tournaments in the United States;

Whereas the Chess Club and Scholastic Center of Saint Louis opened its doors in July 2008, and since that date, Saint Louis has become widely recognized as the emerging chess center of the United States;

Whereas chess promotes problem-solving, higher-level thinking skills, and improved self-esteem;

Whereas the Chess Club and Scholastic Center of Saint Louis brings the educational benefits of chess to thousands of students in more than 100 schools and community centers across the greater Saint Louis area, targeting more than 3,300 students in 2011 and 2012;

Whereas the Chess Club and Scholastic Center of Saint Louis offers free classes and lectures, weekly tournaments, private lessons, summer camps, and field trips to expose school-aged children to the benefits of chess;

Whereas the Chess Club and Scholastic Center of Saint Louis provides instructors, equipment, and curricula to after-school programs in the greater Saint Louis area;

Whereas the Chess Club and Scholastic Center of Saint Louis offers a coaching program to create a sustainable network of participating after-school chess programs; and

Whereas Saint Louis has become a hub for developing chess skills in students from across the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses support for the designation of Saint Louis, Missouri, as the "National Chess Capital" of the United States;

(2) encourages the people of Saint Louis to continue promoting the educational benefits of chess among school-aged children; and

(3) encourages all schools and community centers in the United States to engage in chess programs to promote problem-solving, critical thinking, spatial awareness, and goal setting.

## MEASURE PLACED ON THE CALENDAR—S. 2280

Mr. MERKLEY. I understand that S. 2280 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2280) to approve the Keystone XL Pipeline.

Mr. MERKLEY. I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

## ORDERS FOR TUESDAY, MAY 6, 2014

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 6, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the time until 11 a.m. be equally divided and controlled between the two leaders or their designees prior to a cloture vote on the motion to proceed to S. 2262, the Energy Savings and Industrial Competitiveness Act; that the Senate recess at 12:30 p.m. subject to the call of the Chair to allow for the weekly caucus meetings and the official photograph of the 113th Congress; that if cloture is invoked on the motion to proceed to S. 2262, the time during the recess count postcloture.

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

## PROGRAM

Mr. MERKLEY. There will be a roll-call vote at 11 a.m. tomorrow.

Additionally, the official photograph of the 113th Congress will be at 2:15 p.m. tomorrow.