

and women who served our country and who are suffering from the visible and invisible wounds of war will have someone here to fight for them because I know they will continue to carry on this message.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

UNANIMOUS CONSENT REQUEST—  
H.R. 2126

Mr. PORTMAN. I ask unanimous consent that the energy committee be discharged from further consideration of H.R. 2126 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. PORTMAN. Mr. President, this is with regard to the energy legislation that passed the House and has four commonsense, simple provisions we hoped to be able to pass by unanimous consent tonight, and hopefully I will be able to convince my colleagues it is something that is good for American jobs, American business, and for energy efficiency. There are four or five speakers who would like to talk on this. What I would like to do, if I could, is ask them to begin the debate here and then I will wrap it up at the end.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise in support of my colleague and my partner in this energy efficiency effort, Senator PORTMAN, to support his unanimous consent request that the Senate pass H.R. 2126, the Energy Efficiency Improvement Act.

I am disappointed to hear Senator COBURN's continued objection to this legislation and to energy efficiency measures. This bill is identical to a more narrowly focused energy efficiency bill Senator PORTMAN and I introduced recently in the Senate. It tracks closely to legislation we have been working on actually for 4 years, the Energy Savings and Industrial Competitiveness Act, also known as Shaheen-Portman.

The legislation before us, H.R. 2126, is really a shortened version of Shaheen-Portman. Unfortunately, as we know, the longer version, the energy efficiency act, has stalled twice on the Senate floor—not due to concerns about what was in the bill but because of disagreements over other issues that were related to energy but unrelated to our bill.

While we may not be able to pass the larger bill this session, the Senate still has an opportunity to pass meaningful energy efficiency legislation by passing H.R. 2126. This is bipartisan legislation

that was introduced in the House by Representatives MCKINLEY, a Republican from West Virginia, and WELCH, a Democrat from Vermont, and passed the House earlier this year with overwhelming support from both sides of the aisle, 375 to 36.

That broad bipartisan support extends beyond Capitol Hill. It enjoys the support of business groups and environmental organizations and efficiency advocates who all recognize that energy efficiency is the cheapest, fastest way to begin addressing the Nation's energy needs. Supporters include everyone from the Natural Resources Defense Council, to the U.S. Green Building Council, to the U.S. Chamber of Commerce, and the Real Estate Roundtable. The list of businesses and organizations that have endorsed this bill numbers over 200.

This bill contains several provisions that will encourage efficient energy consumption, and as a result of this legislation, consumers and families will save money. The legislation will grow our economy, create jobs, and it will reduce pollution. It really is a win-win.

Even though it is not the longer version of energy efficiency legislation Senator PORTMAN and I have been working on for the last 4 years, it will do a number of things that are critical to address our energy needs.

First, it will create a voluntary, market-based tenant star program. This is modeled after the successful ENERGY STAR labeling program from building owners. It sets up a voluntary certification system for efficiency and commercial tenant spaces.

I see my colleague from New Hampshire Senator AYOTTE, who I think is going to speak to this provision in the bill.

I think it is important to remind people that what it does not do is provide financial incentives or create new regulations. It does not do that. It is a voluntary, market-based, business-friendly approach to encourage energy efficiency in commercial buildings. It also will establish a benchmarking and disclosure process for energy consumed in federally leased buildings, so we will all know how much energy is being consumed.

Third, it will require Federal agencies to implement strategies to increase the efficiency of data centers that are operated by the Federal Government—a huge user of energy.

Finally, it will remove a regulatory barrier to the manufacturer of large-scale water heaters. It is something Senator HOEVEN has been working on for a long time.

These four commonsense, targeted provisions are widely supported. As I said, they will grow our economy and help create jobs and demand for the American-made energy efficiency technologies. They will save businesses and families money on their energy bills, and they will cut pollution.

I am pleased to join Senator PORTMAN in this unanimous consent re-

quest, and I am disappointed that once again we are going to be prevented from moving forward with commonsense energy efficiency measures. I do hope that with the continued support on both sides of the aisle for energy efficiency, we will be able to come back before the end of this year and pass this measure.

Thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, first of all, I wish to thank my colleague from New Hampshire for her leadership on this important legislation, and I join her request, as well as the Senator from Ohio, Mr. PORTMAN's request for unanimous consent on H.R. 2126 that passed the House overwhelmingly in March by a vote of 375 to 36. Why is that? Because this is commonsense, bipartisan legislation that creates jobs, increases energy efficiency, reduces the amount of energy we need to use, and less pollution—and think about our overall goals of making sure America remains safe, energy independent, and energy secure, and it does it all in a way that is market-based, in a way that you have seen overwhelming support from both the business community and the environmental community.

This House bill on which we are asking unanimous consent is a companion bill to the work done by Senators PORTMAN and SHAHEEN in the Energy Efficiency Improvement Act, of which I am proud to be a cosponsor. This is an area where I believe we can find strong common ground in this body—energy efficiency measures that are market based, that move us forward to use less energy and create American jobs.

Within this bill is a provision called the Better Buildings Act, which I was proud to introduce with Senator BENNET from Colorado, and this is commonsense, no-cost legislation that would help boost energy efficiency in commercial buildings through the design and construction of efficiency improvements in leased tenant spaces in commercial buildings. So one of the important pieces of this legislation that is contained in the Better Buildings Act actually brings the tenants into the discussion. It is voluntary. It creates a situation where we have tenants and owners working together to reduce energy costs, save us money, and create jobs.

So I am hopeful that this bill will be cleared, this legislation. If you look at the list of groups that are supporting this legislation, it is not often that these groups all come together, and it really speaks to the commonsense nature of this legislation, the importance of it.

I, again, want to thank my colleagues for their leadership, especially Senator SHAHEEN and Senator PORTMAN. I hope as a body we can get this done because this is just plain common sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I too want to join in the unanimous consent that has been raised by my colleagues Senator PORTMAN and Senator SHAHEEN on this very important bill. I have to say it feels a little bit like instead of calling it the energy efficiency bill, we need to call it the groundhog day bill because it just keeps coming back. It is a measure that, as my colleagues have mentioned, is so common-sense. When we think about ways that we can do more to be responsible stewards of our energy resources and do more to reduce our costs, energy efficiency is just calling to us all.

What we have in front of us today is not the full-on energy efficiency bill that Senators SHAHEEN and PORTMAN have been working so diligently on for so many years now, but it is a slimmed-down version coming across from the House, a House-drafted, Republican-sponsored, cost neutral bill that passed that Chamber on suspension back in March, as was noted, by an overwhelming margin of 375 to 36. There are four major provisions in the bill, but none of these provisions are controversial. Probably the most important to us right now is the time-sensitive provision that provides regulatory relief for our rural electric co-ops. Under a consent decree from 2010, water heater manufacturers have until just mid-April—April 16—of this next year to meet revised minimum efficiency standards from the Department of Energy.

So you have got a situation where, in anticipation of this deadline, companies that make certain types of water heaters are already stopping their production. As a result, you are going to have co-ops that will effectively no longer have the ability to purchase them and use them in their systems. So they are coming to us and saying, "Help." We need to have some certainty here and now.

What we do in this measure—what the House does is simply exempt rural co-ops and creates a different, achievable standard for them. It is a compromise that has been forged by the co-ops, the industry, the Department of Energy. Senator HOEVEN has been leading on this and has been great. This is something that needs to be addressed and it needs to be addressed now rather than later.

The remaining provisions within this measure are all voluntary efficiency programs. One focuses on the efficiency of commercial office buildings, another provides greater information about energy usage in the buildings, and then the third looks at energy-efficient government technology and practices.

Again, none of these are controversial. None of them impose mandates, penalties, or taxes. CBO has deemed them to cost nothing. So there is only benefit. There is only an upside. So, again, we have seen the full-on energy

efficiency measure before us now two separate times on this floor. We have reported that bill from the energy committee on a strong bipartisan basis.

We really should be moving to do right when it comes to energy efficiency. Senators SHAHEEN and PORTMAN have led that effort. The House has now acted. It is unfortunate that we will not be able to resolve this. But I am certainly committed to working with my colleagues in the new year to advance what, again, is just simple common sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I would like to thank the Senator from Alaska for her leadership of our energy committee on this and many other important energy issues. I want to follow along with much of what she just covered and why it is important.

In this legislation, which is sponsored by Senator PORTMAN and Senator SHAHEEN, there are a number of energy efficiency measures. But the one she emphasized and the one which I want to emphasize is the water heater efficiency provision. This is a common-sense provision. It is very important for people in rural areas across the country.

The rural electric cooperatives have been very strong on working to get this legislation passed. They have gotten it passed in the House on behalf of all of those people out there in rural America where this can make a real difference in terms of quality of life, but at the same time save energy and save money. So it is one of those measures where everyone wins all the way around.

We have sponsored this in a number of different forms. We have not been able to move it through the Senate yet. We will, I am convinced, move it through next year. But as the good Senator from Alaska said, there are some timelines here that make it very important that we get the measure passed.

Essentially what we are dealing with is in 2010, the Department of Energy issued a rule on water heaters that will effectively ban the manufacture of large electric water heaters beginning in 2015—so next year—which could greatly affect consumers in rural areas and hurt the effectiveness of some of our demand-response rural programs.

Many of our rural areas are not serviced by natural gas, and geothermal water heaters can cost many thousands of dollars. So this is a practical win-win amendment that improves the efficiency of electric water heaters but still lets our rural areas have access to affordable, efficient water heaters that can supplement renewable energy.

Electric cooperatives and other utilities have voluntary demand-response programs that use electric water heaters to more effectively manage power supply and demand. In those areas where renewables are part of the elec-

tric generation system, those water heaters facilitate the integration of renewable energy that can be stored for use during peak hours, like wind and solar energy.

So this provision would allow the continued manufacture of large grid-enabled electric resistance water heaters only for use in electric thermal storage or demand-response programs, meaning you are using offpeak load. So you are using lower cost energy, energy that otherwise would be lost. So, again, it really is a win for everybody involved.

This provision would require grid-enabled water heaters to have a volume of more than 75 gallons, be energy efficient, and work on grids that have a demand-response program. It is that simple. It is that straightforward. It is that commonsense.

But it affects a tremendous number of people across rural America, people in States such as Indiana, North Dakota, Ohio, across the country. I am convinced we are going to get this. The issue is when. We are facing this timeline, as I say, in 2015.

I will conclude with some of the organizations that support this legislation. I do not know of anyone opposing it. We have got a tremendous number of organizations that support it, including the Air Conditioning, Heating, and Refrigeration Institute, the American Council for an Energy-Efficient Economy, the American Public Power Association, Edison Electric Institute, the General Electric Company, National Rural Electric Cooperative Association, the National Resource Defense Council, the Northwest Energy Alliance.

The bill saves money, it saves energy, it benefits the environment, it benefits consumers. Look, we need to get it passed. This bill on the floor easily gets more than enough to pass on a bipartisan basis with flying colors.

I would certainly yield the floor to our leader on this important issue, the good Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I thank my colleague from North Dakota. He has done a great job of talking about the importance of the overall bill, and then these four small provisions we are trying to do tonight. But specifically he made a great point about the importance of dealing with this water heater issue. He feels it every day, because in North Dakota he is hearing from his rural electric co-ops saying: This is crazy. Why would we not go ahead and pass this legislation?

In effect, what he just said was: We need to pass this legislation to be able to keep the Federal Government from imposing a regulation that makes no sense for anybody, whether you believe in energy efficiency or not. It makes no sense for anybody.

I am hopeful we can get this done. I know we had an objection earlier in the

process this evening. I am hopeful we can convince the colleague from Oklahoma who objected that this is commonsense legislation that has to get passed.

We have heard from Senator SHAHEEN also, who has been the Democrat leader on this with me. We also heard from the chairman of the energy committee come January, Senator MURKOWSKI, a Republican from Alaska. She is a strong supporter. We have heard from Senator AYOTTE, also a Republican from New Hampshire, who is an expert on energy efficiency as it relates to what is called Tenant Star and better building programs. This is one thing that we ought to be getting done here during this lameduck session of Congress. We are doing other things that I think could be improved, but this is one where it is so simple.

Just to be sure people understand what we are talking about tonight, these are four provisions that have all passed the Senate committees, have all passed the House committees—unanimously, by the way, these four provisions passed unanimously in the Republican House of Representatives. It has come to the floor twice here in the Senate.

For other reasons which had to do with process and not allowing amendments, the overall bill was objected to, but not these four provisions. Then these four provisions went to the House floor for a vote. They were passed overwhelmingly 375 to 36. This is the sort of legislation that has been fully vetted. Everybody knows what is in it. It is being supported across the spectrum. We could help people right away.

There is also an urgency here, because these manufacturers that are making these water heaters that the Department of Energy, under their regulations, wants to prohibit, those manufacturers are telling us the deadline is right now. Even though it is not until March-April that the regulations have a deadline, the manufacturers are already stopping production of these water heaters because it takes that long to get them manufactured and get them distributed out to those rural co-ops.

It is urgent that we do this now and not wait until January. If we do not, we are going to hurt a lot of consumers and we are going to hurt a lot of these rural electric co-ops, and again do something that makes no sense. You want to encourage these water heaters to be built, because these water heaters are part of a program where, because they are not used during peak times, called the demand-response program, they actually save energy. This is a good thing. I am hopeful that provision will be able to get through, along with the others.

This is a bill, again, that has already passed the House, unanimously out of committee, overwhelming vote on the floor. All we have to do tonight is say yes and it goes to the President for his signature. The administration has indi-

cated they will sign it. It will then become law.

There are three other provisions we should also talk about. One is called the Tenant Star provision. It was talked about a little bit earlier tonight. Let me be sure people understand what it is.

Some of you are aware of a program for appliances called ENERGY STAR. That is so you, as the consumer, can go into an appliance store and determine whether something meets the standard, the Good Housekeeping Seal for energy efficiency. When we bought a dryer recently, that was nice to be able to know whether it had the stamp of approval. Some people like energy-efficient appliances. Why? It saves you money. It is also good for the environment. So that is not a mandate. It is not a tax incentive. It is not a grant program. It contains no regulatory authority. There is nothing in it that requires any new spending. But it does give a boost and a powerful branding opportunity to commercial real estate owners to market their buildings to tenants, investors, and other key audiences. It says, just as the appliance Good Housekeeping Seal says, it says to a business owner: This tenant space is efficient. It meets the Tenant Star requirements. That is why this provision is so strongly supported by the commercial real estate industry, organizations such as the Real Estate Roundtable, the International Council of Shopping Centers.

By the way, the industry considers this provision as an important alternative to onerous regulations. They like this because this is voluntary. As consumers, we should all like it, because it is something that gives us more information to be able to make a good decision.

The third provision we are talking about tonight has to do with the Federal Government. Let me make this very clear. The Federal Government is the biggest user of energy in the world, and one of the most inefficient, unfortunately. So the Federal Government said: Everybody needs to be more focused on energy efficiency.

As I looked at this, we ought to get the Federal Government to practice what it preaches. That is what this provision does. It does it with regard to information technology. We hear constantly from outside groups that this is one area that is ripe for savings. In other words, there are lots of energy savings that could be accomplished in the energy area through information technology being used more efficiently.

We have had hearings on this, had testimony on this. We know this is an area where we can have a lot of savings. This would require the Federal Government, again, to coordinate with the Office of Management and Budget, with the Department of Energy, with EPA, to develop an implementation strategy that includes best practices, measurements, verification techniques for the maintenance of IT, the pur-

chase of IT, the use of energy-efficient information technology.

There is so much more we can do here with regard to IT. We know that. That is why it passed the House unanimously in committee and overwhelmingly on the floor, because we know this is an area where the Federal Government—your tax dollars being spent can be much more efficient, good for the environment, good for taxpayers, less energy, and overall good for our energy policy in this country.

Finally, the fourth provision. Remember, four simple provisions have to do with an existing requirement that commercial buildings leased by the Federal Government have to disclose their energy usage. This modifies that provision. It says you have got to provide more information with regard to what the actual energy usage is in these buildings.

Again, the Federal Government—recall, largest energy user in the world—to make them more efficient with regard to their buildings makes all the sense in the world. These are commercial buildings leased by the Federal Government. So, again, this is not a mandate on the private sector. This does not cost anything. It does say that we need to modify the requirements of commercial buildings leased by the Federal Government to disclose their energy usage data.

This would help all of us. These are commonsense proposals. They are bipartisan. They are long overdue. They can go to the President after a vote tonight for his signature. They could become law.

I want to thank everyone who has been involved in this small bill, getting it to the floor, including Senator MURKOWSKI, whom we heard from earlier, who is the ranking member, soon to be Chair of the energy committee; also Senator LANDRIEU, the current Chair of that committee. Also Senator AYOTTE we heard from, Senator SHAHEEN, Senator HOEVEN, Senator BENNET were on the floor earlier to speak on this issue.

I want to thank the many industry groups, the businesses, the energy efficiency organizations out there that have helped us to craft legislation with such broad support.

The least expensive energy is energy we don't use. Yes, we should produce more energy. I am for that. We should also use the energy we have more efficiently. It helps create jobs. It helps make our country safer because it is a national security issue to make America energy independent.

It ensures that we will have a better environment, and it ensures that every dollar a small business or manufacturer is spending on energy is used most efficiently. It makes us more competitive in this global economy we find ourselves in. That leads to more jobs, higher wages, all the things we should be doing in this Congress.

I thank the Presiding Officer for listening tonight. I thank the American people for listening, and I hope they

will strongly support the legislation we are putting forward tonight and the broader bill that will come to the floor we hope after the first of the year, because after the first of the year we will have a chance to take up this issue, not only these four provisions if they aren't passed over the next couple of days but a broader bill that will be broadly supported by Republicans and Democrats alike that will help our country become more energy efficient.

I yield back the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALSH. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. WALSH. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTES TO DEPARTING SENATORS

CARL LEVIN

Mr. LEAHY. Madam President, on first glance, one might not think that Michigan and Vermont share much in common. But to delve deeper is to see that both States have deep roots in their rural populations, strong agricultural bases, and stunning natural landscapes. Senator CARL LEVIN has represented the people of Michigan in the U.S. Senate since 1979. He is one of this Chamber's most senior Members and one of the longest serving Senators in history. He has cast more than 12,500 votes on behalf of his constituents.

Senator LEVIN has worked to ensure that the lakes of Michigan will be clean and safe for generations of Michigan residents to come. He has sponsored legislation to protect and restore the Great Lakes and their abundant wildlife habitats and secured millions to bring Michigan's lakes back to their natural pristine glory, and he has supported the Great Lakes Fishery Commission, which has supported the Great Lakes, Lake Champlain, and international waterways.

As chairman of the Senate Armed Services Committee, Senator LEVIN has been a powerful force in crafting our Nation's defense policy, particularly in the post-9/11 era. The battlefield has been vast, and his support of our troops has never wavered. He has consistently worked to ensure that the brave men and women serving in uniform have the support they need to keep our Nation and our allies safe. He

and I shared reservations about launching a war in Iraq, reservations that have proven sound.

I was particularly moved by Senator LEVIN's strong support—and steadfast leadership—in advancing the Matthew Shepard and James Byrd Jr. Hate Crime Prevention Act. That measure ultimately became law in 2009, in large part to Senator LEVIN's commitment to ensuring its inclusion in the National Defense Authorization Act. This Federal hate crimes law took years to achieve. At a time when it may have been easier to push a final vote down the road, Senator LEVIN worked with me to ensure that it was considered by the Senate and then upheld through a conference committee. This alone would be a remarkable achievement, but Senator LEVIN's Senate career boasts many achievements.

I have also been honored to work with Senator LEVIN to reaffirm our Nation's commitments to those citizens of the world who, persecuted, oppressed and stateless, look to our country for protection. He has been a voice on behalf of displaced Iraqis and Syrians, and a dependable cosponsor of my Refugee Protection Act.

From protecting America's waters to crafting America's actions abroad, Senator LEVIN has been a powerful and invaluable presence in the Senate. He heads now into retirement, where I know he and Barbara will enjoy spending time with their three wonderful daughters and beautiful grandchildren. Marcelle and I wish him and Barbara the very best in this new chapter. I will miss him.

TOM HARKIN

Madam President, Senator TOM HARKIN and I came to Washington in the same year—TOM, to the House of Representatives, and I, to the Senate. For nearly 40 years, he has represented Iowans with the even temper and strong commitment that has become a hallmark of his tenure.

Senator HARKIN has been a leading defender of rights for persons with disabilities, anchored by the landmark law he authored, the Americans with Disabilities Act. Inspired by the challenges faced by his own deaf brother, HARKIN led a crusade to enact this historic legislation, ensuring that individuals living with disabilities could not be discriminated against because of those disabilities. The ongoing effort to protect and support Americans—and people around the world—living with disabilities, has become a cornerstone of Senator HARKIN's career.

As chairman of the Senate Committee on Health, Education, Labor and Pensions, HELP, Senator HARKIN has helped create a new model of health care, one focused on prevention and health rather than reaction and sickness. He was one of the leaders in crafting the Affordable Care Act, giving millions of Americans better access to health care. He has continually fought for the missions of and the funding for the Centers for Disease Control,

the National Institutes of Health, and the Food and Drug Administration.

I have worked with Senator HARKIN on a number of matters, from international human rights to critical funding for breast cancer research. Senator HARKIN and I have worked together in our shared commitment to America's farmers and farming, an industry that it so critical to both our States. Together we have worked to increase conservation funding, promote water quality, and protect the environment while supporting our family farmers.

TOM HARKIN is a lifelong Iowan. He and his wife Ruth have given decades in public service representing the people of Iowa. I want to congratulate him on an accomplished career and wish him, Ruth, their wonderful children and grandchild all the very best.

JAY ROCKEFELLER

Madam President, for nearly 30 years, West Virginians have elected JAY ROCKEFELLER to represent them in the U.S. Senate. When he retires in January, he will leave a record of tireless service on behalf of West Virginians and all Americans.

Senator ROCKEFELLER ranks among the champions of affordable health care. He coauthored the Child Health Insurance Program, CHIP, a program I have also been proud to support, which provides health care coverage to more than 6 million children each year, who would otherwise be uninsured. A former chair of the Veterans Affairs Committee, he authored legislation to improve care for our Nation's heroes. He was instrumental in the creation of a commission on long-term care to look for solutions to a lack of essential long-term medical support for millions of Americans. With Ted Kennedy, he led the charge for health care reform in the Senate in the 1990s. The list of achievements goes on.

For nearly 50 years, Senator ROCKEFELLER has served the people of West Virginia as a State representative, a secretary of state, a college president, a Governor, and, for the last 30 years, as a U.S. Senator. He is a dear and valued friend. I wish JAY and his wife Sharon the very best as he retires from the Senate.

TIM JOHNSON

Madam President, the senior Senator from South Dakota, TIM JOHNSON, is as fine a public servant as I have known. These are words I have used before about Senator JOHNSON. As he approaches his retirement from the Senate, they are as true now as ever before.

Senator JOHNSON embodies the traits of a dedicated public servant. He represents South Dakotans with every fiber of his being. He is the great-grandson of a homesteader who settled in South Dakota when it was still a territory. And he has never lost sight of the interests of the constituents he has served in Congress for more than 25 years. Never one to rest on the job, he introduced more legislation in his freshman term than any of the almost 60 new Members of Congress that term.