

critical actions the government takes on behalf of the public.

Accordingly, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 566, S. 1898; that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TOOMEY. Mr. President, on behalf of Senator CORNYN, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. WARREN. Mr. President, I am disappointed but not surprised that there is an objection to this request because although there is bipartisan support for this bill and only one outside group has raised concerns—that group is the U.S. Chamber of Commerce, a powerful lobbying organization that represents the interests of large corporations. The chamber's concern about this bill demonstrates just how much the interests of these giant corporations that break the law conflict with public interests.

In its letter opposing the bill, the Chamber wrote that the bill “would remove the incentive for investigation targets to settle and force the government to expend more resources to prove its assertions in court.” Think about that for a second. The chamber's position is that agencies shouldn't disclose basic facts about settlement agreements to the public because if the public were aware of those facts, they would demand more accountability for corporate wrongdoers.

The chamber's position boils down to this: Let's keep the details of these agreements hidden from view so that corporate wrongdoers don't have to worry about any real accountability for their illegal actions. That sounds great if you are a big company that breaks the law, but I don't think it sounds great to the American people. I think the American people are tired of seeing large corporations break the law and then negotiate sweetheart deals behind closed doors.

While we will not be able to pass the Truth in Settlements Act this Congress, I will be reintroducing it in the next Congress, and I will continue to fight for the public to get access to the details of these agreements because we weren't sent here to work for big companies and to protect them from accountability when they break the law; we were sent here to stand up for everyone.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENTS REQUEST—
H.R. 2126

Mrs. SHAHEEN. Mr. President, I am here with Senator PORTMAN of Ohio to

try—I think for about the sixth time—to get energy efficiency legislation passed.

Senator PORTMAN and I have been working on legislation called the Energy Savings and Industrial Competitiveness Act for 4 years now. We have tried to bring it to the floor, and it has been objected to not because of provisions in the bill but because of extraneous provisions that have people holding it up.

Tonight we are again trying to pass a smaller version of that bill. It is H.R. 2126, the Energy Efficiency Improvement Act, which was passed out of the House with a strong bipartisan vote of 375 to just 36. It was sponsored in the House by Representative MCKINLEY from West Virginia and Representative WELCH from Vermont. Senator PORTMAN and I introduced the same bill here in the Senate a couple of weeks ago.

I am going to be asking for unanimous consent that the Senate consider passage of this legislation. Before I do that, it is my understanding it is going to be objected to again and that Senator TOOMEY is here to do that. But I wonder if I could get an answer to a question from Senator TOOMEY about what his specific objections are to the legislation.

I understand the Tenant Star provision in the bill is what he is objecting to. Yet this would establish best practices, and it would set up a voluntary certification system for efficiency and commercial tenant spaces. What it does not do is provide financial incentives or create new regulations. It is a voluntary, market-based, business-friendly approach to encouraging energy efficiency—which is the cheapest, fastest way to deal with our energy needs in this country. It is something everybody agrees we should try and do.

So I wonder if I can ask my colleague from Pennsylvania if he could describe his concerns about that provision in the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I am objecting on behalf of a colleague who is unavoidably detained. So the Senator from New Hampshire will have to take this up with our colleague.

Mrs. SHAHEEN. Mr. President, in that case, I ask unanimous consent that the energy committee be discharged from further consideration of H.R. 2126, the Energy Efficiency Improvement Act, and the Senate proceed to its consideration; that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TOOMEY. Mr. President, on behalf of my colleague who is unavoidably detained, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. SHAHEEN. Mr. President, I yield to my colleague from Ohio who I

know is here to talk about the legislation or my colleague from New Hampshire who has been working on the Tenant Star provision with Senator BENNET from Colorado.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank my colleague from New Hampshire and my colleague from Ohio, Senators SHAHEEN and PORTMAN, for their work on this legislation.

As my colleague from New Hampshire has said, unfortunately this is a piece of legislation that is being blocked. As we saw on the floor, we don't even know the reason it is being blocked. I think, when we have an objection on the Senate floor, we should have to come to the floor and state what our objection is.

So here we are. We are going to again ask for this legislation to be brought forward that passed overwhelmingly in the House and in fact has overwhelming support from both the business community and environmental groups.

If the Tenant Star provision is what is being raised—we are not quite sure what the objection is because we haven't heard here publicly.

This program is supported not only by commercial landowners but also tenants, the business community, and environmental groups. What it does is establish a market-based approach that is not a mandate but encourages both the commercial owners and tenants to be able to create a voluntary Tenant Star certification to encourage commercial tenants to implement cost measures that will help reduce energy consumption.

Energy efficiency is a bipartisan way we can reduce energy costs, we can protect our environment, and we can ensure that we don't have to be dependent on countries overseas. It is about security of this country too.

I thank my colleagues, Senators SHAHEEN and PORTMAN, for working so hard on this bill. It is surprising, this bill that passed—obviously, a smaller version of the bill that they have introduced and I am proud to cosponsor, but it has overwhelming support. It passed the House. It is unfortunate that we are here and aren't going to be able to get this done because it is just common sense.

Again, the program is not a mandate. There is no tax incentive, no grant program. It contains no regulatory authority, no new costs. This is one that just makes common sense.

So I am very disappointed that this bill is not going to be brought forward tonight. It is unfortunate that we are essentially here fighting against something we don't even know what the objections are because they haven't been stated publicly.

With that, I again thank my colleagues for working on this bill. I hope to support their efforts in the next Congress to get this bipartisan, commonsense energy efficiency legislation through this body.

With that, I turn to my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am also joined by our colleague from Alaska, the ranking member on the energy committee who will be the chair come January. I want to give her a chance to talk in a moment, but let me state a few things.

First, this legislation represents a lot of hard work by a lot of people, including Senator AYOTTE from New Hampshire, who spoke, Senator SHAHEEN also from New Hampshire, Senator BENNET, and others. It is an example of smart, bipartisan legislation that was worked out with the business community, with folks who are concerned about energy efficiency who are in non-profits. It has no objection, as far as I know, in the real world; meaning there is no group, not a single group, that has objected to it.

On the other hand, there are dozens of people who support it, including business groups, environmental groups, and people who want to have the opportunity on a voluntary basis—no mandates, as the Senator from New Hampshire has said, to be able to know that there is a certification that a building is energy efficient, to be able to have information.

Second, I want to make the point that it is part of four provisions, one of which is urgent because it involves a decision we have to make now—tonight—in the Senate in order to keep a regulation from the Department of Energy unfairly imposed on businesses and consumers in America, and this is the water provision.

So not only are we objecting to something I don't think anyone objects to in the real world, but also we are blocking something that would be good for our consumers and good for business.

Because of our inaction tonight—because we had this objection for reasons we don't know because we have not been able in two nights on the floor to get a reason. All we heard was: We object. No reason. We are stopping the ability for companies to produce water heaters that are then used by rural electric co-ops that are used in an energy-efficient way, because during a peak demand they are turned off. So they could superheat the water and be turned off in peak demand, called demand response. It is an efficiency measure.

The regulation doesn't make any sense that bans the production of these water heaters, but it is because of legislation that Congress passed that DOE feels they have to oppose the regulation.

So tonight we had the opportunity not only to pass something good on Tenant Star, not only to do other things that are good for the Federal Government to become efficient—the biggest energy user in the world, by the way—but also we have an urgent

matter before us; that is, to change this regulation before manufacturers are blocked from producing these water heaters.

Rural electric co-ops all over the country are watching tonight, and they are disappointed. Why? Because they use these water heaters, and they use them in an energy-efficient way. They are not going to be able to do that going forward because manufacturers are literally having to stop producing these water heaters because we are not acting.

So after the first of the year I hope we will be able to, in regular order, take this forward, and hopefully some of these manufacturers will begin to produce these water heaters again. Once we can take care of the regulations that are onerous on business owners and consumers and does not make sense for energy efficiency.

Finally, this is part of what I hope will be the past Congress. I hope in the future Congress, which will start in January, that we do things in a different way. I hope we begin to look at ideas from both sides of the aisle, find common ground, and move forward in legislation to help the American people.

This is a small matter. I understand that. It is a big matter if you are a rural electric co-op or if you are one of these commercial buildings that want to use Energy Star or if we care about the fact that we think about \$5 billion is wasted in energy inefficiency by the Federal Government that could be addressed by some of the other provisions here tonight.

I think this is, unfortunately, symbolic of where we are as a Congress. We can't even get simple things done.

This legislation was reported out of the committee in the House unanimously—all four provisions. We are talking about the Republican-led House unanimously on the floor of the House passed by a vote of 375. I think it was 375 to 34, as I recall. We don't see those kind of bipartisan votes often.

Then it came over here. It has gone through the energy committee. The energy committee's vote was something like 18 to 3, as I recall. It has come to the floor now for the third time—the fourth time, if we include last night.

This legislation has been fully vetted. We have had hearings on it. We have done all the right things. We have played by the rules, and those of us who played by the rules on this legislation again are being stopped as we get to the floor of the Senate.

I hope we will see not just good energy efficiency legislation passed in the next Congress but other legislation as well to deal with our Tax Code that is out of date, antiquated, to deal with the overreach and regulations, some of the regulatory reform measures that the Presiding Officer and I have talked about.

We can deal with the fact that we are falling behind in terms of exports; that we are not dealing with some of our ur-

gent problems we should be dealing with to get this economy moving.

We have to change the way we are doing business around here. We are letting things move only in very incremental and, unfortunately, partisan ways. We are not allowing the process to work.

So I am hopeful this legislation will be taken up in January. I am very disappointed it was objected to again tonight for no apparent reason. I am hopeful this will lead us to be able to better represent the people who hired us, the people who said: Go to Washington. I want you to find common ground because there are big problems to solve, not just give speeches. We have had enough of those. There is enough rhetoric. It is time to get things done. This is a small example of what could have gotten done tonight but for an objection with no apparent reason.

With that, I appreciate the fact that my colleague from Alaska has stayed late to be able to talk about this tonight. She will be the next chair of the energy committee, and she has the ability. Working with her colleagues on the other side of the aisle, to get some great legislation accomplished, and I hope this will be one of them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I join with my colleagues and express my disappointment that we are again at this place: A good measure that has good, strong, bipartisan, bicameral support has been blocked. It has been objected to.

I made a comment last evening when we once again attempted to bring up the unanimous consent order to advance the energy efficiency bill. It kind of feels like "Groundhog Day," the movie, where it is just the same scene over and over again, the third time to the floor on a measure that enjoys strong support. It kind of begs the question, why? What is the problem with it? But as both my colleagues Senator SHAHEEN and Senator AYOTTE from New Hampshire have outlined in terms of the specifics, there is no opposition there.

As the cosponsor, my colleague from Ohio has pointed out these four provisions that are contained in this House measure have so much bipartisan support that it passed the House unanimously coming over here.

So we have to ask: If we cannot advance a measure in this body such as energy efficiency that enjoys this level of support, how can we do anything around here?

I asked the question months ago, when I was being stopped in the hallway by reporters asking: What is going to happen to the energy efficiency bill, and I was bullishly optimistic because, as I said, this is a measure that enjoys strong support. It enjoys strong support and it is common sense.

I said: If we can't demonstrate that, we can't get a measure such as energy

efficiency through both Houses and enacted into law, how are we ever going to get to the really thorny, difficult issues?

I have been working with my colleagues on the appropriating side of energy and water, the Senator from California and Senator ALEXANDER from Tennessee working with us on the authorizing side. First it was me and Senator WYDEN, and then it was me and Senator LANDRIEU, and in January it will be Senator CANTWELL.

We will be trying to figure out how we are going to deal with the issues surrounding nuclear waste disposal. These are tough issues. These are contentious. We have got some issues that will face us in the new Congress relating to the export of our energy resources. These are also going to be contentious. How are we ever going to get to the tough ones if—on the easy ones, what we describe around here as the low-hanging fruit—we cannot get through this process?

So I have to say, it is late—it is not the 11th hour; it is beyond the 11th hour because we have just taken the last vote, the last vote of the 113th Congress. We are done, and what we are leaving people with is uncertainty. When we are talking about those ways that we as a Congress can help right some of the problems in this country—how we can get our economy on a better track, how we can move towards more jobs and job creation—the best thing we can do is offer a level of certainty.

Well, right now you have these manufacturers of these water heaters that are saying: We don't know whether we are going to have any kind of a reprieve from this regulation or not. So we are not only not going to be making these water heaters, but that means we don't have the workers, those in the manufacturing companies who are going to be there or the people that are selling them. Think about what we have done with this one hurdle that we just couldn't get around. Yet we couldn't get a straight answer as to what the opposition—what the pushback—was.

Something is wrong with this process when we cannot advance measures such as the energy efficiency bill, a measure that has been worked on for years—diligently and in good faith—in a very, very open and bipartisan way. So I am hopeful that the 114th Congress is going to bring with it not only some fresh air—fresh perspective—but a willingness and a commitment to move through a process. If there is an objection, it should be stated, and we can work it out. But to continue to block and block when we have the level of support on a measure that we have, that is just not right. There has to be a better way. So I have pledged to my colleagues, the sponsors of this bill and all of those who have been working hard on it, that we are taking this back up again in the new year. We are going to work to make sure this has, yet

again, the committee process, now for the third time, and we will work to advance it to the floor. It is my hope that if someone has problems with it, they have a solution to fix it, and they then come down and offer their amendments, we will debate them, and we will move on. But we have to be in a better place than where we have ended this evening.

So it is with regret that I say we will take it up again next year. But my hope is that we will do right by our energy policy, by focusing not only on the production side, not only the renewable side, but our efficiency measures that we have included in this bill. We are going to do right for a lot of the right reasons.

With that, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

ACHIEVING BETTER LIFE EXPERIENCE ACT

Mr. DURBIN. Mr. President, I want to thank my Senate colleagues for joining me in supporting and passing the Achieving Better Life Experience Act. I especially want to acknowledge Senator ROBERT CASEY, who has been a champion for all people with disabilities and the ABLE Act for years.

Earlier this year, Senator CASEY introduced us to Sara Wolff—a 31-year-old law clerk at O'Malley and Langdon in Scranton, PA. Since 2007, Sara has been an advocate for the National Down Syndrome Society. She also happens to have Down syndrome. Currently, Sara cannot have more than \$2,000 in assets before her government aid is cut off. Every month, she works with her employer so that she doesn't earn more than \$700. This enables Sara to maintain her much needed government benefits.

Over a year ago, Sara lost her mother to a sudden illness. It was a tremendous loss—her mother was her No. 1 advocate. Before her mother passed, Sara promised her that she would fight to get the ABLE Act passed. Sara has her whole life ahead of her and she needs a savings account to plan for her future, and she is not alone. Thousands of people with disabilities are outliving their parents. Parents need the peace of

mind that their children will be taken care of.

Everywhere I go in Illinois, I meet people whose lives have been affected by disabilities. Take Gene and Lynn Bensinger—from the north side of Chicago. Gene and Lynn are the parents of two adult sons. Their oldest son, Nate, is 21 years old and has autism spectrum disorder. Nate is about to “age out” of services offered through Chicago Public Schools and will no longer be eligible for special education services that he relies on. Nate's parents, along with thousands of Illinois families, experience many sleepless nights worrying about their responsibility to financially support their adult children today, in the future, and long after they are gone. Without this important legislation, it is almost impossible for those with disabilities—like Nate and Sara—to save enough so that they can be financially independent.

The ABLE Act will encourage and assist individuals and families to invest in private savings accounts, which can then be used to support activities that allow those with disabilities to maintain a healthy, independent life. Here's how it will work. The ABLE Act establishes tax-exempt accounts to assist parents of children with a disability to help provide for their long-term care. The accounts can be used to pay for medical care, dental care, education, housing, transportation and other community-based supports for individuals with disabilities. The money earned in an ABLE account would supplement but not replace Medicaid, Social Security, or other benefits. This would enable people, like Sara, to earn a livable wage and save for the future without worrying about losing coverage for critical health services.

I thank Senators ROBERT CASEY, RICHARD BURR, and 77 of my colleagues for cosponsoring this legislation. This is a true bipartisan effort. By passing this bipartisan bill today, Sara gets to keep her promise to her mother—and thousands of people with disabilities—like Nate—will finally be able to save for the bright futures they deserve.

SENATOR PAUL SIMON WATER FOR THE WORLD ACT

Mr. DURBIN. Mr. President, today we celebrate the passage of a bill I have been working on for 6 years—the Senator Paul Simon Water for the World Act.

The bill is aptly named after my predecessor from Illinois in the Senate—Paul Simon. Paul Simon was ahead of his time on so many issues—including on the importance of clean water and sanitation for the world's poor.

He understood if you wanted to avoid conflict between some nations, you had to look at the issue of water. He understood if you wanted to keep a girl in school or reduce infant mortality, you had to provide adequate sanitation and clean water. He understood that without clean water and sanitation, efforts