

ENERGY EFFICIENCY:

Shaheen, Portman mulling new bill with sweeteners to attract GOP votes

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Maybe the third time will be the charm.

Sens. Jeanne Shaheen (D-N.H.) and Rob Portman (R-Ohio) likely will introduce a third version of their long-suffering energy efficiency bill after an earlier version fell victim to legislative shenanigans last month.

The idea this time around, according to multiple sources involved in the process, would be to include enough sweeteners to persuade a critical mass of Republicans to part ways with colleagues like Sen. David Vitter (R-La.), who hijacked the floor debate over the bill last month in an effort to score political points over health care reform.

Outside stakeholders remain optimistic, and the underlying bill has plenty of support. But some aides caution that Republicans may resist efforts to limit the number of amendments that would be considered over broader dissatisfaction with their inability to force Democrats to take tough votes in the Senate. In addition to health care, the Shaheen-Portman bill has been looked at as an opportunity to force Democrats vulnerable in next year's midterm election to weigh in on a bevy of controversial issues, such as approval of the Keystone XL oil pipeline and U.S. EPA climate rules.

Over the weekend, House Energy and Commerce Chairman Fred Upton (R-Mich.) said he has been in touch with his Senate counterpart, Energy and Natural Resources Chairman Ron Wyden (D-Ore.), on the status of the bill, pledging action if it passes the upper chamber.

"I have talked to Sen. Wyden, and if they're able to move the bill soon, we're going to take it up in our committee," Upton said on the C-SPAN program "Newsmakers."

Portman is taking the lead in targeting at least a half-dozen GOP senators who could support a cloture vote to limit debate on the bill in exchange for their amendments' being included in the base text of a reintroduced version, according to aides and outside sources briefed on the strategy.

The sources caution that no approach is set in stone, and plans may change. The approach also may not preclude other amendments from receiving votes on the floor, an aide said.

Portman has previously said that he welcomes votes on controversial amendments, but that the new approach would need to demonstrate that there would be an "end point" to debate on the bill.

If all 55 members of the Democratic caucus -- including New Jersey Sen.-elect Cory Booker, who will be sworn in this week -- support cloture, at least five Republicans will have to join to overcome procedural delays that prevented the efficiency bill from receiving a vote. In addition to Portman, Sen. Lisa Murkowski (R-Alaska), the ranking member of the Energy and Natural Resources Committee, likely would support such an approach, but no other Republicans have yet signed onto the plan.

Among the members Portman is targeting are Republican Sens. Kelly Ayotte (N.H.), James Inhofe (Okla.), Jeff Sessions (Ala.), Roger Wicker (Miss.), John Hoeven (N.D.) and James Risch (Idaho), according to a list circulated among aides and lobbyists this month.

The list outlined six amendments those senators are co-sponsoring that could be added to a reintroduced bill:

- The "Better Buildings Act" from Ayotte and Sen. Michael Bennet (D-Colo.) to promote efficiency among companies that lease space in commercial buildings.
- An amendment from Inhofe and Sen. Tom Carper (D-Del.) to allow geothermal heat pumps to qualify under federal renewable energy purchasing rules.
- Sessions' amendment co-sponsored with Sen. Mark Pryor (D-Ark.) to require the Department of Energy to recognize third-party tests of certain equipment.
- An amendment from Wicker, Pryor and Sen. Mary Landrieu (D-La.) to loosen green building requirements to

ensure that certain products are not barred from use in federal projects.

- Hoeven and Pryor's amendment to exempt thermal storage water heaters from upcoming efficiency standards.
- Language mirroring the "Energy Efficient Government Technology Act" that would call for efficiency improvements at federal data centers.

Those amendments are generally considered to be noncontroversial and would not require new federal spending. They were seen as likely to wind up being added to the Shaheen-Portman bill through an open amendment process. However, Vitter last month blocked consideration of any amendments, in an effort to force a vote on his unrelated legislation to deny health insurance assistance to members of Congress and their staff.

Vitter, who is expected to run for governor of Louisiana in 2015, has pledged to keep pressing the issue, but a 60-vote threshold for cloture would prevent him from holding up another run at Shaheen-Portman or any other bills headed for the Senate floor in the near future.

If Shaheen-Portman is reintroduced with the additional language included, it will be the third iteration of the bill this year. The version on the floor last month was the second one offered because the initial bill carried too high a price tag.

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