

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6213) TO LIMIT FURTHER TAXPAYER EXPOSURE FROM THE LOAN GUARANTEE PROGRAM ESTABLISHED UNDER TITLE XVII OF THE ENERGY POLICY ACT OF 2005, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

SEPTEMBER 12, 2012.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 779]

The Committee on Rules, having had under consideration House Resolution 779, by a record vote of 8 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 6213, the No More Solyndras Act, under a structured rule. The resolution provides 90 minutes of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-31 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution authorizes the Speaker to entertain motions to suspend the rules at any time on the legislative days of September 20, 2012 and September 21, 2012.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 351

Motion by Mr. Hastings of Florida to report an open rule. Defeated: 3–8.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 352

Motion by Mr. Sessions to report the rule. Adopted: 8–3.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Yea	Ms. Slaughter	Nay
Ms. Foxx	Yea	Mr. McGovern	Nay
Mr. Bishop of Utah	Yea	Mr. Hastings of Florida	Nay
Mr. Woodall	Yea		
Mr. Nugent	Yea		
Mr. Scott of South Carolina	Yea		
Mr. Webster	Yea		
Mr. Dreier, Chairman	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. DeGette (CO): Would make changes to the findings section of the bill. (10 minutes)

2. Waxman (CA): Would strike the subsection preventing DOE from issuing a new loan guarantee for applications submitted after December 31, 2011. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEGETTE OF COLORADO OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, after line 21, insert the following new paragraph:

(6) The Department of Energy estimates that projects funded under the title XVII program are expected to create 60,000 jobs.

Page 3, lines 13 through 21, amend paragraph (9) to read as follows:

(9) An investigation by the Subcommittee on Oversight and Investigation of the Committee on Energy and Commerce of the House of Representatives determined that the Solyndra loan determination was based on the best professional judgment of career Department of Energy and Office of Management and Budget officials, without political or ideological interference from Obama Administration political appointees or career officials.

Page 3, lines 22 through 24, strike “Despite an express” and all that follows through “financial interest,” and insert “Title XVII provides that taxpayer interests cannot be subordinated in the origination of a loan, but does not state whether subordination is allowed during restructuring of a loan. The Department of Energy General Counsel determined that in such cases subordination was allowed under the law, and”.

Page 4, after line 14, insert the following new paragraph:

(12) Department of the Treasury officials testified before the Subcommittee on Energy and Power of the Committee on Energy and Commerce of the House of Representatives on October 14, 2011, and stated that their consultation on the Solyndra loan guarantee was not rushed. In interviews conducted by the Subcommittee on Oversight and Investigation of the Committee on Energy and Commerce of the House of Representatives, Office of Management and Budget officials indicated that their review of the Solyndra loan, and the review of Department of Energy officials, was thorough, complete, and fair, and based on reasonable economic assumptions about the company’s future.

Page 5, line 12, insert “This report found that the portfolio of projects under title XVII was strong, performing within the risk confines established by the Congress, and would cost the Government \$2,000,000,000 less than initially expected.” after “generally invest in.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WAXMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 23, through page 6, line 2, strike subsection (a) (and redesignate the subsequent subsections accordingly).