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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

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

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

R E P O R T

[To accompany H. Res. 777]

The Committee on Rules, having had under consideration House Resolution     , 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

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**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 6213  
OFFERED BY MS. DEGETTE OF COLORADO**

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

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

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

4           (9) An investigation by the Subcommittee on  
5           Oversight and Investigation of the Committee on  
6           Energy and Commerce of the House of Representa-  
7           tives determined that the Solyndra loan determina-  
8           tion was based on the best professional judgment of  
9           career Department of Energy and Office of Manage-  
10          ment and Budget officials, without political or ideo-  
11          logical interference from Obama Administration po-  
12          litical appointees or career officials.

Page 3, lines 22 through 24, strike “Despite an ex-  
press” and all that follows through “financial interest,”  
and insert “Title XVII provides that taxpayer interests

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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:

1           (12) Department of the Treasury officials testi-  
2           fied before the Subcommittee on Energy and Power  
3           of the Committee on Energy and Commerce of the  
4           House of Representatives on October 14, 2011, and  
5           stated that their consultation on the Solyndra loan  
6           guarantee was not rushed. In interviews conducted  
7           by the Subcommittee on Oversight and Investigation  
8           of the Committee on Energy and Commerce of the  
9           House of Representatives, Office of Management  
10          and Budget officials indicated that their review of  
11          the Solyndra loan, and the review of Department of  
12          Energy officials, was thorough, complete, and fair,  
13          and based on reasonable economic assumptions  
14          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 Con-

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gress, and would cost the Government \$2,000,000,000 less than initially expected.” after “generally invest in.”.

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

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 6213  
OFFERED BY MR. WAXMAN OF CALIFORNIA**

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



House Calendar No. \_\_\_\_\_

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. RES.** \_\_\_\_\_

**Report No. 112-**\_\_\_\_\_

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.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2012

Mr. SESSIONS, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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**RESOLUTION**

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.

1       *Resolved*, That at any time after the adoption of this  
2 resolution the Speaker may, pursuant to clause 2(b) of  
3 rule XVIII, declare the House resolved into the Committee  
4 of the Whole House on the state of the Union for consider-  
5 ation of the bill (H.R. 6213) to limit further taxpayer ex-

1 posure from the loan guarantee program established under  
2 title XVII of the Energy Policy Act of 2005. The first  
3 reading of the bill shall be dispensed with. All points of  
4 order against consideration of the bill are waived. General  
5 debate shall be confined to the bill and shall not exceed  
6 90 minutes equally divided and controlled by the chair and  
7 ranking minority member of the Committee on Energy  
8 and Commerce. After general debate the bill shall be con-  
9 sidered for amendment under the five-minute rule. In lieu  
10 of the amendment in the nature of a substitute rec-  
11 ommended by the Committee on Energy and Commerce  
12 now printed in the bill, it shall be in order to consider  
13 as an original bill for the purpose of amendment under  
14 the five-minute rule an amendment in the nature of a sub-  
15 stitute consisting of the text of Rules Committee Print  
16 112-31. That amendment in the nature of a substitute  
17 shall be considered as read. All points of order against  
18 that amendment in the nature of a substitute are waived.  
19 No amendment to that amendment in the nature of a sub-  
20 stitute shall be in order except those printed in the report  
21 of the Committee on Rules accompanying this resolution.  
22 Each such amendment may be offered only in the order  
23 printed in the report, may be offered only by a Member  
24 designated in the report, shall be considered as read, shall  
25 be debatable for the time specified in the report equally

1 divided and controlled by the proponent and an opponent,  
2 shall not be subject to amendment, and shall not be sub-  
3 ject to a demand for division of the question in the House  
4 or in the Committee of the Whole. All points of order  
5 against such amendments are waived. At the conclusion  
6 of consideration of the bill for amendment the Committee  
7 shall rise and report the bill to the House with such  
8 amendments as may have been adopted. Any Member may  
9 demand a separate vote in the House on any amendment  
10 adopted in the Committee of the Whole to the bill or to  
11 the amendment in the nature of a substitute made in order  
12 as original text. The previous question shall be considered  
13 as ordered on the bill and amendments thereto to final  
14 passage without intervening motion except one motion to  
15 recommit with or without instructions.

16       SEC. 2. It shall be in order at any time on the legisla-  
17 tive day of September 20, 2012, or September 21, 2012,  
18 for the Speaker to entertain motions that the House sus-  
19 pend the rules, as though under clause 1 of rule XV.