

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless "tea party" events, at townhalls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas the Democrat majority has all but announced plans to use any lame-duck Congress to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas reconvening the House of Representatives in a lame-duck session to address major new legislation subverts the will of the American people, lessens accountability, and does lasting damage to the dignity and integrity of this body's proceedings; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of expanding governmental power and limiting individual liberty, the American people have lost confidence in their elected officials, and that faith must be restored: Now, therefore, be it—

Resolved, That the House of Representatives pledges not to assemble on or between November 2, 2010, and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress, and that the consideration of any of the following matters does not constitute an unforeseen, sudden emergency:

- (1) Card check, including H.R. 1409 (111th).
- (2) A national energy tax, including H.R. 2454 (111th).
- (3) Any legislation that would provide more authority to Fannie Mae or Freddie Mac.
- (4) Any legislation pertaining to the Immigration and Nationality Act.
- (5) Any legislation making regular appropriations for fiscal year 2011 that would be an increase over previous funding levels.
- (6) Any legislation increasing any tax on any American.

The SPEAKER pro tempore (Ms. RICHARDSON). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

GENERAL LEAVE

Mr. HOLDEN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include any extraneous material on H.R. 4785.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RURAL ENERGY SAVINGS PROGRAM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1620 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4785.

□ 1223

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4785) to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture and the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Oklahoma (Mr. LUCAS), the gentleman from North Carolina (Mr. BUTTERFIELD), and the gentleman from Texas (Mr. BARTON) each will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. I yield myself such time as I may consume.

Mr. Chairman, the bill we are considering today, H.R. 4785, the Rural Energy Savings Program Act, will greatly benefit our rural residents. The agriculture provisions in this bill build on existing U.S. Department of Agriculture programs and will reduce energy consumption and, as a result, reduce energy costs in rural America.

Rural electric cooperatives estimate that the Rural Energy Savings Program Act has the potential to create between 20,000 and 40,000 jobs per year and will make loans available to between 1.1 and 1.6 million rural households, depending on the average consumer size. It is clear that this is a win-win proposition for our rural constituents and our rural economy.

This Act furthers the Agriculture Committee's commitment to expand renewable and alternative sources of power and discover new technologies to improve the efficiency and sustainability of existing power generation across rural America.

H.R. 4785 authorizes USDA's rural utility service to make interest-free loans to eligible entities. These enti-

ties will use these funds to make low-interest loans to rural consumers allowing them to implement energy-efficient measures on their property. Using the existing Rural Utilities Service structure, with the rural electric cooperatives as the delivery system, rural consumers can more quickly obtain the benefits of energy-efficient investments and ultimately decrease their energy bills.

Rural customers are facing increasing energy costs and rural electric cooperatives, which serve 42 million member owners across the country, are facing growing demand for electric power, yet are constrained from building new generation capacity.

The upfront costs to make energy-efficient upgrades are often beyond the reach of most consumers. This is true even if the costs can be recovered over time or a tax credit or a rebate would reduce the initial price. Additionally, consumers often lack the necessary knowledge about what technologies would be the most effective.

H.R. 4785 is an opportunity to meet these challenges and enact policy that we know will reduce energy costs and consumption and improve the quality of life in our rural communities.

I would like to thank Congressman CLYBURN and Congressman PERRIELLO for their hard work and dedication to improving energy efficiency and their support for the agriculture provisions within this Act.

Mr. Chairman, I strongly support the agriculture provisions contained in this Act and encourage its passage.

I reserve the balance of my time.

Mr. LUCAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must rise today in opposition to H.R. 4785, the Rural Energy Savings Program Act. As a result of the Democratic leadership's failed policies, we are now considering a bill that creates two new government funded programs to address high energy bills and energy demand. We are considering creating a program that duplicates thousands of other efficiency measures that Congress has passed and funded in the billions of dollars over the last several years.

H.R. 4785, as reported by the Agriculture Committee, would require the government, through USDA, to front nearly a billion dollars to rural electric cooperatives so that they can, in return, make what might potentially be risky loans to their customers for energy-efficiency projects in their homes. The investments made in this program would only benefit an estimated 1.5 million of the 43 million customers served by rural electric cooperatives. Energy efficiency is an important step in an overall energy plan. But creating a new government funded program is not the solution.

This issue can be addressed in the farm bill by making adjustments to current programs. The 2008 farm bill included a provision that would have allowed rural electric cooperatives to

expand clean energy production and provide affordable electricity for more of its customers.

□ 1230

However, the provision was stripped by the current Democratic leadership. As a result, rural electric cooperatives cannot access RUS lending for new base load generation. In other words, base load generation from sources such as nuclear, natural gas, and clean coal technologies are difficult, if not impossible, to finance through the program now.

Even more alarming is that this is not the bill that was reported by the Committee on Agriculture. Instead, the Democratic leadership created a bill that is five times larger and includes a program that was already stripped, already stripped, the Home Star program, on the House floor by bipartisan support. It will give the Department of Energy another program and billions more in taxpayer dollars to administer.

Why would Congress add to a failed stimulus policy? The American Recovery and Reinvestment Act alone created the \$5.25 billion Weatherization Assistance Program for home energy efficiency updates, which has been, some say, a colossal failure from an implementation perspective, and very well may have wasted huge amounts of taxpayers' dollars at the hands of the Department of Energy.

The Democratic leadership is pushing energy policy that will create increased and burdensome energy costs for Americans. As a result, we are creating new government programs that increase spending to address the consequences of those policies. I urge my colleagues oppose the bill.

I reserve the balance of my time, Mr. Chairman.

Mr. BUTTERFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a proud cosponsor of H.R. 4785, a bill authored by the distinguished majority whip, Mr. JAMES CLYBURN of South Carolina. The Rural Energy Savings Program Act will not only quickly create construction and manufacturing jobs, but it will also help Americans make their homes more energy efficient.

The Agriculture Committee reported this bill favorably in July. I want to commend the chairman of the committee, Mr. PETERSON, and Mr. CLYBURN for subsequently working with my committee, the Energy and Commerce Committee, to actually improve the legislation. The bill includes the Home Star Energy Efficiency Loan Program that was reported by the Energy and Commerce Committee on April 15, 2010, as part of H.R. 5019, the Home Star Energy Retrofit Act of 2010.

Mr. Chairman, H.R. 5019 was approved by the committee with a bipartisan vote of 30–17. It was supported by a broad array of stakeholders, including energy efficiency advocates, manufacturers, business and industry trade

associations, and small businesses. Under this bill, homeowners anywhere in the country will be able to work with their rural cooperative, utility, or other governor-designated lender to borrow money for proven energy efficiency investments in their homes. They would repay the loans over time, generally from a portion of the money they save on their energy bill, and at an interest rate of not more than 3 percent. The lenders would repay their States, and the States would repay the Federal Government after not more than 20 years.

The Home Star Energy Efficiency Loan Program is a natural companion to the Rural Energy Savings Program Act. As you may know, the Rural Energy Savings Act authorizes zero-interest loans to rural electric cooperatives for purposes of offering consumer loans for energy efficiency home retrofits. The Home Star Energy Efficiency Loan Program will authorize zero-interest loans to those portions of the country not served—I repeat that—not served by rural electric cooperatives.

I originally cosponsored this bill because it provided enormous assistance to consumers served by rural electric cooperatives across the country. My district in North Carolina is served by 10 rural electric co-ops in addition to the 20 municipal power utilities and two investor-owned utilities.

Across the country, cooperatives only serve about 12 percent of the Nation's population. So the provisions included in the substitute amendment will ensure that a homeowner will have the same access to a low interest energy efficiency loan whether or not they are served by a co-op, an investor-owned utility, or a municipality.

Under the Home Star loan program, States could borrow Federal funds to allow entities like electric utilities or other entities provide loans to consumers for residential energy efficiency measures. The Department of Energy, in consultation with the Secretary of Agriculture, would identify the eligible energy efficiency measures.

The programs in this bill, Mr. Chairman, vary significantly from the Weatherization Assistance Program. Weatherization is a grant program used by low-income households to reduce their energy bills by making their homes more energy efficient. The programs in this bill are loans, and thus do not increase the deficit. They are available to anyone, regardless of income.

Some of my Republican colleagues have questioned this bill's necessity due to the significant investment made in the Weatherization program in the Recovery Act. Well, while I concede that Weatherization got off to a slow start, today over 30,000 homes each month are being weatherized across the country. In September, the Department of Energy announced that it had weatherized over 200,000 homes across the country. In June, 960 homes were weatherized in my State of North Caro-

lina. Each of the low-income families living in those 960 homes will save an average of \$437 annually on their energy bill. But that's not why we are here today. We are here to offer all Americans a chance to lower their utility bills and put their neighbors back to work.

The recession has had a significant impact on the home construction and services industry, which has experienced unemployment rates of 27 percent. Additionally, manufacturing plants that produce construction-related products have operated at 50 percent of capacity. Home energy retrofit work can provide, and it will provide, significant employment opportunities for construction workers while boosting domestic manufacturing. More than 92 percent of the energy-efficient products and materials for which the Home Star program will stimulate sales are manufactured here in the United States of America.

Home energy efficiency retrofits can also cut the Nation's energy use, saving consumers money and cutting pollution. American homes account for about 33 percent of the Nation's total electricity demand, and approximately 22 percent of all energy use in the United States. This legislation, Mr. Chairman, presents an opportunity for all of us to work together to save energy and create jobs. I urge all of our colleagues to seize this opportunity.

I reserve the balance of my time.

Mr. LUCAS. Mr. Chairman, at this time I have no further requests for time, and I reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. CLYBURN), the distinguished majority whip.

(Mr. CLYBURN asked and was given permission to revise and extend his remarks.)

Mr. CLYBURN. I thank my friend, Chairman HOLDEN, for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 4785, the Rural Energy Savings Program Act. Mr. Chairman, the Rural Energy Savings Program, or Rural Star, as it is popularly called, is an important piece of the Make It in America agenda. It is a program that will create jobs and help save families money on their energy bills.

Supreme Court Justice Louis Brandeis once called our 50 States "laboratories of democracy." And that is certainly the case with this homegrown, American-owned idea. The rural electric co-ops in South Carolina brought this idea to my attention late last year. And I worked with them and my colleague Congressman JOHN SPRATT to craft legislation that takes the South Carolina model nationwide. I am very proud that South Carolina is providing significant leadership for our economic recovery with this innovative approach to job creation and energy savings.

The concept is very simple: low-cost home improvement loans for energy-efficient upgrades, sealing, insulation,

HVAC systems, heat pumps, and other structural improvements. Those low-cost loans are paid back on customers' electricity bills, with the energy savings covering the cost of the loan.

□ 1240

When the term of the loan expires, most people will be saving hundreds of dollars annually on their monthly utility bills.

This bipartisan, bicameral legislation is first and foremost a jobs bill, and it is based on commonsense ideas that can be done in a fiscally responsible manner that will protect taxpayers and the Treasury. Let me emphasize that this is a voluntary loan program, not a grant or rebate; and the loans are paid back to the Federal Treasury.

We call this the Rural Energy Savings Program because it will save consumers energy and money. More importantly, it will put people back to work, particularly in the building and construction trades and manufacturing industries, sectors that have been hard hit by the economic downturn.

While providing energy upgrades and significant employment opportunities for building and construction workers, this legislation will boost domestic manufacturing. Retailers of energy-efficient building materials and appliances will also benefit from increased sales. Virtually all of the energy-efficient products and materials used for energy efficiency improvements are made in America.

Rural Star has the support of a broad coalition of stakeholders, including the National Association of Manufacturers, the National Association of Home Builders, the Retail Industry Leaders Association and the National Rural Electric Cooperative Association.

Rural Star will create high-skill, high-wage manufacturing and construction jobs and deliver meaningful energy savings for consumers that will put money directly into their wallets.

I urge all of my colleagues to support this bill. Let's create jobs that are made in America so that our fellow citizens can "Make It in America."

Mr. LUCAS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina, the chairman of the Budget Committee, Mr. SPRATT.

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, this bill will authorize the Rural Utilities Service to make loans to rural electric co-ops so that the co-ops, in turn, can make loans to families and small businesses for energy conservation and efficiency measures that meet Federal standards.

This process will begin with an energy audit aimed at identifying energy-saving measures. Based on this audit, the co-ops will propose improvements

like insulation or high-efficiency heat pumps. Consumers will pay the co-ops for the installation through a charge on their utility bills spread over a period of 5 to 10 years. The energy savings will cover much, if not all, of the loan repayment. And after the loan is repaid, the participating consumer will continue to save, as will the economy, because of the more efficient use of energy.

There are more than 200,000 rural electric cooperative customers in my district, many of them near or below the poverty level. Many of these hard-working people would gladly invest in their homes to make them more efficient, but they cannot borrow or afford the funds necessary to install a new heat pump or place insulation in their walls and ceilings.

This is where the ingenuity of the co-ops comes in. Through a program that could be implemented nationwide, they would provide a simple but effective solution to help their customers at relatively low cost. At the same time they would create new jobs by making low-cost loans available to install high-impact energy efficiency improvements. The loans will be repaid over time on the consumer's utility bill, and ideally there will be a net reduction of utility payments even when accounting for the loan repayments. This is a win-win solution to a major problem.

I urge support for this bill. It is well crafted and it will not have an impact on the bottom line of the budget because we are talking about loans made by the Federal Government to the electric co-ops, which will be, I am sure, duly repaid.

Mr. LUCAS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Thank you for yielding.

This is a great day, and this is a great program. This is the kind of commonsense approach people are looking for right now to help cut costs for families that are struggling and help put construction crews back to work that are desperately under demand in this economy.

Here we have a chance to help support American construction, using American-manufactured products to reduce the electric bills of rural America, including seniors on fixed incomes, including middle class families and working class families. It is the kind of common sense that has always made this country stronger and more vibrant. Here we are at a time when construction is down that we can be stepping up to renovate the building stock that we have, and we know in our rural communities our building stock is less efficient than in much of the rest of America.

So here we have a chance to make our rural communities more competitive and more livable, the utilities as

partners, because the only limiting factor here is up-front capital. We know that the market can drive the rest.

So helping the utilities to provide that up-front investment, to unleash construction crews going to work to renovate homes, using American manufactured products like insulation, double-paned glass, window film—including the best window film in the world that we can make in southern Virginia in my district—that reduces electric bills.

If you are a senior on a fixed income and you have seen your electric rates go up and up, there is nothing you can take out of that budget. You don't have some party budget that you are going to give up. It's a fixed income. If we can help reduce that electric bill, that's more money for food and for transportation and for other needs that our seniors and our working families face. We can unleash what we do best, making things, building things, growing things in America and saving money for the average American who is so stretched right now.

We should not delay. We should pass this today on a bipartisan basis. We should make sure the Senate follows suit because this is the kind of common sense that can support those construction jobs we need, those manufacturing jobs we need, and that economic relief that our working and middle class families desperately need.

I urge all of my colleagues to be part of this commonsense solution and get us building and making things in America again today.

Mr. LUCAS. Mr. Chairman, I reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. LUCAS. I yield myself as much time as I may consume.

Mr. Chairman, I have the greatest confidence, faith and belief in the integrity and the intention of my colleagues as they work on this bill; but, Mr. Chairman, this is adding 5 billion more dollars on top of hundreds and hundreds and hundreds and hundreds of billions of dollars that we have spent over the course of the last year and a half-plus that we don't have.

I would simply urge my colleagues, turn this bill back, let's not add \$5 billion more on to what we have already spent. Let's fulfill our constitutional responsibilities and pass our 12 appropriation bills in regular session. Let's fulfill our responsibility to our constituents and the economy they have to work in by addressing the tax issues from 2001 and 2003, and let's just go home.

There is a political storm brewing out there. This is going to be a different body in January. Let's do what we are obligated to do under the Constitution and for our constituents and go home.

With that, I yield back the remainder of my time.

Mr. HOLDEN. Mr. Chairman, we know that rural cooperatives will need

to double generating capacity. Several reports, including one done by USDA, state it will take a 10-year capital requirement of \$65.5 billion, \$49.9 billion which would be for new generation, and this does not even take into consideration the \$10 billion needed for transmission and the \$3 billion to retrofit. So that would be a tremendous expense to consumers across rural America. Energy efficiency investment is the way we need to proceed, so I encourage adoption of the bill.

I yield back the balance of my time.

Mr. BARTON of Texas. I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the bill before us today. I am going to ask my colleagues to vote "no."

We had a similar bill on the floor back in May; and in that bill we offered a motion to recommit, which passed, which struck the Home Star loan program.

□ 1250

This bill, the bill that we struck the loan program from back in May, was a \$324 million authorization. This bill has come back to us at a \$5 billion authorization. That is a little bit of a puzzlement. If it didn't make sense in May to start a new program for \$300 million, it doesn't make sense in September to start the same program except for \$5 billion. So, if for no other reason, we should vote against this bill.

The second point I want to make is that the programs in the bill are worthwhile. I know that seems to be a little bit inconsistent with what I just said, but it is not that these are bad programs. The question is can we afford them when we have a deficit that is going to be between \$1.2 trillion and \$1.4 trillion this year?

In another energy efficiency bill that has become law last year, we authorized, and I think we appropriated, \$4.7 billion for the Department of Energy to do the same sort of programs that this bill would authorize. Today, the Department of Energy has spent about 10 percent of that, a little less than \$500 million. So they have over \$4 billion that has been appropriated that hasn't been spent. Now, I'm not casting stones on the Department of Energy. It probably makes sense to take your time setting up the program and making sure you get the processes and the requirements to participate in the right form. But if we have an existing program that has been appropriated and has over \$4 billion surplus in it, I don't see the need for another program.

One may say, well, this is for rural America or for specific homeowners. But, to my knowledge, and I have got the Agriculture Committee here, there would be no exclusions because of the location under the program that the Department of Energy is currently implementing.

I would point out that 2 years ago the Federal debt was a little under \$6 trillion. We have added almost \$3 trillion to it in the last 2 years. I can't see that there is much net improvement that has happened to our economy with the expenditure of that much money, the addition of that much money to the debt.

It is not a case, Mr. Chairman, of coming to the floor and saying, This is a good program, support it. With these kinds of deficits, I think we need to think as a body, Is this a program that is absolutely essential and is it worth adding more to the public debt to pass this program? And with all due respect, while this is a good program, it is not a program that I think we should add to our children's and our grandchildren's debt. So I would urge a "no" vote at the appropriate time.

Mr. Chair, I rise in opposition to the bill before us and urge my colleagues to vote "no."

There is a growing tide of voices in this country calling for less government, less spending, and less debt. These concerns stretch across party and region. Our national debt presents a crisis we have mistakenly ignored for far too long. But after nearly two trillion dollars have been spent on a failed economic stimulus package and programs to prop-up our financial system, we need to examine every dollar authorized with the utmost scrutiny.

If we apply just the slightest amount of examination to this bill, it becomes difficult to defend the premise on which the Rural Energy Savings Program Act rests. Take the so-called stimulus bill for instance. In early 2009, Congress authorized the Department of Energy to spend an additional \$4.7 billion on its home weatherization program. Improved home energy efficiency is a great way to ensure savings for the homeowner and helps lessen our overall consumption of electricity. Programs that speed efficiency measures along should be a no-brainer. But twelve months after \$4.7 billion was handed to the Department of Energy for these purposes, we found out we had little to show for it. In that time, DOE had spent only 10 percent of its new funds to upgrade around 30,000 homes around the country. This was supposed to be another "shovel-ready" stimulus project that would create thousands of jobs and improve energy efficiency in hundreds of thousands of homes. In that pursuit, the program was a complete failure.

The bill before us today basically seeks the same goals using the same byzantine structures and bureaucracies that failed us before. If we can't trust DOE to handle increased funding for an already-existing program, how can we trust DOE and the Department of Agriculture to handle billions of dollars for an entirely new program? The simple answer is we can't.

On top of the issue of government shortcomings is the question of cost. H.R. 4785 authorizes \$5 billion in taxpayer money without any means of finding a way of paying for it. Again, we're ignoring the Majority's own pay-as-you-go rules. These rules, as the voters were led to believe, were created to help stop the bleeding of funds into the pool of national debt. But over the past few years, we all realize it is a grand illusion. Our country is at its greatest level of debt since the end of World

War II—62 percent of GDP. We cannot keep adding a billion dollars here and a billion dollars there thinking the cost of these programs have no effect. Somewhere we must put a stop to the bleeding. And if we look at government's past performance in improving home energy efficiency and weigh the costs with the benefits, we cannot logically justify tallying \$5 billion in additional red ink.

I can only conclude from the reading of this bill that my opposition was not necessary from the outset. Had this bill properly made its way through the Energy and Commerce and Agriculture Committees, we would have had a better chance at learning more of the program's advantages and disadvantages and, through committee markup, had the opportunity to make improvements that would have eliminated the debt problem and further developed the accountability measures that are absent from this legislation. As we've seen so many times in this Congress and the one before, regular order has been ignored and incomplete legislation results.

Mr. Chair, it does not always have to be this way. I support making homes more energy efficient and government efforts that properly pursue that goal. H.R. 4785 will not accomplish that task and simply creates more problems than it solves.

Mr. Chairman, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. WELCH), a member of the Energy and Commerce Committee.

Mr. WELCH. Mr. Chairman, I want to, first of all, thank the gentleman from Texas because he did help make this bill and the Home Star bill a better bill.

There is a question here about why we provide this money in a time of a deficit, and there is an answer to that. America faces, right now, two great challenges. One is high unemployment—we have got to put people back to work—and the other is an energy policy that is not as clean as it needs to be. It is not as sustainable as it must be, and it is not as affordable as it is essential that it be.

This legislation addresses both of those challenges by investing in energy efficiency, and this is with people making their own decisions about how best to do that in their own rural homes. We invest in our economy. Over 90 percent of the materials are manufactured in the United States of America. By slowing our wasteful use of energy, we can save homeowners hundreds of millions of dollars. That is money in their pocket that they can spend on other things good for the economy. And by, of course, reducing the amount of costly oil we import from hostile nations, we can create clean energy jobs here at home.

So this is a practical approach to address persistent high unemployment, tight family budgets, and climate change. This is a win-win-win for families, for our economy, and for our energy future.

I applaud Mr. CLYBURN and the other sponsors, Mr. SPRATT, and I urge the passage of this legislation.

Mr. BARTON of Texas. Mr. Chair, I yield myself the balance of my time to close.

I'll make it short and sweet. This is the same bill that was rejected under suspension back in May, with the exception that the authorization on the Home Star program has been increased by 13-fold. I suggested a "no" vote then. I continue to suggest a "no" vote and would ask for a "no" vote at the appropriate time.

Mr. Chairman, I yield back the balance of my time.

Mr. BUTTERFIELD. Mr. Chairman, I thank the ranking member for his comments.

We continue to say that this legislation is a good bill and it is certainly deficit neutral. It has been judged that way by the Congressional Budget Office. It is a loan program. It is not a grant program. It will not add to the deficit. It will not add to the debt in any respect.

I would like to encourage my colleagues to distinguish this program from the Department of Energy program that is a weatherization program. The weatherization programs, as we all know as Members, are intended to help low-income families, and it is a grant program. This is a loan program whereby Federal dollars are given to an investor-owned utility or to a municipality or to a rural cooperative, and the money is used then, in turn, to make low-interest loans to families who qualify. It is not income based. There are qualifications for the loans, but the family income is not a qualification to qualify for the loan.

We must enable the American people to weatherize their homes. Forty percent, in some instances, of their utility bill can be attributed to the loss of heat and air within the homes. And so this program is intended to help install replacement windows and insulation and other things that will make homes more energy efficient.

It will pay for itself. It's a good bill. I ask my colleagues to support it.

Ms. HIRONO. Mr. Chair, I rise in support of H.R. 4785, the Rural Energy Savings Program Act.

I am a cosponsor of this bill, which has been modified to include provisions of H.R. 5019, the Home Star Energy Retrofit Act, of which I am also a cosponsor.

The Rural Energy Savings Program Act creates two energy efficiency loan programs. The Home Star Energy Efficiency Loan Program, administered by the Energy Department, will provide interest-free loans to states or territories, which will then re-loan the money to consumers for energy efficiency home renovations. The Rural Star Energy Program, run by the Agriculture Department, will make loans to rural electric co-ops, enabling these organizations to provide loans to qualified consumers to make their homes and businesses become more energy efficient.

Constituents in my district have some of the highest energy costs in the country, especially residents of Hawaii's rural communities. The Rural Star Energy Program would give Kauai Island Utility Cooperative, a rural electric co-op

in my district, the opportunity to help families, farms, and businesses on Kauai save money on their energy bills while reducing energy waste and carbon pollution.

In addition, the Home Star Energy Efficiency Loan Program and the Rural Star Energy Program will help create jobs by increasing demand for energy efficiency products (many of which are made in the United States) and energy equipment retrofits.

I strongly support H.R. 4785 and urge my colleagues to support this measure.

Mr. ETHERIDGE. Mr. Chair, I rise in strong support of H.R. 4785, the Rural Energy Savings Program (RESPA).

As a part-time farmer and a representative of a rural district, I know how crippling the cost of energy can be to farms, families and our rural citizens. As our nation moves towards finding cleaner and more efficient ways of generating energy, many people in small communities are finding that the costs of energy efficiency improvements are simply too high. The farmers I talk to know that the savings from these improvements are real, but the upfront costs are too often out of reach. That is what it so important about this bill: through the use of interest-free loans distributed by the Department of Agriculture, it will allow farmers and rural citizens to implement critical energy-efficient technology that will bring their energy costs down.

This bill authorizes USDA's Rural Utilities Service to make interest-free loans to individual or state-based groups of co-ops. These loans will then be used by the co-op to fund energy-efficient improvements for farms or residences. These projects are projected to have a 10 year or less payback period, meaning the customer will realize savings in a relatively quick time frame. The loan will be repaid on the customer's utility bill over a 10 year window.

While this is a great bill for rural America, it is also an important bill for the rest of the country. The energy upgrades mean jobs in America for Americans, in construction, installation, and manufacturing. These are good jobs that cannot be outsourced, the kind of jobs we need to put North Carolinians back to work. At the same time, Americans know that many providers of our imported energy sources like oil are unstable and a potential threat to our national security. This bill moves us forward with a policy that reduces our dependence on these risky sources of energy.

As a Representative who is committed to budget discipline, I am pleased that this bill advances these priorities at absolutely no cost to taxpayers. The co-ops will assume all risks for consumer repayments of their efficiency investments. This means that the Federal Government bears no risk in these transactions and must be repaid by the co-op. This bill moves us a step closer to energy independence without increasing our Federal deficit, and I applaud the bill's sponsor for that.

Mr. Chair, I urge my colleagues to join me in voting in favor of this bill. It is good for our farmers, our rural citizens and for our country.

Mr. HOLT. Mr. Chair, I rise today in support of H.R. 4785, the Rural Energy Savings Program Act, which also authorizes the Home Star Energy Efficiency Loan Program. Residential housing accounts for one-third of the Nation's total electricity demand and about 22 percent of all energy use in the United States. Moreover, it is estimated that existing tech-

nologies and practices could reduce energy use—and therefore home energy costs for American families—by up to 40 percent per home. This legislation will allow electric utilities and co-ops to make low-interest loans of a few thousand dollars to consumers who wish to make energy efficient upgrades to their homes. The loans can then be repaid on the consumers' electric bill, with most of the loan costs covered by their savings in electricity.

The Rural Energy Savings and Home Star Energy Efficiency programs will help homeowners with the upfront costs of installing energy efficiency retrofits while boosting markets for U.S. manufacturers of energy efficiency products and creating new jobs for our construction workers and contractors. It is estimated that the two programs will create nearly 200,000 jobs in the construction, manufacturing, and retail sectors that have been devastated by the recent recession. At the same time, these programs will help curb our Nation's carbon emissions and reduce our unsustainable dependence on fossil fuels. This legislation is good for our economy, good for American worker and consumers, good for the environment, and good for our Nation's energy security.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of the Rural Energy Savings Program Act and the Home Star Energy Efficiency Loan Program contained in today's substitute amendment. Together, these complementary initiatives will create good paying American jobs, save consumers money and enhance our nation's energy security.

The Rural Star program will enable rural electric cooperatives to borrow money from the USDA Rural Utilities Service to fund voluntary and cost-effective energy efficiency upgrades for the citizens they serve. The resulting low-interest loans would bear an interest rate of no greater than three percent and would be repaid on the participating consumers' utility bill over a ten year period of time.

The Home Star Energy Efficiency Loan Program is designed for those citizens not served by rural electric cooperatives. Under this companion measure, which tracks the National Home Energy Savings Revolving Fund legislation I introduced earlier this Congress, states would be able to borrow federal funds they could then make available to electric utilities and other entities capable of administering a loan program for cost-effective residential energy efficiency retrofits. As an added "Made in America" benefit, it is estimated that 92 percent of the products and materials that would be used in the Home Star program are manufactured in the United States.

Mr. Chair, this is common-sense, forward-looking legislation that will meaningfully advance America's clean energy future. I urge "yes" vote.

Mrs. KIRKPATRICK of Arizona. Mr. Chair, the House considers today H.R. 4785, the Rural Energy Savings Program. I am a cosponsor of the original, bipartisan legislation that would address a critical need in rural America—energy efficiency improvements that will reduce our energy consumption and lower consumers' utility bills.

This original bill creates new loans under the Department of Agriculture's Rural Utilities Service. The voluntary loans to electric cooperatives will facilitate their providing low-interest loans to consumers, to be repaid

through utility bills. Loans will allow cooperative customers to make only energy efficiency improvements that are proven to be worth the investment. After the small loans for improvements are repaid, consumers will have a lasting reduction in their bills as their energy consumption declines. The federal government will be repaid, wisely leveraging these taxpayer dollars for long-term benefits. This program is a win-win-win for consumers, the cooperatives that serve them, and taxpayers, and I strongly support this model.

Unfortunately, the bill we are considering today also includes the Home Star Energy Retrofit Act—a measure the House considered in May of this year and that I opposed. This bill—also known as “Cash for Caulkers”—would authorize more than \$6 billion in new federal spending for rebates to home improvements. I heard from constituents before last spring’s vote that this bill will simply not work for Greater Arizona. The rebates require homeowners to have means to make the improvements in the first place, and in this economic downturn that is simply not an option for many families.

In addition, the Home Star Energy Retrofit Act could cost the taxpayers more than \$6 billion over the life of the program. I just spent six weeks back in Greater Arizona meeting with small businesses, working families, and local leaders. The concern I heard expressed most frequently was concern that our deficit is growing too quickly and that our national debt is mortgaging our children’s future. We must stop spending and start to address our long-term fiscal imbalance, and moving forward with this bill is not going to get the job done.

I support our rural electric cooperatives, but I cannot support a bill that will add so significantly to our deficit or that will not help families struggling in these tough times.

Mr. BROWN of South Carolina. Mr. Chair, I rise reluctantly to oppose H.R. 4785, the Rural Energy Savings Program Act.

I am listed as a cosponsor of H.R. 4785, however, the legislation I added my name to in March is vastly different than the legislation we consider today. The Rural Energy Savings Program Act that I cosponsored, authorized a relatively modest \$750 million over ten-year loan program to assist 1.6 million homeowners in rural America to install energy efficiency measures in their homes. By providing these loans, we would be able to reduce consumer’s energy cost and increase the demand for energy efficient products, thus creating jobs for countless Americans.

Mr. Chair, during these tough economic times, we are all looking for ways to stretch our dollars. One way many consumers seek to reduce their monthly expenditures is by reducing their power bill. However, the average cost of an energy efficient upgrade is \$1,500. Quite simply, in rural America, where income is 14 percent below the national average, many homeowners do not have the up-front funding necessary to install these upgrades, even though the energy savings provided by these upgrades pay for themselves over a relatively short period of time.

Additionally, I supported the original version of H.R. 4785 because it accomplished the laudable, above-described goal, without creating another inefficient government bureaucracy. Instead, the program would have used our nation’s existing and well-functioning rural electric co-ops to distribute these loans to consumers.

I have a long history of supporting the rural electric co-ops, not just in this body, or during my time in the South Carolina State House, but also by paying my monthly power bill to my own rural electric co-op in Berkeley County, South Carolina.

As such it pains me to oppose this legislation. However, the original, modest goal of H.R. 4785 has been lost amid the inclusion of the \$4.25 billion Home Star Energy Efficiency Loan Program. This portion of the bill would provide funding to states and other unspecified entities to create lending programs for homeowners to make home energy improvements.

Mr. Chair, I support energy efficiency for urban consumers, just as I do for rural consumers. However, unlike the privately owned rural electric co-ops, who have provided many years of faithful service, the Department of Energy has not proven they are capable of effectively managing such a large program.

The so-called “Stimulus” legislation provided \$4.7 billion to the Department of Energy in order to weatherize the homes of low-income individuals. However, the Department’s own Inspector General has found that one year after the Stimulus was passed into law only \$368 million or 7.83 percent had been used and only 30,297 units had been weatherized.

Considering this abject failure, I simply cannot vote to provide another \$4.25 billion of our taxpayer’s dollars to the Department of Energy. I am not alone in my opposition to the Home Star Energy Efficiency Loan Program. In fact, the House voted earlier this year to remove this objectionable program from H.R. 5019 the Home Star Energy Retrofit Act by a broad bipartisan vote of 346 to 68. It is very objectionable this program has been brought back for a vote as a portion of H.R. 4785. As such, I am forced to rise in opposition to H.R. 4785 although I remain supportive of the original purpose of the legislation and I look forward to working with my colleagues on both sides of the aisle in order to lower the electricity costs of all Americans.

Mr. JOHNSON of Illinois. Mr. Chair, I rise today to comment on H.R. 4785, the Rural Energy Savings Program. As marked up by the House Committee on Agriculture, this legislation would truly help rural America. Unfortunately, the bill considered on the House floor today, is an expensive, and unfortunate alternative that could result in \$4.25 billion in extra spending that has nothing to do with rural America.

The Rural Energy Savings Program would allow electric cooperatives to borrow money for the purposes of funding local energy efficiency programs. Eligible co-ops would provide money for energy efficiency upgrades to farms and rural consumers in the form of low-interest loans. In many cases, the costs to consumers would be covered by the resulting savings in their respective energy bills.

I support H.R. 4785, as originally passed by the House Agriculture Committee. This voluntary program would help electric cooperatives provide potential energy solutions to their members. I voted against the rule for H.R. 4785, which had it failed would have paved the way for members to vote on a clean bill. However, the bill before us today adds a \$4.25 billion authorization for a “Home Star” energy program that the House has already defeated once and therefore I voted no on the overall package.

I strongly support section two of H.R. 4785, the Rural Energy Savings Program, and urge the House and Senate to work together to craft a bill that mirrors the work completed in the House Agriculture Committee. This Rural Energy Savings program is a sensible approach that could improve energy efficiency in rural America.

Mr. GINGREY of Georgia. Mr. Chair, although I support incentives to promote energy efficiency as well as the work of contractors across the country who make our homes and businesses more energy efficient, I must rise in opposition to H.R. 4785, the Rural Energy Savings Program Act.

During the 6 week August recess, I heard over and over from my constituents in Northwest Georgia that the Federal Government needs to get its fiscal house in order. That is hard to accomplish when—for the first time in the modern era—Congress failed to even adopt a budget blueprint for the fiscal year. Why is it that hardworking families have to make difficult decisions on their personal budgets while Washington can’t? The American people deserve better.

Mr. Chair, unfortunately, the Democratic Majority just doesn’t get it. I find it hard to believe that the message they are receiving from their constituents is much different than what I am hearing. Yet, they don’t seem to be listening.

At a time where we have amassed a \$1.3 trillion deficit for Fiscal Year 2010 alone and we are faced with over \$13 trillion in debt, we need to demonstrate fiscal restraint. Instead, H.R. 4785 seeks to spend an additional \$5 billion when the American people are begging us to reduce spending.

Mr. Chair, I believe that we must take the needed steps to get federal spending under control. The Democratic Majority has clearly demonstrated that it is out of touch with the American people by passing the \$862 billion “Stimulus” and the \$1 trillion ObamaCare bill. H.R. 4785 embodies that same attitude that we must spend our way back to prosperity, when we have seen it fail time after time.

Therefore, despite my support for energy efficiency programs and the people who would benefit from this legislation, I urge all of my colleagues to listen to the American people and curb federal spending.

Mr. BUTTERFIELD. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Agriculture printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in part A of House Report 111-594. The amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) *DEFINITIONS.—In this section:*

(1) **ELIGIBLE PARTICIPANT.**—The term “eligible participant” means a homeowner who receives financial assistance from a qualified financing entity to carry out qualifying energy savings measures pursuant to this section, and who is not also a qualified consumer under section 2.

(2) **QUALIFIED FINANCING ENTITY.**—The term “qualified financing entity” means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (f)(1), except that an entity that is an eligible entity under section 2 shall not be a qualified financing entity.

(3) **QUALIFIED LOAN PROGRAM MECHANISM.**—The term “qualified loan program mechanism” means a mechanism for the establishment and operation of a loan program that is—

(A) administered by a qualified financing entity; and

(B) funded in significant part—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(4) **QUALIFYING ENERGY SAVINGS MEASURE.**—The term “qualifying energy savings measure” means a measure listed under subsection (c)(1) or (2) or stipulated in a whole-house analysis under subsection (c)(3).

(b) **ESTABLISHMENT.**—The Secretary of Energy shall establish a Home Star Energy Efficiency Loan Program under which the Secretary of Energy shall offer loans at zero percent interest to States to support financial assistance provided by qualified financing entities for the installation of qualifying energy savings measures.

(c) **ENERGY EFFICIENCY MEASURES AND STANDARDS.**—The Secretary of Energy, in consultation with the Secretary of Agriculture, shall publish—

(1) not later than 90 days after the date of enactment of this Act, a master list of residential energy efficiency measures determined to be cost-effective, readily available from commercial sources, to be permanently installed in a residence, and capable of supporting measurement and verification of the energy savings that results from their adoption;

(2) additions to such a list, approved by the Secretary of Energy, of other residential energy efficiency measures that are—

(A) recommended by the Secretary of Agriculture;

(B) calculated to achieve sufficient energy savings that they will achieve a simple payback within 10 years or less; and

(C) permanently installed in a residence;

(3) specifications for whole-house energy performance analyses simulating energy use before and after a retrofit utilizing measures from the master list published pursuant to paragraphs (1) and (2) and such other permanent structural measures as can be demonstrated, when installed and operated as intended, to improve residential energy efficiency in a manner that can be determined with confidence to be cost-effective and to recover their own cost in energy cost savings within the term of a proposed loan; and

(4) a protocol for measurement and verification of the energy savings that have resulted from any and all energy efficiency measures taken with respect to a residence and financed in whole or in part pursuant to this title.

(d) **ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.**—To be eligible to participate in the Home Star Loan Program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable

Federal, State, local, and other rebates or incentives are applied) of installations described in subsection (b);

(2) require all financed installations to be performed by contractors in a manner that meets building code requirements and other appropriate minimum standards;

(3) establish standard underwriting criteria to determine the eligibility of Home Star Loan Program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the Home Star Loan Program in the State); and

(4) undertake particular efforts to make such loans available in public use microdata areas that have a poverty rate of 12 percent or more in a proportion of total loans made at least equal to the proportion the number of residents in such areas bears to the total population of the area served by that qualified financing entity.

(e) **ALLOCATION.**—In allocating 75 percent of the loan funds made available to States for each fiscal year under this section, the Secretary of Energy shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), with appropriate modifications to reflect the funds to be provided in States for loans under section 2. In allocating the remaining 25 percent of the loan funds made available to States for each fiscal year under this section, the Secretary of Energy may vary the result of the formula to recognize and reward those States that make the best progress in providing loans to low-income areas pursuant to subsection (d)(4).

(f) **QUALIFIED FINANCING ENTITIES.**—Before making funds available to a State under this section, the Secretary of Energy shall require the Governor of the State to provide to the Secretary of Energy a letter of agreement that the State—

(1) will use the funds provided pursuant to this section solely as provided in this section;

(2) has 1 or more qualified financing entities that meet the requirements of this section;

(3) has established, or has required its designated qualified financing entities to establish, a qualified loan program mechanism that—

(A) will use a quality assurance program or another appropriate methodology to ensure energy savings;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features;

(4) will provide, in a timely manner, all information regarding the administration of the Home Star Loan Program as the Secretary of Energy may require to permit the Secretary of Energy to meet program evaluation requirements; and

(5) will commit to the full repayment of the loaned funds to the Secretary of Energy by a date not later than 20 years from the date of the loan closing.

(g) **USE OF FUNDS.**—Funds made available to States for carrying out the Home Star Loan Program may be used to support financing mechanisms offered by qualified financing entities to eligible participants, including—

(1) interest rate reductions to interest rates as low as zero percent;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments necessary—

(A) to use available funds to obtain appropriate leverage through private investment; and

(B) to support widespread deployment of energy efficiency programs.

(h) **USE OF REPAID FUNDS.**—In the case of a revolving loan fund described in subsection (g)(3), a qualified financing entity may use funds repaid by eligible participants under the Home Star Loan Program to provide financial assistance for additional eligible participants for installations described in subsection (b) in a manner that is consistent with this section.

(i) **ADMINISTRATIVE COSTS.**—A State may permit a qualified financing entity to charge interest of 3 percent to cover the costs of loan administration and personnel and program management, or for establishing a loan loss reserve.

(j) **REPORTING REQUIREMENTS.**—The Secretary of Energy shall report to the Congress on the implementation of this title, including the energy savings and cost savings estimated to be achieved, not later than 1 year after the date of enactment of this Act, and again by not later than 2 years after the date of enactment of this section.

(k) **ASSESSMENT BY GOVERNMENT ACCOUNTABILITY OFFICE.**—The Comptroller General shall, by not later than 18 months after the date of enactment of this Act, prepare and submit to the Congress an analysis and report determining—

(1) the actual taxpayer funds made available for the program created in this section;

(2) the actual amounts of such funds made available to eligible participants or qualified consumers in the program created in this section;

(3) the extent of measured and verified residential energy savings achieved and expected to be achieved on an ongoing basis as a function of this program;

(4) the extent to which funds were made available to support commercial or industrial energy efficiency measures under this program;

(5) the extent to which funds made available were expended for training, administration, program support by contractors, or trade association activities under this program; and

(6) the consistency and rigor of the standards for energy efficiency and for measurement and verification adopted and implemented by this program.

(l) **AUTHORIZATION.**—There are authorized to be appropriated for purposes of this section \$850,000,000 for each of fiscal years 2010 through 2014, which shall remain available until expended.

SEC. 2. RURAL ENERGY SAVINGS PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) any public or cooperative electric utility that is eligible to borrow from the Rural Utilities Service electrification program authorized under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) that serves a rural area;

(B) any current borrower of the Rural Utilities Service electrification program authorized under that Act; or

(C) any entity primarily owned or controlled by an entity described in subparagraph (A) or (B).

(2) **ENERGY EFFICIENCY MEASURE.**—The term “energy efficiency measure”, with respect to property served by an eligible entity, means a

fixed structural improvement and investment in a cost-effective, commercial off-the-shelf technology to reduce residential energy use that is either—

(A) included in the master list published under section 1(c)(1) and (2); or

(B) stipulated in a whole-house simulation conducted pursuant to section 1(c)(3).

(3) FARM EFFICIENCY MEASURE.—The term “farm efficiency measure” means an energy saving application that is a fixed improvement installed in or attached to a building or structure on a farm at a total loan value for that farm of \$50,000 or less, that is not otherwise an energy efficiency measure, and that would achieve energy savings sufficient to repay the cost of the measure in 10 years or fewer.

(4) QUALIFIED CONSUMER.—The term “qualified consumer” means a consumer served by an eligible entity that has the ability to repay a loan made under subsection (d), as determined by an eligible entity, and who has not accepted any loan as an eligible participant pursuant to section 1.

(5) QUALIFIED ENTITY.—The term “qualified entity” means any organization that the Secretary of Agriculture determines has significant experience in providing eligible entities with—

(A) advice on energy, environmental, energy efficiency, and information research and technology;

(B) training, education, and consulting;

(C) guidance in energy and operational issues and rural community and economic development; and

(D) other relevant assistance, as determined by the Secretary of Agriculture.

(6) RURAL AREA.—The term “rural area” means any area other than—

(A) a city or town that has a population of greater than 50,000 inhabitants; and

(B) any urbanized area contiguous and adjacent to a city or town described in subparagraph (A).

(b) ESTABLISHMENT.—The Secretary of Agriculture, acting through the Rural Utility Service, shall establish the Rural Star Energy Savings Program for the purpose of making loans to eligible entities that agree to accept the loan funds authorized pursuant to this section to make loans to qualified consumers for the purpose of implementing residential energy efficiency measures or farm efficiency measures approved by the Secretary of Agriculture.

(c) LOANS TO ELIGIBLE ENTITIES.—

(1) LOANS AUTHORIZED.—Subject to paragraph (2), the Secretary of Agriculture shall make loans to an eligible entity that agrees that the loan funds will be used to make loans to qualified consumers as described in subsection (d) for the purpose of implementing one or more energy efficiency measures, or a farm efficiency measure in response to an application by an eligible entity.

(2) LIST, PLAN, AND MEASUREMENT AND VERIFICATION REQUIRED.—

(A) IN GENERAL.—As a condition to receiving a loan under paragraph (1), an eligible entity shall—

(i) establish a list of energy efficiency measures or farm efficiency measures expected to decrease energy use or costs of a qualified consumer from the master list published under section 1(c)(1) and (2);

(ii) establish a procedure to identify to the Secretary of Agriculture any specific farm efficiency measures for which the eligible entity seeks authority to make a loan;

(iii) prepare an implementation plan for use of the loan funds to ensure that a loan to a qualified consumer is for energy efficiency investments that will achieve savings sufficient to service the loan during the term of the loan; and

(iv) provide for appropriate measurement and verification as prescribed by the Secretary of Agriculture to ensure the actual use and effectiveness of the energy efficiency loans made by the eligible entity.

(B) REVISION OF LIST OF ENERGY EFFICIENCY MEASURES.—An eligible entity may update the list required under subparagraph (A)(i) to account for efficiency technologies added to the master list published under section 1(c)(1) pursuant to section 1(c)(2), or farm efficiency measures approved by the Secretary of Agriculture.

(C) EXISTING ENERGY EFFICIENCY PROGRAMS.—An eligible entity that, on or before the date of the enactment of this Act, has already established an energy efficiency program for qualified consumers may submit an existing list of energy efficiency measures or farm efficiency measures, implementation plans, or measurement and verification systems to satisfy the requirements of subparagraph (A) to the Secretary of Agriculture and may use such list until and unless such list is inconsistent with the measures published pursuant to section 1(c)(1) and (2).

(3) LOAN TERMS FOR LOANS TO ELIGIBLE ENTITIES.—

(A) NO INTEREST.—A loan made to an eligible entity under paragraph (1) shall bear no interest.

(B) REPAYMENT.—With respect to a loan under paragraph (1)—

(i) the term shall not exceed 20 years from the date the loan is closed; and

(ii) except as provided in subparagraph (D), the repayment of each advance shall be amortized for a period not to exceed 10 years.

(C) AMOUNT OF ADVANCES.—Any advance of loan funds to an eligible entity in any single year shall not exceed 30 percent of the approved loan amount.

(D) SPECIAL ADVANCE FOR START-UP ACTIVITIES.—

(i) IN GENERAL.—In order to assist an eligible entity in defraying initial start-up costs, the Secretary of Agriculture shall allow an eligible entity to request a special advance.

(ii) AMOUNT OF SPECIAL ADVANCE.—No eligible entity may receive a special advance under this subparagraph for an amount that is greater than 4 percent of the loan amount received by the eligible entity under paragraph (1).

(iii) REPAYMENT.—The repayment of the special advance shall be required within 10 years after the special advance is made and, at the election of the eligible entity, may be deferred to the end of the 10-year period.

(E) LIMITATION ON ADVANCES.—All advances shall be made under a loan described in paragraph (1) within the first 10 years of the term of the loan.

(d) LOANS TO QUALIFIED CONSUMERS.—

(1) TERMS OF LOANS.—Loans made by an eligible entity to qualified consumers using loan funds provided by the Secretary of Agriculture under subsection (c)—

(A) may bear interest, not to exceed three percent, to be used by the eligible entity for purposes such as establishing a loan loss reserve and to offset personnel and program costs of the eligible entity to provide the loans;

(B) shall finance only energy efficiency measures or farm efficiency measures for the purpose of decreasing energy usage or costs of a qualified consumer by an amount such that a loan term of not more than 10 years will achieve a simple payback of the amount invested;

(C) shall not be used to fund purchases of, or modifications to, personal property unless the personal property—

(i) is or becomes attached to real property as a fixture; or

(ii) is a manufactured home;

(D) shall be repaid through charges added to the electric bill for the property for, or at which energy efficiency measures are or will be implemented, except that this requirement shall not be construed to prohibit—

(i) the voluntary prepayment of a loan by the owner of the property; or

(ii) the use of any additional repayment mechanisms that are—

(I) demonstrated to have appropriate risk mitigation features, as determined by the eligible entity; or

(II) required if the qualified consumer is no longer a customer of the eligible entity; and

(E) shall require an energy audit to determine the impact of proposed energy efficiency measures on the energy costs and consumption of the qualified consumer.

(2) CONTRACTORS.—In addition to any other qualified general contractor, eligible entities may serve as general contractors.

(3) USE OF OTHER ENERGY EFFICIENCY INCENTIVES.—Energy efficiency incentives made available under any other Act, including rebates, grants, or any other payments, may be used to reduce the amount of a loan made under this subsection to qualified consumers in order to meet the requirement of paragraph (1)(B).

(e) MEASUREMENT, VERIFICATION, TRAINING, AND TECHNICAL ASSISTANCE.—

(1) DUTIES OF THE SECRETARY.—The Secretary of Agriculture—

(A) shall establish an implementation and measurement and verification advisory committee consisting of representatives of eligible entities and qualified entities;

(B) may enter into cooperative agreements with qualified entities to provide technical assistance and training to the employees of eligible entities to carry out this section; and

(C) shall establish a process to compile and maintain a directory of energy efficiency auditors that are used by eligible entities to carry out this section.

(2) EXCEPTION.—

(A) The Secretary of Agriculture shall not utilize the authority provided under this subsection or subsection (j) to—

(i) develop, adopt, or implement a public labeling system that rates and compares the energy performance among qualified consumers; or

(ii) require the public disclosure of an energy performance evaluation or rating developed for any qualified consumer.

(B) Nothing in this paragraph shall preclude—

(i) the computation, collection, or use, by the Secretary of Agriculture, eligible entity, or qualified entity for the purposes of aggregating information on the rating and comparison of the energy performance among qualified consumers with and without energy efficiency features or on energy performance evaluation or rating;

(ii) the use and publication of aggregate data (without identifying individual qualified consumers) based on information referred to in clause (i) to determine or demonstrate the performance of this program; or

(iii) the provision of information referred to in clause (i) with respect to a qualified consumer:

(I) to the State, eligible consumer, eligible entity, or qualified entity, as necessary to enable carrying out this title; or

(II) for purposes of prosecuting fraud and abuse.

(f) FAST START DEMONSTRATION PROJECTS.—The Secretary of Agriculture shall, not later than 90 days after the enactment of this section, enter into agreements with eligible entities (or groups of eligible entities) that have established an energy efficiency program described in subsection (c)(2)(C) to establish an energy efficiency loan demonstration projects consistent with the purposes of this section that—

(1) implement approaches to energy audits and investments in energy efficiency measures or farm efficiency measures that yield measurable and predictable savings;

(2) use measurement and verification processes to determine the effectiveness of energy efficiency loans made by eligible entities;

(3) include training for employees of eligible entities, including any contractors of such entities, to implement or oversee the activities described in paragraphs (1) and (2);

(4) provide for the participation of a majority of eligible entities in a State;

(5) reduce the need for generating capacity;

(6) provide efficiency loans to—

(A) not fewer than 20,000 consumers, in the case of a single eligible entity; or

(B) not fewer than 80,000 consumers, in the case of a group of eligible entities; and

(7) serve areas where 15 percent or more of consumers reside—

(A) in manufactured homes; or

(B) in housing units that are more than 50 years old.

(g) **ADDITIONAL AUTHORITY.**—The authority provided in this section is in addition to any authority of the Secretary of Agriculture to offer loans under any other law.

(h) **EFFECTIVE PERIOD.**—Except as otherwise provided in this section, the loans and other expenditures required to be made under this section are authorized to be made during each of fiscal years 2010 through 2014.

(i) **REGULATIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, not later than 180 days after the date of enactment of this section, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement this section.

(2) **PROCEDURE.**—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”); and

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(3) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(4) **INTERIM REGULATIONS.**—Notwithstanding paragraphs (1) and (2), to the extent regulations are necessary to carry out any provision of this section, the Secretary of Agriculture shall implement such regulations through the promulgation of an interim rule.

(j) **AUDIT OF PROGRAM.**—The Secretary of Agriculture shall conduct an audit of the program authorized by this section to ensure that the funds provided to eligible entities under this section are used in accordance with the purpose of this section.

(k) **REPORTING REQUIREMENTS.**—The Secretary of Agriculture shall report to the Congress on the implementation of this Act, including the energy savings and costs savings estimated to be achieved, not later than 1 year after the date of enactment of this Act, and again not later than 2 years after the date of enactment of this Act.

(l) **ASSESSMENT BY GOVERNMENT ACCOUNTABILITY OFFICE.**—The Comptroller General shall, by not later than 18 months after the date of enactment of this Act, prepare and submit to the Congress an analysis and report determining—

(1) the actual taxpayer funds made available for the program created in this section;

(2) the actual amounts of such funds made available to eligible entities for qualified consumers in the program created in this section;

(3) the extent of measured and verified energy savings achieved and expected to be achieved on an ongoing basis as a function of the program created in this section;

(4) the extent to which funds made available were expended for training, administration, and program support by eligible entities and qualified entities under the program created in this section; and

(5) the consistency and rigor of the standards for energy efficiency and for measurement and verification adopted and implemented by program created in this section.

(m) **AUTHORIZATION.**—There are authorized to be appropriated for purposes of this section \$150,000,000 for each of fiscal years 2010 through 2014, which shall remain available until expended.

The CHAIR. No amendment to that amendment in the nature of a sub-

stitute is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the 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.

AMENDMENT NO. 1 OFFERED BY MR. HOLDEN

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111-594.

Mr. HOLDEN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, line 17, strike “and”.

Page 1, after line 17, insert the following new subparagraph:

(B) is not an entity that has an ongoing capital repayment obligation to the Department of the Treasury pursuant to the Troubled Asset Relief Program (Public Law 110-343, 122 Stat. 3765); and

Page 2, line 1, redesignate subparagraph (B) as subparagraph (C).

Page 6, after line 18, insert the following new paragraph (and redesignate the subsequent paragraphs accordingly):

(2) will use the funds provided under this section to supplement and not supplant any prior or planned Federal and State funding provided to carry out energy efficiency programs, on the condition that, to the extent the Secretary finds that a State has supplanted other such programs with funding under this section, the Secretary may withhold an equivalent amount of funding from allocations for the State under this section;

Page 10, strike lines 5 through 7.

Page 10, line 8, strike “(5)” and insert “(4)”.

Page 10, line 12, strike “(6)” and insert “(5)”.

Page 10, line 17, after “this section” insert “, provided that enactment of this Act would not increase direct spending.”.

Page 18, strike lines 3 through 8 and insert the following:

(C) shall not be used to fund—

(i) the purchase of a manufactured home; or

(ii) the purchase of any other personal property unless the personal property is or becomes attached to real property as a fixture;

(D) shall not be used to fund modifications to personal property unless the personal property—

(i) is or becomes attached to real property as a fixture; or

(ii) is a manufactured home;

Page 18, line 9, strike “(D)” and insert “(E)”.

Page 18, line 24, strike “(E)” and insert “(F)”.

Page 20, line 8, strike “(j)” and insert “(i)”.

Page 25, line 19, after “this section” insert “, provided that enactment of this Act would not increase direct spending.”.

At the end, add the following:

SEC. 3. PROHIBITION.

Neither the Secretary of Energy nor the Secretary of Agriculture shall provide any funds authorized by this Act to any contractor that employs an employee to work in a consumer's home if that employee has been convicted of, or plead guilty to, a crime of

child molestation, rape, or any other form of sexual assault.

SEC. 4. FEDERAL EMPLOYEES.

(a) A loan shall not be provided to a Federal employee under this Act if any of the following apply to the employee:

(1) The employee has a seriously delinquent tax debt (as determined under subsection (b)).

(2) The employee received a payment under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) but was ineligible to receive the payment under the criteria described in section 2605(b)(2) of such Act (42 U.S.C. 8624(b)(2)).

(3) The employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

(b) For purposes of subsection (a)(1), a “seriously delinquent tax debt” means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; or

(2) a debt with respect to which a collection due process hearing under section 6330 of such Code is requested, pending, or completed and no payment is required.

SEC. 5. WRONGFUL USE OR DIVERSION OF PROGRAM FUNDS.

The Secretary of Energy and the Secretary of Agriculture shall take such steps as are necessary and appropriate, including requirements for the immediate repayment of Federal assistance, to ensure that none of the funds authorized in this Act are used—

(1) in violation of law;

(2) in a manner that creates a significant threat to human health or safety;

(3) in a manner that undercuts the integrity and accountability of the program under this Act; or

(4) for purposes other than those serving the objectives of this Act.

The CHAIR. Pursuant to House Resolution 1620, the gentleman from Pennsylvania (Mr. HOLDEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1300

Mr. HOLDEN. Mr. Chairman, the manager's amendment contains the following provisions: It prohibits entities with ongoing TARP obligations from participating in the program. It mandates that funds provided by the legislation must be used to supplement and not to supplant other energy efficiency funding. It says that no report has to be filed by the comptroller general regarding the extent to which funds provided by the legislation are used to support commercial or industrial energy measures. It prohibits any additions to direct spending with respect to the legislation. It forbids funds from being used to purchase personal property, including manufactured homes; but allows funds to be used for modifications to manufactured homes.

The manager's amendment prohibits the Secretary of Agriculture from promulgating regulations regarding a

home labeling program. It also prohibits the wrongful use or diversion of program funds, as well as prohibits providing funds to any contractor who employs any person who has been convicted of, or pled guilty to, any form of sexual assault. Finally, it prohibits Federal employees from receiving loan funds if they have seriously delinquent tax debt, have received a payment in violation of LIHEAA, or have been officially disciplined for viewing, downloading, or exchanging pornography on a Federal Government computer or while performing official Federal Government duties.

Mr. Chairman, I reserve the balance of my time.

Mr. LUCAS. Mr. Chairman, I rise to claim the time in opposition, although I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Oklahoma is recognized for 10 minutes.

There was no objection.

Mr. LUCAS. While I claim the time in opposition, I would state for the RECORD that I support my good friend from Pennsylvania's amendment. I support his efforts to import more integrity into this. What I am afraid of is a duplicative program. More importantly, I support his attempt to make sure that that the program does not affect direct spending. As my good friend has mentioned, his amendment prohibits any direct or mandatory spending. What it does not do, however, is prevent appropriators from adding to our national debt by spending discretionary dollars on the program.

While I support my friend's efforts to be truly fiscally responsible, this act should sunset if it is not deficit neutral. Again, I support Mr. HOLDEN's amendment and urge others to do the same. I would prefer language that more directly prevents direct spending, but this is what we have.

Mr. Chair, I yield such time as he may consume to the ranking member of the Energy and Commerce Committee, Representative BARTON.

Mr. BARTON of Texas. I too rise in support of the Holden amendment. It is not as good as our motion to recommit from back in May, it is not as good as the Barton amendment that was offered to the Rules Committee, but it is strangely similar. So if flattery is the most sincere form of compliment, then I am complimented that you have taken a page out of our playbook. It is going to make our coming motion to recommit much more difficult to develop, but I can assure you that agile minds are working as we speak on that motion to recommit. But for purposes of this debate, both Mr. LUCAS and myself do support your amendment and urge its adoption.

Mr. LUCAS. Mr. Chairman, I yield back the balance of my time.

Mr. HOLDEN. Mr. Chairman, I would like to thank the gentlemen from North Carolina, Oklahoma, and Texas for their support of the manager's amendment, and encourage its passage.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOLDEN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HOLDEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CUELLAR

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111-594.

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

(n) The Secretary of Agriculture shall provide assistance and technical advice to the qualified entities providing loans under this bill in conducting outreach for the purposes of increasing participation of economically distressed rural communities with unemployment rates above the national average, or rural areas that lack basic living necessities, such as water and sewer systems, electricity, and safe, sanitary housing, in the program established under this section.

The CHAIR. Pursuant to House Resolution 1620, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to encourage my colleagues to support my amendment to the Rural Energy Savings Program. This amendment will direct the Secretary of Agriculture to provide assistance and advice to the entities providing loans under this act to increase participation in the areas of high unemployment. This important amendment will go a long way towards making sure those areas that have been hit the hardest are about to take advantage of this legislation.

As you know, unemployment is still a real problem for many Americans throughout the country. In my congressional district, as an example, I have two counties that are significantly above the national average for unemployment, which is about 9.4. Hidalgo County is suffering at 11.1 percent, and Starr County is at 17.3 percent.

This amendment will make sure that these communities are not left out of this good piece of legislation. Under my amendment, USDA will provide its expertise to the entities providing loans for the purposes of outreach. This amendment will increase economic activity in the areas that need it the most while providing valuable energy cost savings.

Mr. Chairman, I want to thank Mr. BUTTERFIELD, Mr. CLYBURN, Mr. HOLDEN, and the other folks who have been working very hard, and also the

ranking members. I thank you, and stand in strong support of this piece of legislation along with my amendment. I ask Members to vote "yes" on my amendment.

I reserve the balance of my time.

Mr. LUCAS. I claim the time in opposition, Mr. Chairman, although I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Oklahoma is recognized for 5 minutes.

There was no objection.

Mr. LUCAS. I yield myself such time as I may consume.

This amendment would simply direct the Secretary of Agriculture to provide assistance and technical advice to electric cooperatives who have been approved as qualified entities in an effort to improve the outreach to the rural communities it serves with unemployment rates above the national average, as the author noted. As I understand the amendment, it does not require special treatment; rather it focuses on promotion of the program to those communities that are hit hard by the failing economy.

I think the gentleman's intentions are laudable, and given the legislative framework that the majority leadership has us working in, I do not oppose this amendment. I do, however, think there are better ways to bring cheap and efficient energy to these communities.

The prohibition on lending in the last farm bill to increase base load generation from clean coal, natural gas, and nuclear technologies is the biggest hidden tax on rural Americans that I can possibly think of, administered by the present majority leadership.

I yield back the balance of my time.

Mr. CUELLAR. I want to thank the ranking member for his support and again thank Mr. BUTTERFIELD, Mr. HOLDEN, Mr. CLYBURN, and all of the folks who have worked so hard. I ask Members to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MRS. MCCARTHY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111-594.

Mrs. MCCARTHY of New York. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. ____ . PRIORITY FOR ACTIVE DUTY MEMBERS OF THE ARMED FORCES AND VETERANS.

In providing loans to eligible participants under section 1 or qualified consumers under section 2, the lender shall give priority to members of the Armed Forces serving on active duty and to veterans (as defined in section 101 of title 38, United States Code).

The CHAIR. Pursuant to House Resolution 1620, the gentlewoman from New

York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mrs. MCCARTHY of New York. I want to thank Chairmen PETERSON and WAXMAN and Ranking Members LUCAS and BARTON for bringing forward this important legislation. I also thank my colleague from Pennsylvania, TIM HOLDEN.

Mr. Chairman, energy costs in this country continue to rise. For many families these costs are becoming an unbearable burden. I support this bill and believe that it will be a great help to many American families. H.R. 4785 creates the tools necessary to give homeowners control over their energy costs. The loans provided for in this bill will allow homeowners to invest in energy efficiency measures that will provide long-term savings to many, many families. It will help bring down energy costs for homeowners, reduce our dependence on foreign oil, and help us transition towards a clean-energy economy.

Although all Americans are facing the reality of rising energy costs, for our active duty troops and our veterans, the challenges of skyrocketing energy costs can be even more problematic. The members of our active duty military must often balance their household and service requirements. Does this still get your point across? I believe it does.

Our veterans, both our new veterans just starting out and our older veterans living on a fixed income, also have unique challenges when it comes to their energy costs.

□ 1310

I believe it is important that we give priority in this bill to those men and women who have sacrificed and who continue to sacrifice for our country. This is what my amendment does. Let us make sure that, with all the challenges in life, our active duty members and veterans are able to worry a little less about their electricity bills.

I reserve the balance of my time.

Mr. LUCAS. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Oklahoma is recognized for 5 minutes. Mr. LUCAS. I yield myself such time as I may consume.

In agriculture, we've learned the hard way, Mr. Chairman, that carve-outs and programs generally reduce the effectiveness of the programs. It's a simple economic principle. By focusing on the beneficiary instead of the results, the marginal utility is lowered.

Now, having said that, I can think of no more deserving group than the brave men and women of our Armed Services to be prioritized in any Federal program. Yes, I support and encourage my colleagues to support this amendment.

I yield back the balance of my time.

Mrs. MCCARTHY of New York. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mrs. MCCARTHY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BUTTERFIELD

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111-594.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. I have a parliamentary inquiry, Mr. Chairman.

The CHAIR. The gentleman is recognized for a parliamentary inquiry.

Mr. BARTON of Texas. What is the protocol when the author of an amendment is not on the floor and the amendment is called?

The CHAIR. The Chair is trying to ascertain whether the proponent will offer the amendment.

Mr. BARTON of Texas. Is there a prescribed waiting period? Are we in a holding pattern around an airport or, within a minute, no-show, no-go?

The CHAIR. The Chair will respect Members' opportunities to offer amendments, and the Chair will wait momentarily until finding out whether the amendment will be offered.

Mr. BARTON of Texas. Mr. Chairman, I would ask unanimous consent to continue with the bill. If the author is not here, he has lost his opportunity to offer it. So I would ask unanimous consent to move forward in consideration of pending business of the House and to skip over the amendment.

The CHAIR. This is the last amendment.

Mr. BUTTERFIELD. Mr. Chairman, I stand to offer this amendment as a designee.

The CHAIR. The gentleman will be recognized for that purpose.

Mr. BARTON of Texas. Mr. Chairman, requesting the right to object, I seek recognition to object if it is under the rules. We don't know. I have great faith in Mr. BUTTERFIELD, but I am not sure he has been authorized by Mr. INSLEE. If Mr. INSLEE is not here, I would object, with all due respect to Mr. BUTTERFIELD's substituting for him, without knowing whether Mr. INSLEE wants him to.

Mr. BUTTERFIELD. Mr. Chairman, I am told that the gentleman from Washington is en route to the floor. I simply stood to offer the amendment to make it in order. The gentleman who offered the amendment should be here momentarily.

The CHAIR. The Chair then will wait until the gentleman arrives.

Mr. BARTON of Texas. Will the Chair give that consideration to Members of the minority if we happen to be tardy and dawdling? We certainly are cognizant of the graciousness, but the House of Representatives is a busy place, and I always thought if you weren't here, you lost your spot in the lineup.

The CHAIR. Under House Resolution 1620, unanimous consent is not required for a designee to offer an amendment.

The Chair is prepared to recognize the gentleman from North Carolina. The Chair has actually been very nonbiased to both sides, and intends to be fair to both sides.

Mr. BARTON of Texas. I am not disparaging of the Chair's nonbiasness. I hope we will have that similar consideration.

The CHAIR. The gentleman from North Carolina is recognized to offer the amendment.

Mr. BUTTERFIELD. Mr. Chairman, I would like to proceed as the designee.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 12, insert the following: In determining which residential energy efficiency measures to include in the list published under paragraph (1) or (2), the Secretary of Energy, in consultation with the Secretary of Agriculture, shall consider advanced performance initiatives, such as the Passive House Standard as certified by the Passive House Institute US.

The CHAIR. Pursuant to House Resolution 1620, the gentleman from North Carolina (Mr. BUTTERFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. BUTTERFIELD. Let me apologize to the Chair, to the ranking member and to my colleagues for all of the confusion, but we are ready to proceed on this matter.

Mr. Chairman, I have reviewed this amendment. It appears to be in keeping with the spirit of the underlying legislation. I would urge my colleagues to support it.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. I would ask the author's designee, Mr. BUTTERFIELD, if he would engage in a colloquy on this amendment.

Mr. BUTTERFIELD. To the extent that I can, Mr. BARTON.

Mr. BARTON of Texas. Would you define what a "passive house" is?

I yield to the gentleman.

Mr. BUTTERFIELD. I do not have that material in front of me, Mr. BARTON.

Mr. BARTON of Texas. Okay. So we're getting a pig-in-the-poke here; is that right?

Mr. BUTTERFIELD. You certainly appreciate the disadvantage at which I find myself.

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman, I am not totally opposed to this amendment. I don't know too much more about it than Mr. BUTTERFIELD, but I do know that this "passive house" concept, while it saves energy once it is in place, is more expensive to construct. It is my understanding that the concept that the amendment supports is substantially more expensive than

standard construction. That may be appropriate when people have high incomes and when the cost of construction is really of little interest; but for most of my constituents, Mr. Chairman, the initial cost is of significance.

Again, I don't think there is a tremendous downside to this amendment, but I think it should be pointed out that if the Department of Energy, which it is not under the amendment required to mandate this, did direct that it had to meet this test, you would raise construction costs substantially, and I think that is something that should be of concern.

I am going to oppose the amendment but not vigorously. I do think that the author of the amendment usually should be on the floor when the amendment is offered, and I would hope that we would take notice that the author was not. We should give kudos to Mr. BUTTERFIELD for substituting in his place.

I would urge a "no" vote on this amendment.

I yield back the balance of my time. Mr. BUTTERFIELD. I thank the gentleman for his kind comments.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

The amendment was agreed to.

□ 1320

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in part B of House Report 111-594 on which further proceedings were postponed.

AMENDMENT NO. 1 OFFERED BY MR. HOLDEN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. HOLDEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 402, noes 0, not voting 36, as follows:

[Roll No. 529]

AYES—402

Aderholt	Baldwin	Bishop (GA)
Adler (NJ)	Barrett (SC)	Bishop (NY)
Akin	Barrow	Bishop (UT)
Alexander	Bartlett	Blackburn
Altmire	Barton (TX)	Blumenauer
Andrews	Bean	Bocieri
Arcuri	Becerra	Bonner
Austria	Berkley	Bono Mack
Baca	Berman	Boozman
Bachmann	Berry	Bordallo
Bachus	Biggert	Boren
Baird	Bilirakis	Boswell

Boucher	Gingrey (GA)	Marchant
Boustany	Gohmert	Markey (CO)
Boyd	Gonzalez	Markey (MA)
Brady (PA)	Goodlatte	Marshall
Brady (TX)	Gordon (TN)	Matheson
Braley (IA)	Granger	Matsui
Bright	Graves (GA)	McCarthy (CA)
Broun (GA)	Graves (MO)	McCarthy (NY)
Brown (SC)	Grayson	McCaul
Brown, Corrine	Green, Al	McClintock
Brown-Waite,	Green, Gene	McCollum
Ginny	Griffith	McCotter
Buchanan	Grijalva	McDermott
Burgess	Guthrie	McGovern
Burton (IN)	Gutierrez	McHenry
Butterfield	Hall (NY)	McIntyre
Buyer	Hall (TX)	McKeon
Calvert	Halvorson	McMahon
Camp	Hare	McMorris
Campbell	Harper	Rodgers
Cantor	Hastings (FL)	McNerney
Cao	Hastings (WA)	Meeks (NY)
Capito	Heinrich	Melancon
Capps	Hensarling	Mica
Capuano	Herger	Michaud
Cardoza	Hereth Sandlin	Miller (FL)
Carnahan	Higgins	Miller (MI)
Carney	Hill	Miller (NC)
Carson (IN)	Himes	Miller, Gary
Carter	Hinchee	Miller, George
Cassidy	Hinojosa	Minnick
Castle	Hirono	Mitchell
Chaffetz	Hoekstra	Moore (KS)
Chandler	Holden	Moran (KS)
Childers	Holt	Moran (VA)
Chu	Honda	Murphy (CT)
Clarke	Hoyer	Murphy (NY)
Clay	Hunter	Murphy, Patrick
Cleaver	Inglis	Murphy, Tim
Clyburn	Inslee	Myrick
Coble	Israel	Nadler (NY)
Coffman (CO)	Issa	Napolitano
Cohen	Jackson (IL)	Neal (MA)
Cole	Jackson Lee	Neugebauer
Conaway	(TX)	Nunes
Connolly (VA)	Jenkins	Nye
Conyers	Johnson (IL)	Oliver
Cooper	Johnson, E. B.	Ortiz
Costa	Johnson, Sam	Owens
Costello	Jones	Pallone
Courtney	Jordan (OH)	Pascarella
Crenshaw	Kagen	Pastor (AZ)
Critz	Kanjorski	Paul
Crowley	Kaptur	Paulsen
Cuellar	Kildee	Payne
Culberson	Kilpatrick (MI)	Pence
Cummings	Kilroy	Perlmutter
Dahlkemper	Kind	Perriello
Davis (AL)	King (IA)	Peters
Davis (CA)	King (NY)	Peterson
Davis (IL)	Kingston	Petri
Davis (KY)	Kirk	Pierluisi
Davis (TN)	Kirkpatrick (AZ)	Pingree (ME)
DeFazio	Kissell	Pitts
DeGette	Klein (FL)	Platts
DeLauro	Kline (MN)	Poe (TX)
Dent	Kosmas	Polis (CO)
Deutch	Kratovil	Pomeroy
Dicks	Kucinich	Posey
Dingell	Lamborn	Price (GA)
Djou	Lance	Price (NC)
Doggett	Langevin	Quigley
Donnelly (IN)	Larsen (WA)	Rahall
Doyle	Larson (CT)	Rangel
Dreier	Latham	Rehberg
Driehaus	LaTourette	Reichert
Duncan	Latta	Reyes
Edwards (MD)	Lee (CA)	Rodriguez
Edwards (TX)	Lee (NY)	Roe (TN)
Ehlers	Levin	Rogers (AL)
Emerson	Lewis (CA)	Rogers (KY)
Etheridge	Lewis (GA)	Rohrabacher
Faleomavaega	Linder	Rooney
Farr	Lipinski	Ros-Lehtinen
Fattah	LoBiondo	Roskam
Filner	Loebbeck	Ross
Flake	Lofgren, Zoe	Rothman (NJ)
Forbes	Lucas	Roybal-Allard
Forsterberry	Lucas	Royce
Foster	Luetkemeyer	Ruppersberger
Fox	Lujan	Rush
Frank (MA)	Lummis	Ryan (OH)
Franks (AZ)	Lungren, Daniel	Ryan (WI)
Frelinghuysen	E.	Sablan
Fudge	Lynch	Salazar
Galleghy	Mack	Sanchez, Linda
Garamendi	Maffei	T.
Gerlach	Maloney	Sanchez, Loretta
Giffords	Manzullo	Sarbanes

Scalise	Smith (TX)	Upton
Schakowsky	Smith (WA)	Van Hollen
Schauer	Snyder	Velázquez
Schiff	Space	Visclosky
Schmidt	Speier	Walden
Schock	Spratt	Walz
Schrader	Stark	Wamp
Schwartz	Stearns	Wasserman
Scott (GA)	Stupak	Schultz
Scott (VA)	Sullivan	Waters
Sensenbrenner	Sutton	Watson
Serrano	Taylor	Watt
Sessions	Teague	Waxman
Sestak	Terry	Weiner
Shadegg	Thompson (CA)	Welch
Sherman	Thompson (MS)	Westmoreland
Shimkus	Thompson (PA)	Whitfield
Shuler	Thornberry	Wilson (OH)
Shuster	Tiaht	Wilson (SC)
Simpson	Tiberi	Wittman
Sires	Titus	Wolf
Skelton	Tonko	Woolsey
Slaughter	Towns	Wu
Smith (NE)	Tsongas	Yarmuth
Smith (NJ)	Turner	Young (AK)

NOT VOTING—36

Ackerman	Eshoo	Norton
Bilbray	Fallin	Oberstar
Blunt	Fleming	Obey
Boehner	Garrett (NJ)	Olson
Castor (FL)	Harman	Putnam
Christensen	Heller	Radanovich
Delahunt	Hodes	Richardson
Diaz-Balart, L.	Johnson (GA)	Rogers (MI)
Diaz-Balart, M.	Kennedy	Shea-Porter
Ellison	Meek (FL)	Tanner
Ellsworth	Mollohan	Tierney
Engel	Moore (WI)	Young (FL)

□ 1349

Mr. SMITH of Texas changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. RICHARDSON. Mr. Chair, today I was unavoidably delayed and unable to return to the floor in time for rollcall vote 529.

Had I been present for rollcall No. 529, I would have voted "aye" (the Manager's Amendment to H.R. 4785).

The CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. SALAZAR, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4785) to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use, and, pursuant to House Resolution 1620, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SHADEGG. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SHADEGG. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Shadegg moves to recommit the bill H.R. 4785 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 1, line 5, insert "with a gross annual household income of less than \$250,000" after "homeowner".

Page 1, line 9, insert "A homeowner may not qualify as an eligible participant if the homeowner has been more than 6 months delinquent in child support payments." after "under section 2."

Page 1, lines 13 and 14, strike "or community-based".

Page 3, line 10, insert "primary" after "installed in a".

Page 3, line 12, insert "but which shall not include the installation or replacement of pool heaters or the installation of Energy Star televisions" after "their adoption".

Page 3, line 21, insert "primary" after "installed in a".

Page 5, line 16, insert "consistent with paragraph (3)," after "particular efforts".

Page 8, line 22, through page 9, line 3, strike subsection (h) (and redesignate the subsequent subsections accordingly).

Page 9, line 14, insert "The Secretary of Energy shall also include a detailed accounting of any waste, fraud, or abuse occurring in the administration of this Act in such reports." after "of this section."

Page 10, line 11, strike "and".

Page 10, line 15, strike the period and insert "and".

Page 10, after line 15, insert the following new paragraph:

(7) the extent to which any waste, fraud, or abuse occurred under this program.

At the end of the bill, add the following new sections:

SEC. 3. PROHIBITION.

(a) Funds authorized by this Act shall only be made available for the purpose of carrying out qualifying energy savings measures on a primary residence.

(b) Neither the Secretary of Energy nor the Secretary of Agriculture shall provide any funds authorized by this Act to any contractor that has been convicted of or pleaded guilty to any fraudulent offense.

SEC. 4. SUNSET.

The provisions of this Act shall be suspended and shall not apply if this Act will have a negative net effect on the national budget deficit of the United States.

Mr. SHADEGG (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. CLYBURN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. CLYBURN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, the underlying legislation creates a \$5 billion government loan program to assist people in purchasing energy efficiency devices. Anytime we spend that amount of money, we ought to be very careful about the spending of that money, especially since we face a \$1.3 trillion deficit. Earlier this year, the GAO conducted an investigation which found rampant fraud and abuse in the highly touted Energy Star Program.

Sadly, many companies have become very creative in ripping off the Department of Energy and the Energy Star Program. The motion to recommit makes a number of sensible changes and restrictions to protect the taxpayers in the implementation of this legislation.

First, it urges that the GAO and the Secretary of Energy report any waste, fraud or abuse found in the program. This is simply good governance.

Second, this program, which provides government subsidized loans, makes sure that these home improvement loans are eligible only to people who deserve the largesse, the assistance, of the government. First, it says, for example, loans can be only used for primary residences. Energy Star loans subsidized by the government under this legislation could not be used for vacation homes or beach houses. The taxpayer should not be providing energy-efficient appliances at luxury homes.

Second, the motion to recommit strikes community-based organizations from potential lenders. This goes back to the problem of ACORN and the strong belief that they should not be in the position of using or having access to these funds.

Third, the MTR ensures that these retrofit loans are only available to households where the gross income is less than \$250,000. It should go without saying that if the other side is proposing to increase taxes on earners in this category, we should not be opening up subsidized government loans to people who make money at that level.

Third, the motion to recommit provides that homeowners who are delinquent in their child support payments, so-called deadbeat dads, are not eligible for these subsidized loans. It's pretty simple and straightforward that when the government decides to help people in these circumstances purchase energy-efficient equipment that they can't otherwise afford, that we should not be doing that either for deadbeat dads or for the wealthiest of Americans.

It also provides that loans and loan subsidies under this legislation cannot be used for such luxuries such as swimming pool heaters or to purchase LCD TVs or fancy TVs. While these technologies may save energy, the dollars in this loan program, \$5 billion, which I would argue we don't have right now, should not be used to fund luxury items.

People should not be using a subsidy from the government or a subsidized loan to buy a flat-screen TV or swimming pool heater.

Last, the MTR provides to fill in the standards in the legislation, ensuring that sketchy contractors cannot implement this program. For example, the construction cannot be done by contractors convicted of fraud.

Finally, and most importantly, the legislation provides that the programs must be deficit neutral. If either program, if either program is found to have a negative effect on the national debt, then that program is suspended.

My colleagues on the other side will find this one of the things that they call a gutting amendment, but it really isn't. It is simply put in place to say that if you don't want to pay for the bill, which we would have argued for it and which we offered amendments in Rules for, then we should not allow it to increase the Nation's deficit.

As I mentioned, we face a \$1.3 trillion deficit. This simply says that before we provide subsidized government loans to people to buy energy-efficient equipment, that should not be done in a deficit situation where we are expanding the deficit and passing the cost of the program on to our children and our grandchildren.

These are simple, straightforward, good-government provisions. They make the legislation better. They enable it to do what the authors of the legislation intended it to do without adding to the financial burden on the American taxpayer.

I urge my colleagues to support the motion to recommit.

I yield back the balance of my time.

Mr. CLYBURN. Mr. Speaker, I claim the time in opposition but do not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from South Carolina is recognized for 5 minutes.

There was no objection.

□ 1400

Mr. CLYBURN. I wish to thank my colleague and occasional sparring partner for making what I consider to be reasonable improvements to this bill.

Mr. Speaker, in keeping with the bipartisan, in fact, unanimous vote in favor of this legislation, I will accept the gentleman's amendment.

Mr. SHADEGG. I thank the gentleman.

Mr. CLYBURN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The motion was agreed to.

Mr. BUTTERFIELD. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 4785, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTTERFIELD:

Page 1, line 5, insert “with a gross annual household income of less than \$250,000” after “homeowner”.

Page 1, line 9, insert “A homeowner may not qualify as an eligible participant if the homeowner has been more than 6 months delinquent in child support payments.” after “under section 2.”.

Page 1, lines 13 and 14, strike “or community-based”.

Page 3, line 10, insert “primary” after “installed in a”.

Page 3, line 12, insert “, but which shall not include the installation or replacement of pool heaters or the installation of Energy Star televisions” after “their adoption”.

Page 3, line 21, insert “primary” after “installed in a”.

Page 5, line 16, insert “, consistent with paragraph (3),” after “particular efforts”.

Page 8, line 22, through page 9, line 3, strike subsection (h) (and redesignate the subsequent subsections accordingly).

Page 9, line 14, insert “The Secretary of Energy shall also include a detailed accounting of any waste, fraud, or abuse occurring in the administration of this Act in such reports.” after “of this section.”.

Page 10, line 11, strike “and”.

Page 10, line 15, strike the period and insert “; and”.

Page 10, after line 15, insert the following new paragraph:

(7) the extent to which any waste, fraud, or abuse occurred under this program.

At the end of the bill, add the following new sections:

SEC. 3. PROHIBITION.

(a) Funds authorized by this Act shall only be made available for the purpose of carrying out qualifying energy savings measures on a primary residence.

(b) Neither the Secretary of Energy nor the Secretary of Agriculture shall provide any funds authorized by this Act to any contractor that has been convicted of or pleaded guilty to any fraudulent offense.

SEC. 4. SUNSET.

The provisions of this Act shall be suspended and shall not apply if this Act will have a negative net effect on the national budget deficit of the United States.

Mr. CLYBURN (during the reading). I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLYBURN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the bill will be followed by 5-minute votes on the motion to suspend on House Resolution 1613.

The vote was taken by electronic device, and there were—ayes 240, noes 172, not voting 20, as follows:

[Roll No. 530]

AYES—240

Altmire	Foster	Melancon
Andrews	Frank (MA)	Michaud
Arcuri	Fudge	Miller (NC)
Baca	Garamendi	Miller, George
Baird	Giffords	Minnick
Barrett (SC)	Gonzalez	Mitchell
Barrow	Gordon (TN)	Moore (KS)
Bean	Grayson	Moore (WI)
Becerra	Green, Al	Moran (VA)
Berkley	Green, Gene	Murphy (CT)
Berman	Grijalva	Murphy (NY)
Berry	Gutierrez	Murphy, Patrick
Bishop (GA)	Hall (NY)	Nadler (NY)
Bishop (NY)	Halvorson	Napolitano
Blumenauer	Hare	Neal (MA)
Boccieri	Harman	Nye
Boren	Hastings (FL)	Oberstar
Boswell	Heinrich	Oliver
Boucher	Herseth Sandlin	Ortiz
Boyd	Higgins	Owens
Brady (PA)	Hill	Pallone
Braley (IA)	Himes	Pascarella
Bright	Hinchee	Pastor (AZ)
Brown, Corrine	Hinojosa	Payne
Butterfield	Hirono	Perlmuter
Capps	Holden	Perriello
Capuano	Holt	Peters
Cardoza	Honda	Peterson
Carnahan	Hoyer	Pingree (ME)
Carney	Inglis	Polis (CO)
Carson (IN)	Inslee	Pomeroy
Castle	Israel	Price (NC)
Castor (FL)	Jackson (IL)	Quigley
Chandler	Jackson Lee	Rahall
Childers	(TX)	Rangel
Chu	Johnson (GA)	Reyes
Clarke	Johnson, E. B.	Richardson
Clay	Kagen	Rodriguez
Cleaver	Kanjorski	Ross
Clyburn	Kaptur	Rothman (NJ)
Cohen	Kildee	Roybal-Allard
Connolly (VA)	Kilpatrick (MI)	Rush
Conyers	Kilroy	Ryan (OH)
Cooper	Kind	Salazar
Costa	Kissell	Sánchez, Linda
Costello	Klein (FL)	T.
Courtney	Kosmas	Sanchez, Loretta
Critz	Kratovil	Sarbanes
Crowley	Kucinich	Schakowsky
Cuellar	Langevin	Schiff
Cummings	Larsen (WA)	Schrader
Dahlkemper	Larsen (CT)	Schwartz
Davis (AL)	Lee (CA)	Scott (GA)
Davis (CA)	Levin	Scott (VA)
Davis (IL)	Lewis (GA)	Serrano
Davis (TN)	Lipinski	Sestak
DeFazio	Loeb sack	Sherman
DeGette	Lofgren, Zoe	Shuler
DeLauro	Lowey	Sires
Deutch	Luján	Slaughter
Dicks	Lynch	Smith (WA)
Dingell	Maffei	Snyder
Djou	Maloney	Space
Doggett	Markey (CO)	Speier
Donnelly (IN)	Markey (MA)	Spratt
Doyle	Matheson	Stark
Driehaus	Matsui	Stupak
Edwards (MD)	McCarthy (NY)	Sutton
Edwards (TX)	McCollum	Taylor
Ehlers	McDermott	Teague
Engel	McGovern	Thompson (CA)
Etheridge	McIntyre	Thompson (MS)
Farr	McMahon	Titus
Fattah	McNerney	Tonko
Filner	Meeks (NY)	Towns

Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield

Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—172

Aderholt	Gingrey (GA)	Murphy, Tim
Adler (NJ)	Gohmert	Myrick
Akin	Goodlatte	Neugebauer
Alexander	Granger	Nunes
Austria	Graves (GA)	Olson
Bachmann	Graves (MO)	Paul
Bachus	Griffith	Paulsen
Bartlett	Guthrie	Pence
Barton (TX)	Hall (TX)	Petri
Bigert	Harper	Pitts
Bilbray	Hastings (WA)	Platts
Bilirakis	Heller	Poe (TX)
Bishop (UT)	Hensarling	Posey
Blackburn	Herger	Price (GA)
Boehner	Hoekstra	Radanovich
Bonner	Hunter	Rehberg
Bono Mack	Issa	Reichert
Boozman	Jenkins	Roe (TN)
Boustany	Johnson (IL)	Rogers (AL)
Brady (TX)	Johnson, Sam	Rogers (KY)
Broun (GA)	Jones	Rogers (MI)
Brown (SC)	Jordan (OH)	Rogers (MI)
Brown-Waite,	King (IA)	Rohrabacher
Ginny	King (NY)	Rooney
Buchanan	Kingston	Ros-Lehtinen
Burgess	Kirk	Roskam
Burton (IN)	Kirkpatrick (AZ)	Royce
Buyer	Kline (MN)	Ryan (WI)
Calvert	Lamborn	Scalise
Camp	Lance	Schauer
Campbell	Latham	Schmidt
Cantor	LaTourette	Schock
Cao	Latta	Sensenbrenner
Capito	Lee (NY)	Sessions
Carter	Lewis (CA)	Shadeeg
Cassidy	Linder	Shimkus
Chaffetz	LoBiondo	Shuster
Coble	Lucas	Simpson
Coffman (CO)	Luetkemeyer	Skelton
Cole	Lummis	Smith (NE)
Conaway	Lungren, Daniel	Smith (NJ)
Crenshaw	E.	Smith (TX)
Culberson	Mack	Stearns
Davis (KY)	Manzullo	Sullivan
Dent	Marchant	Terry
Diaz-Balart, L.	Marshall	Thompson (PA)
Diaz-Balart, M.	McCarthy (CA)	Thornberry
Dreier	McCaul	Tiahrt
Duncan	McClintock	Tiberi
Emerson	McCotter	Turner
Flake	McHenry	Upton
Forbes	McKeon	Walden
Fortenberry	McMorris	Wamp
Fox	Rodgers	Westmoreland
Franks (AZ)	Mica	Wilson (SC)
Frelinghuysen	Miller (FL)	Wittman
Gallegly	Miller (MI)	Wolf
Garrett (NJ)	Miller, Gary	Young (AK)
Gerlach	Moran (KS)	

NOT VOTING—20

Ackerman	Fallin	Putnam
Baldwin	Fleming	Ruppersberger
Blunt	Hodes	Shea-Porter
Delahunt	Kennedy	Tanner
Ellison	Meek (FL)	Tierney
Ellsworth	Mollohan	Young (FL)
Eshoo	Obey	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1420

Messrs. PAUL and McCaul changed their vote from “aye” to “no.”

Messrs. ANDREWS, JOHNSON of Georgia, and LANGEVIN changed their vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to authorize the Secretary of Agriculture to make loans to certain entities that agree that the funds will

be used to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce energy use, and for other purposes.”.

A motion to reconsider was laid on the table.

Stated for:

Ms. BALDWIN. Madam Speaker, I regret that I missed a vote on final passage of H.R. 4785, the Rural Energy Savings Program Act.

Had I been present, I would have voted “aye” in support of the bill.

Stated against:

Mr. BARRETT of South Carolina. Madam Speaker, on rollcall No. 30, I inadvertently voted “aye” but I meant to vote “no.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

EXPRESSING CONDOLENCES TO PAKISTANI PEOPLE AFTER FLOODS

The SPEAKER pro tempore (Ms. CHU). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1613) expressing condolences to and solidarity with the people of Pakistan in the aftermath of the devastating floods that began on July 22, 2010, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARROW) that the House suspend the rules and agree to the resolution, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 2, not voting 34, as follows:

[Roll No. 531]

YEAS—396

Aderholt	Barrett (SC)	Bishop (NY)
Adler (NJ)	Barrow	Bishop (UT)
Akin	Bartlett	Blackburn
Alexander	Barton (TX)	Blumenauer
Altmire	Bean	Bocieri
Andrews	Becerra	Boehner
Arcuri	Berkley	Bonner
Austria	Berman	Bono Mack
Baca	Berry	Boozman
Bachmann	Biggert	Boswell
Bachus	Bilbray	Boucher
Baldwin	Bilirakis	Boustany

Boyd	Gonzalez	Markey (CO)
Brady (PA)	Goodlatte	Markey (MA)
Brady (TX)	Gordon (TN)	Marshall
Braley (IA)	Granger	Matheson
Bright	Graves (GA)	Matsui
Brown (SC)	Graves (MO)	McCarthy (CA)
Brown, Corrine	Grayson	McCarthy (NY)
Buchanan	Green, Al	McCaul
Burgess	Green, Gene	McClintock
Burton (IN)	Griffith	McCollum
Butterfield	Grijalva	McCotter
Buyer	Guthrie	McDermott
Calvert	Hall (NY)	McGovern
Camp	Hall (TX)	McHenry
Campbell	Halvorson	McIntyre
Cantor	Hare	McKeon
Cao	Harman	McMahon
Capito	Harper	McMorris
Capps	Hastings (FL)	Rodgers
Capuano	Hastings (WA)	McNerney
Cardoza	Heinrich	Meeks (NY)
Carnahan	Heller	Melancon
Carney	Hensarling	Mica
Carson (IN)	Herger	Michaud
Carter	Hereth Sandlin	Miller (FL)
Cassidy	Higgins	Miller (MI)
Castle	Hill	Miller (NC)
Castor (FL)	Himes	Miller, Gary
Chaffetz	Hinchee	Miller, George
Chandler	Hinojosa	Minnick
Childers	Hirono	Mitchell
Chu	Hoekstra	Moore (KS)
Clarke	Holden	Moore (WI)
Clay	Holt	Moran (KS)
Cleaver	Honda	Moran (VA)
Clyburn	Hoyer	Murphy (CT)
Coble	Hunter	Murphy (NY)
Coffman (CO)	Inglis	Murphy, Tim
Cohen	Inslee	Myrick
Cole	Israel	Nadler (NY)
Conaway	Issa	Napolitano
Connolly (VA)	Jackson (IL)	Neal (MA)
Conyers	Jackson Lee	Neugebauer
Cooper	(TX)	Nunes
Costa	Jenkins	Nye
Costello	Johnson (GA)	Oberstar
Courtney	Johnson (IL)	Olson
Crenshaw	Johnson, E. B.	Olver
Critz	Johnson, Sam	Ortiz
Crowley	Jones	Owens
Cuellar	Jordan (OH)	Pallone
Culberson	Kagen	Pascarell
Cummings	Kanjorski	Pastor (AZ)
Dahlkemper	Kaptur	Paulsen
Davis (CA)	Kildee	Payne
Davis (IL)	Kilpatrick (MI)	Pence
Davis (KY)	Kilroy	Perlmutter
Davis (TN)	Kind	Perriello
DeFazio	King (IA)	Peters
DeGette	King (NY)	Peterson
DeLauro	Kingston	Petri
Dent	Kirk	Pingree (ME)
Deutch	Kirkpatrick (AZ)	Pitts
Diaz-Balart, L.	Kissell	Platts
Diaz-Balart, M.	Klein (FL)	Poe (TX)
Dicks	Kline (MN)	Polis (CO)
Dingell	Kosmas	Pomeroy
Djou	Kratovil	Posey
Doggett	Kucinich	Price (GA)
Donnelly (IN)	Lamborn	Price (NC)
Doyle	Lance	Quigley
Dreier	Langevin	Rahall
Driehaus	Larsen (WA)	Rangel
Duncan	Larson (CT)	Rehberg
Edwards (MD)	Latham	Reichert
Edwards (TX)	LaTourrette	Reyes
Ehlers	Latta	Richardson
Ellison	Lee (CA)	Rodriguez
Emerson	Lee (NY)	Roe (TN)
Engel	Levin	Rogers (AL)
Etheridge	Lewis (CA)	Rogers (KY)
Farr	Lewis (GA)	Rogers (MI)
Fattah	Linder	Rohrabacher
Filner	Lipinski	Rooney
Flake	LoBiondo	Ros-Lehtinen
Forbes	Loebbeck	Roskam
Fortenberry	Lofgren, Zoe	Ross
Foster	Lowey	Rothman (NJ)
Fox	Lucas	Roybal-Allard
Frank (MA)	Luetkemeyer	Royce
Franks (AZ)	Lujan	Ruppersberger
Frelinghuysen	Lummis	Rush
Fudge	Lungren, Daniel	Ryan (OH)
Gallegly	E.	Ryan (WI)
Garamendi	Lynch	Salazar
Garrett (NJ)	Mack	Sanchez, Linda
Gerlach	Maffei	T.
Gingrey (GA)	Maloney	Sanchez, Loretta
Gohmert	Manzullo	Sarbanes

Scalise	Smith (TX)	Turner
Schakowsky	Smith (WA)	Upton
Schauer	Snyder	Van Hollen
Schiff	Space	Visclosky
Schmidt	Speier	Walden
Schock	Spratt	Walz
Schrader	Stark	Wamp
Schwartz	Stearns	Wasserman
Scott (GA)	Stupak	Schultz
Scott (VA)	Sullivan	Waters
Sensenbrenner	Sutton	Watson
Serrano	Taylor	Watt
Sessions	Teague	Weiner
Sestak	Thompson (CA)	Westmoreland
Shadegg	Thompson (MS)	Whitfield
Sherman	Thompson (PA)	Wilson (OH)
Shimkus	Thornberry	Wilson (SC)
Shuler	Tiahrt	Wittman
Shuster	Tiberi	Wolf
Sires	Titus	Woolsey
Skellton	Tonko	Wu
Smith (NE)	Towns	Yarmuth
Smith (NJ)	Tsongas	

NAYS—2

Paul Brown (GA)

NOT VOTING—34

Ackerman	Fleming	Shea-Porter
Baird	Giffords	Simpson
Bishop (GA)	Gutierrez	Slaughter
Blunt	Hodes	Tanner
Boren	Kennedy	Terry
Brown-Waite,	Marchant	Tierney
Ginny	Meek (FL)	Velázquez
Davis (AL)	Mollohan	Waxman
Delahunt	Murphy, Patrick	Welch
Ellsworth	Obey	Young (AK)
Eshoo	Putnam	Young (FL)
Fallin	Radanovich	

□ 1430

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from the Chamber. Had I been present, I would have voted “yea” on rollcall vote 531.

PERSONAL EXPLANATION

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 529, on agreeing to the Holden amendment to H.R. 4785—Rural Energy Savings Program Act, I would have voted “aye” on the question.

Had I been present to vote on rollcall No. 530, on the passage of H.R. 4785—Rural Energy Savings Program Act, I would have voted “aye” on the motion.

Had I been present to vote on rollcall No. 531 on the motion to suspend the rules and agree to H. Res. 1613—Expressing condolences to and solidarity with the people of Pakistan in the aftermath of the devastating floods that began July 22, 2010, I would have voted “aye” on the question.

□ 1430

SUPPORTING CONSTITUTION DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1612) expressing the support for and honoring September 17, 2010 as “Constitution Day”.