

equipment designed and marketed to perform any of the following functions (on a continuous basis):

“(aa) Monitor, detect, record, or provide notification of intrusion or access to real property or physical assets or notification of threats to life safety.

“(bb) Deter or control access to real property or physical assets, or prevent the unauthorized removal of physical assets.

“(cc) Monitor, detect, record, or provide notification of fire, gas, smoke, flooding, or other physical threats to real property, physical assets, or life safety.

“(II) EXCLUSION.—The term ‘security or life safety alarm or surveillance system’ does not include any product with a principal function other than life safety, security, or surveillance that—

“(aa) is designed and marketed with a built-in alarm or theft-deterrent feature; or

“(bb) does not operate necessarily and continuously in active mode.

“(ii) NONAPPLICATION OF NO-LOAD MODE REQUIREMENTS.—The No-Load Mode energy efficiency standards established by this paragraph shall not apply to an external power supply manufactured before July 1, 2017, that—

“(I) is an AC-to-AC external power supply;

“(II) has a nameplate output of 20 watts or more;

“(III) is certified to the Secretary as being designed to be connected to a security or life safety alarm or surveillance system component; and

“(IV) on establishment within the External Power Supply International Efficiency Marking Protocol, as referenced in the ‘Energy Star Program Requirements for Single Voltage External Ac-Dc and Ac-Ac Power Supplies’, published by the Environmental Protection Agency, of a distinguishing mark for products described in this clause, is permanently marked with the distinguishing mark.

“(iii) ADMINISTRATION.—In carrying out this subparagraph, the Secretary shall—

“(I) require, with appropriate safeguard for the protection of confidential business information, the submission of unit shipment data on an annual basis; and

“(II) restrict the eligibility of external power supplies for the exemption provided under this subparagraph on a finding that a substantial number of the external power supplies are being marketed to or installed in applications other than security or life safety alarm or surveillance systems.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield to myself such time as I may consume.

I rise today to offer H.R. 5470, a simple piece of legislation that provides a straightforward technical correction to the Energy Independence and Security Act of 2007.

Specific provisions in the Energy Independence and Security Act intended to increase the energy efficiency requirements for battery chargers and external power supplies have been implemented in a way that includes security and life safety products but yields no energy savings. The law requires the power supplies on these products to meet energy efficiency standards in a number of different modes, including off mode and standby mode. Security and life safety products, however, are always on and never operate in off mode or standby mode. Fire monitors, carbon monoxide monitors, intrusion detection sensors and access control readers require a constant, uninterrupted power supply. Security products are always in active mode, meaning they are connected to a main power source and remain active to detect and monitor various readings. To disconnect these devices from the transformer would destroy the integrity of the security system and compromise public safety and security.

This legislation will provide an exemption for security and life safety products from these Federal energy efficiency requirements while still retaining the law's active mode efficiency requirements for these products. Without creating this correction for security and life safety products, the industry will be forced to spend millions of dollars to comply with an energy standard that will yield no energy savings and could actually cost jobs.

Mr. Speaker, this commonsense correction to current law is supported by the security industry and a broad spectrum of environmental groups, including the Natural Resources Defense Council, the American Council for an Energy-Efficient Economy, and the Alliance to Save Energy. The bill also contains language which will mitigate any potential newfound concerns by limiting the duration of the exemption to allow the Department of Energy to modify it after July 2017.

I would also note, Mr. Speaker, that the Department of Energy supports this correction, which is documented in response to a question for the record submitted by Senator BINGAMAN following a Senate Committee on Energy and Natural Resources hearing. It is also bipartisan. My colleague from Kentucky who is on the floor is also one of the cosponsors of this bill.

I would urge all my colleagues on both sides of the aisle to support this sensible technical correction and vote “aye.”

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

Mr. WHITFIELD. Mr. Speaker, I yield myself as much time as I may consume.

I want to thank the gentleman from New Jersey for introducing this important legislation. We anticipate that over the next 25 years, the demand for electricity in America is going to almost double. One of the ways, not the only way, but one of the ways that we

are going to have to address this problem is to have consumer products that are more efficient, that use less electricity.

□ 1120

That was certainly the purpose of the Energy Independence and Security Act of 2007, which sought to clarify requirements in the measurement of energy consumption in certain consumer devices. Some of the devices, however, that were not excluded in this legislation included security devices such as smoke and carbon monoxide detectors.

When we have regulations to make products more efficient, it's always a balancing act. We want them to be more efficient, but we don't want them to have to be redone in such a way that it raises the price to the consumer and makes the manufacturer of that product less competitive in the global marketplace.

This legislation, H.R. 5470, is designed to do particularly that, to exclude from this legislation of 2007 these security devices such as smoke and carbon monoxide detectors. This legislation is going to help clarify that, because we went to the Department of Energy and asked them to modify the requirements, and they refused, saying that they could issue a ruling only to modify regulations written by the Department, not amend a law passed by Congress. Mr. PALLONE's legislation does expressly that. I would urge all of our Members to support it.

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

Mr. PALLONE. I would also yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5470.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GUARANTEE OF A LEGITIMATE DEAL ACT OF 2010

Mr. WEINER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4501) to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4501

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Guarantee of a Legitimate Deal Act of 2010”.*

#### SEC. 2. RETURN REQUIREMENTS FOR PURCHASERS OF PRECIOUS METALS.

(a) UNLAWFUL CONDUCT.—It shall be unlawful for any purchaser of precious metals to—

(1) sell, transfer to a third party, or refine through melting or otherwise permanently destroy an item of jewelry or precious metal before the purchaser of precious metals has received an affirmative acceptance of an offer to purchase the item for a specific price from the consumer to whom such offer was made;

(2) fail to promptly return to the consumer any jewelry or other precious metal if the consumer declines the offer to purchase made by the purchaser of precious metals; or

(3) fail to insure any shipment to the consumer of such jewelry or precious metals in an amount equal to—

(A) the amount the consumer insured the shipment of the jewelry or precious metals to the purchaser of precious metals, if the consumer provides the purchaser of precious metals with proof of such insurance; or

(B) 60 percent of the melt-value of the jewelry or precious metals, if the consumer does not provide the purchaser of precious metals with proof of such insurance.

(4) **Law Enforcement Exception—Paragraph (1) of this subsection shall not prohibit the sale or transfer of any item of jewelry or precious metal to law enforcement agencies or their personnel.**

(b) **DEFINITIONS.—As used in this Act—**

(1) the term “purchaser of precious metals” means a person who is in the business of purchasing jewelry or other precious metals directly from consumers; and

(2) the term “melt-value” means the reasonable estimated value of any item of jewelry or precious metal, as determined by the purchaser of precious metals, if such item were processed and refined by the purchaser of precious metals.

(c) **REGULATIONS.—The Commission may issue regulations under section 553 of title 5, United States Code, to carry out the purposes of this Act.**

### **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.**

(a) **UNFAIR AND DECEPTIVE ACT OR PRACTICE.—A violation of this Act or a regulation issued pursuant to this Act shall be treated as an unfair or deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.**

(b) **POWERS OF COMMISSION.—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates this Act shall be subject to the penalties and entitled to the privileges and immunities provided in that Act.**

### **SEC. 4. EFFECTIVE DATE.**

The provisions of this Act shall take effect 60 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. WEINER) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### **GENERAL LEAVE**

Mr. WEINER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mr. WEINER. Mr. Speaker, I yield myself such time as I may consume,

and I don't intend to use all of the time. I thank the indulgence of the gentleman from Kentucky both in this debate and during consideration of this bill in committee.

Mr. Speaker, during these difficult economic times, Americans are looking for any way that they can to try to make ends meet. They are taking on second jobs; they are looking through their cupboards, trying to see if there is anything they can sell. Just about any opportunity they can to make a few dollars people are looking for. That is why there has been a great deal of attention paid recently to companies that are advertising very heavily that if you give us your gold and jewelry, we will give you cash for those products.

The problem is that when you put the gold and the jewelry in the envelope and send it to some of these companies, they are finding that consumers are not being treated very well. The Consumers Union and their publication Consumer Reports did a good expose on this, turning out the problems people face. Sometimes they are getting pennies on the dollar for what comes back, but even more difficult are the cases where people don't even agree to the transaction; or finding that since they didn't act fast enough, their gold or jewelry had been melted down, sold off for pennies on the dollar, and they were left with very little recourse.

When Congress found out about this, a hearing was convened in Congressman Bobby Rush's subcommittee in the Energy and Commerce Committee. We heard from victims who had this happen to them. And we also heard from industry groups. There was virtual consensus that more needed to be done to protect consumers. You can have a debate, which perhaps should go on in each household before you engage in one of these transactions through the Internet or through the mail, whether or not you should see a neighborhood pawn broker, a neighborhood jeweler, someone who can give you some actual hands-on advice about these things. But as with so many things with rare jewelry, it's like a lot of other elements of products that consumers don't have a real intrinsic sense of what they should be worth, so they are subject to be taken advantage of.

The act we are taking up today, the GOLD Act, the Guarantee of a Legitimate Deal Act of 2009, makes some changes in the law to give consumers a little bit more weight on their side of the scale, no pun intended. What it would mean is that under this new law a consumer would have to accept or reject the offer before the transaction has been considered complete. Right now there are many companies, including Cash4Gold, the biggest one of them, that will give a finite number of days after which they will simply melt down the gold and consider the transaction completed.

It mandates that the purchasers of precious metals through the mail insure the products and send them back

in the same insurance level that they were sent to them for. Let me explain why that's necessary. According to the postal service, we have a large number of people alleging that they would send their gold, say I don't want to do the deal, and mysteriously when the gold was mailed back to them, it disappeared in the mail. And, frankly, it seems more likely than not that the people sending back those shipments never actually did it.

So what we are proposing here is that if someone insures it for \$100 going, it gets insured for \$100 when it gets sent back as part of the transaction. And it would institute civil penalties for any company that melts down someone's gold without the prior approval by the consumer.

Now, as I said, you can have a debate, and I think that it seems from a lot of the testimony that we took it's good to get a second or a third opinion about the true value, as you might really have some rare exotic piece of jewelry or something that has a high level of gold content; and you may find that when you send it to one of these places, as Consumer Reports found out when they did a study, they found out that the people were only getting on average of between 11 and 29 percent of the value of the gold actually offered back to them.

So you should try to get some advice from an actual person you trust in your community: a jeweler, a pawn broker, and the like.

But also what this finally says is if you are going to go ahead with one of these transactions, if you are going to take a piece of jewelry that you have, put it in one of these prepaid envelopes and mail it off, you are going to continue to have control over the transaction should this law pass. That's why the Consumers Union supports it, the Jewelers Vigilance Council, which is the trade organization that testified. And it's my understanding that even the biggest player in the field that prompted this investigation, Cash4Gold, has said that they support this legislation. And while they have had problems, I want to commend them for doing so.

I reserve the balance of my time.

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

I want to thank the gentleman from New York for bringing this matter to the attention of the Congress, and specifically the Energy and Commerce Committee. As he said, with the economic downturn and with the dramatic increase in the price of gold, we see more and more people mailing their gold possessions in an envelope to these companies that are buying gold and then melting it down. It is a system that is ripe with the opportunity to defraud a lot of people. And this legislation, as the gentleman from New York stated, simply clarifies a number of issues.

Number one, it makes it easier to determine whether or not a consumer is

accepting the offer of the company that's buying the gold. It also provides these additional protections on the insurance, because as the gentleman from New York said, frequently the client, the consumer, did not really want to sell; and yet it probably was melted down, and they said, well, we mailed it back to you, but it was lost in the mail.

So this is important legislation, provides additional consumer protections at a time when a lot of our consumers are particularly vulnerable to being taken advantage of. I want to commend the gentleman once again for his actions and urge the support of H.R. 4501.

I yield back the balance of my time.  
Mr. WEINER. I yield myself such time as I may consume.

I want to thank Representative WHITFIELD for his kind words and for his help in crafting this bill and making it better than what it was first authored, Chairman RUSH, who is the subcommittee chairman, and his staff, Peter Ketcham-Colwill, Michelle Ash, and also Yuri Beckelman of my staff and Bertine Moenaff of my staff, who helped do the research, and of course Consumers Union and the Jewelers Vigilance Council, who helped to provide testimony.

I urge my colleagues to vote "yes," and I yield back the balance of my time.

□ 1130

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 4501, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WEINER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5987, by the yeas and nays;

House Resolution 1717, by the yeas and nays;

House Resolution 1540, by the yeas and nays;

House Resolution 1531, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### SENIORS PROTECTION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5987) to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time \$250 payment in the event that no cost-of-living adjustment is payable in 2011, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 254, nays 153, not voting 27, as follows:

[Roll No. 611]

YEAS—254

Ackerman	Edwards (MD)	Maffei
Adler (NJ)	Edwards (TX)	Maloney
Altmire	Ellison	Markey (MA)
Andrews	Ellsworth	Marshall
Baca	Emerson	Matheson
Baldwin	Engel	Matsui
Barrow	Eshoo	McCarthy (NY)
Bean	Etheridge	McCollum
Becerra	Farr	McCotter
Berkley	Fattah	McDermott
Berman	Poster	McGovern
Biggart	Frank (MA)	McIntyre
Bishop (GA)	Fudge	McMahon
Bishop (NY)	Garamendi	McNerney
Bocchieri	Gerlach	Meeks (NY)
Boren	Giffords	Melancon
Boswell	Gonzalez	Mica
Boucher	Grayson	Michaud
Brady (PA)	Green, Al	Miller (NC)
Braley (IA)	Green, Gene	Miller, George
Bright	Grijalva	Mitchell
Brown (SC)	Gutierrez	Mollohan
Brown, Corrine	Hall (NY)	Moore (KS)
Brown-Waite,	Halvorson	Moore (WI)
Ginny	Hare	Murphy (CT)
Buchanan	Harman	Murphy, Tim
Butterfield	Hastings (FL)	Nadler (NY)
Cao	Heinrich	Napolitano
Capito	Herseth Sandlin	Neal (MA)
Capps	Higgins	Nye
Capuano	Hill	Oberstar
Cardoza	Himes	Obey
Carnahan	Hinchee	Olver
Carney	Hinojosa	Ortiz
Carson (IN)	Hirono	Owens
Castle	Hodes	Pallone
Castor (FL)	Holden	Pascarelli
Chandler	Holt	Pastor (AZ)
Chu	Honda	Payne
Clarke	Hoyer	Pelosi
Clay	Israel	Perlmutter
Cleaver	Jackson (IL)	Perriello
Clyburn	Jackson Lee	Peters
Connolly (VA)	(TX)	Peterson
Conyers	Johnson, E. B.	Petri
Costa	Jones	Pingree (ME)
Costello	Kagen	Platts
Courtney	Kanjorski	Polis (CO)
Critz	Kaptur	Pomero
Crowley	Kildee	Posey
Cuellar	Kilroy	Price (NC)
Cummings	Kissell	Putnam
Dahlkemper	Klein (FL)	Quigley
Davis (CA)	Kosmas	Rahall
Davis (IL)	Kratovil	Rangel
Davis (TN)	Kucinich	Reyes
DeFazio	Langevin	Richardson
DeGette	Larsen (WA)	Rodriguez
DeLauro	Larson (CT)	Ros-Lehtinen
Dent	Lee (CA)	Ross
Deutch	Levin	Rothman (NJ)
Diaz-Balart, L.	Lewis (GA)	Roybal-Allard
Diaz-Balart, M.	Lipinski	Ruppersberger
Dicks	LoBlundo	Rush
Dingell	Loeb	Ryan (OH)
Doggett	Loftgren, Zoe	Salazar
Donnelly (IN)	Lowe	Sanchez, Linda
Doyle	Lujan	T.
Driehaus	Lynch	Sanchez, Loretta

Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (NJ)

Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen

Velázquez  
Visclosky  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Whitfield  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

NAYS—153

Aderholt	Gohmert	Myrick
Akin	Goodlatte	Neugebauer
Alexander	Graves (GA)	Nunes
Austria	Graves (MO)	Olson
Bachmann	Guthrie	Paul
Baird	Hall (TX)	Paulsen
Barrett (SC)	Harper	Pence
Bartlett	Hastings (WA)	Pitts
Barton (TX)	Heller	Poe (TX)
Bilirakis	Hensarling	Price (GA)
Bishop (UT)	Herger	Reed
Blackburn	Hunter	Rehberg
Blumenauer	Inglis	Reichert
Boehner	Inslee	Roe (TN)
Bonner	Issa	Rogers (AL)
Bono Mack	Jenkins	Rogers (KY)
Boozman	Johnson (IL)	Rogers (MI)
Boustany	Johnson, Sam	Rohrabacher
Brady (TX)	Jordan (OH)	Rooney
Broun (GA)	Kind	Roskam
Burgess	King (IA)	Royce
Burton (IN)	King (NY)	Ryan (WI)
Buyer	Kingston	Scalise
Calvert	Kline (MN)	Schmidt
Camp	Lamborn	Schrader
Campbell	Lance	Sensenbrenner
Cantor	Latham	Sessions
Carter	LaTourette	Shadegg
Cassidy	Latta	Shimkus
Chaffetz	Lee (NY)	Shuster
Coble	Lewis (CA)	Simpson
Coffman (CO)	Linder	Smith (NE)
Cole	Lucas	Smith (TX)
Conaway	Luetkemeyer	Stearns
Cooper	Lummis	Stutzman
Crenshaw	Lungren, Daniel	Sullivan
Culberson	E.	Tanner
Davis (KY)	Mack	Taylor
Djou	Manzullo	Terry
Dreier	Markey (CO)	Thompson (PA)
Duncan	McCarthy (CA)	Thornberry
Ehlers	McCaul	Tiberi
Flake	McClintock	Turner
Fleming	McHenry	Upton
Forbes	McKeon	Walden
Fortenberry	Miller (FL)	Westmoreland
Fox	Miller (MI)	Wilson (SC)
Franks (AZ)	Miller, Gary	Wittman
Frelinghuysen	Minnick	Wolf
Gallely	Moran (KS)	Young (AK)
Garrett (NJ)	Moran (VA)	
Gingrey (GA)	Murphy (NY)	

NOT VOTING—27

Arcuri	Fallin	Marchant
Bachus	Filner	McMorris
Berry	Gordon (TN)	Rodgers
Bilbray	Granger	Meek (FL)
Blunt	Griffith	Murphy, Patrick
Boyd	Hoekstra	Radanovich
Childers	Johnson (GA)	Tiahrt
Cohen	Kennedy	Young (FL)
Davis (AL)	Kilpatrick (MI)	
Delahunt	Kirkpatrick (AZ)	

□ 1206

Ms. JENKINS, Messrs. GALLEGLY, SMITH of Texas, POE of Texas, KIND, MORAN of Virginia, HALL of Texas, and BILIRAKIS changed their vote from "yea" to "nay."

Mr. ELLISON, Ms. BEAN, and Mr. MCCOTTER changed their vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.