

As the memo points out, and the article also states, contrary to administration statements, some within the executive branch have serious reservations about regulating CO₂ through the Clean Air Act. They highlight that such regulation will place a tremendous cost on our economy. I share their concerns, and I have introduced H.R. 391 to prohibit the EPA from undertaking such regulation.

The regulation of greenhouse gases by the EPA would, and I am quoting from the memo here, "is likely to have serious economic consequences."

Mr. Speaker, we all know what that is, and we know it will be realized if the cap-and-trade bill currently under consideration is passed.

I encourage everyone to join me on H.R. 391 and to read the memos.

GROW CLEAN ENERGY JOBS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. INSLEE. Mr. Speaker, Americans are an optimistic people. That was confirmed yesterday when results came out showing that Americans believe, by a 2-1 margin, that we will grow clean energy jobs by the millions when we adopt a clean energy bill in this House, and they are right.

We should be optimistic that we are going to build electric cars and sell them to the rest of the world, not just China. We ought to be optimistic that we are going to build concentrated solar energy technology and sell it to the rest of the world.

We ought to be optimistic that we are going to build the electric batteries that will fuel our cars and help make our grid more responsive.

This is the optimism that those of us have who are going to pass a clean energy bill this year to make this happen.

Here is another reason for optimism. Yesterday we reached a consensus in the House Energy and Commerce Committee. With broad swathes of the country, the south-north industrial egg, we have reached a consensus that we are going to grow jobs everywhere in this country because we are the optimists, and the optimists are going to win this clean energy debate.

REFORM OUR HEALTH CARE SYSTEM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, this Congress will soon move to reform our health care system, and none too soon. And when we do, I hope there is one prerequisite, one standard that we can all agree on, and that is the essential fact that we need to make sure that every American has health insurance.

Yesterday, on television, I saw a commentator arguing against health

insurance for everyone saying, I don't want to pay for health insurance for my neighbor. Well, if I were his neighbor, what I would say is, You had better want to, because you, like every other American, is one pink slip, one cancer diagnosis, one serious accident away from being among the 47 to 50 million Americans without insurance and who face financial ruin because of that problem.

Yes, we may differ on the details. We may figure out and have a substantial debate about how we get there. But unless we make sure that every American has health insurance, then every neighbor is going to be paying far more than he or she should for their coverage, and we will continue to have a system which is not what the American people deserve.

WE CAN'T CONTINUE TO DEPEND ON MIDDLE EAST OIL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I have been here for about 20 years now and I have been through various crises, in the 1970s with energy and gas prices and, of course, one that we just faced within the last year or so.

The bottom line is that we need energy independence. We can't continue to depend on Middle East oil. At the same time we have a global climate crisis. Anyone who denies it is just kidding themselves.

So basically what we are doing here in the House is coming up with a bill that will probably come to the floor within the next 2 weeks that tries to achieve energy independence and also addresses the problem of global warming, but at the same time creates a lot of jobs. Because as we move towards renewables, whether it be solar or wind or geothermal, there are a lot of jobs in research and development. There are jobs in actually building those facilities. There are jobs in trying to create more energy efficiency.

And these jobs that would be created, these are the kinds of high-technology jobs, if you will, as well as construction jobs, that we really need, because a lot of people are out of work and are not working in similar industries. Their activities can be basically transferred to these new kinds of job opportunities.

So I want to stress that this energy bill is a job creation bill.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 2187, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution H. Res. 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I further ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 427 provides for a structured rule for consideration of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act.

Mr. Speaker, I strongly support the rule and the underlying bill. I thank Congressman CHANDLER, Congressman LOEBSACK, Congressman KILDEE, Chairman MILLER, and the entire staff of the Education and Labor Committee for their hard work in reintroducing this bipartisan, critical legislation to modernize and green American schools.

Every child in America has the right to an excellent education. This can only be achieved through the best teachers in safe schools and productive learning environments equipped with the resources required to succeed. Anything else is increasingly unacceptable in the 21st century.

Unfortunately, as a Nation, we are unable to meet this basic standard. According to the American Federation of Teachers, our schools fall short of being in good condition by an estimated \$255 billion. The American Society of Civil Engineers gave our Nation's schools a D on the national infrastructure report card.

The American Recovery and Reinvestment Act, which we passed earlier this year, will go a long way towards correcting this horrifying statistic. However, we can't stop with the Recovery Act. This is too important an issue.

Overcrowding and crumbling and unsafe schools and classrooms are an everyday reality for students, teachers, and staff in too many parts of our country. In Colorado, the backlog of school construction and maintenance needs that has been documented has been estimated between \$6 billion and \$10 billion.

This backlog puts the health, safety, and achievement of our students at risk. Healthy students learn better and are better prepared to meet the high standards of the workforce. The students of today will be the professionals and citizens of tomorrow. They must be ready to meet unexpected challenges, such as today's economic crisis, and they must be empowered to bring America to the next level of innovation and discovery and the pathway to prosperity.

As a former superintendent, I can tell you that modern, environmentally friendly classrooms are necessary for teachers to perform and for students to learn. Research shows that high-quality school environments contribute to higher education achievement and lower teacher attrition. Yet, States and school districts are unable to keep up with these basic needs. This is especially true during the severe recession. This \$6.4 billion investment will produce direct and major economic and environmental benefits.

This legislation represents a giant step forward in ensuring that school buildings are modernized, repaired, and renovated to meet students' and teachers' needs. This will be a positive im-

pact on residential property values and economic development efforts. It creates an estimated 136,000 jobs in communities across the country at a time when we desperately need them.

By making schools more energy efficient and less reliant on fossil fuels, this bill will also help reduce the emissions that contribute to global warming, as well as cut energy costs, saving operational money for schools and local governments.

This bill will stimulate local economies, while protecting the environment. The added benefit of job creation in the areas hardest hit by the recession will be an important component of our economic recovery.

When I think about the devastation of the Gulf Coast, where schools have been overlooked for decades and, in many cases, were washed away by flood waters of Hurricanes Katrina and Rita, it really brings home the need for passing this Federal assistance program.

The African America Environmental Association estimates that the legislation will support hundreds of thousands of new construction jobs and invest more than half a billion dollars for school facility improvements in the troubled region of the Gulf Coast.

In 2006, I had the honor of cochairing a successful campaign for a \$300 million bond initiative for Boulder Valley School District in my congressional district to address their school needs. But many low-income districts in Colorado don't have the capacity to finance the necessary school upgrades.

That's why I'm particularly pleased that this legislation addresses income disparities by allocating funds to States and districts based on their share of students from low-income families. This way, we can ensure that the funding reaches the schools and students that need it the most.

Communities in my home State of Colorado will receive over \$70 million, which will enable much needed improvements in our schools. I look forward to visiting these schools as they continue to work on making their improvements.

Earlier this week, I had the opportunity to visit schools in Adams County, Boulder Valley, Mapleton, and Westminster, and observed the progress that this bill will make possible for the children of Colorado.

Finally, I'd like to again thank Chairman MILLER and the committee for ensuring that public charter schools receive their fair share of the funding as well.

On behalf of my constituents in Colorado, especially the students, parents, and educators, I'd like to urge my colleagues to vote "yes" on the bill and the rule.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the gentleman from Colorado (Mr. POLIS), for the time. I yield myself such time as I may consume.

The condition of our public schools is increasingly becoming a troubling

issue. Parents, students, and teachers feel that many schools are increasingly overcrowded, unsafe, and obsolete, detracting from student performance.

The deteriorating conditions in many schools has forced school systems throughout the Nation to spend progressively more of their budgets on school renovations and construction projects instead of on students and teachers.

Today, the House of Representatives is set to consider H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. This bill will direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public educational facilities. These funds will help school systems pay for renovations and construction projects so that they can dedicate more of their budgets to improving the education of our Nation's students.

It also requires the funds to be used only for projects that meet certain green standards, such as Leadership in Energy and Environmental Design, known as LEED; Energy Star, or an equivalent State or local standard.

One of the central tenets of the majority party's campaign both in 2006 and in 2008 was that they would run Congress in a more open and bipartisan manner. For example, the distinguished Speaker said, We promise the American people that we would have the most honest and open government—and we will. However, that promise has yet to come to fruition, as the majority has consistently blocked an open process through their control of the Rules Committee.

A prime example of how they have consistently stymied openness and bipartisanship can be seen by looking at the virtual absolute lack of open rules that they have allowed since they took control of the House of Representatives in 2006. In nearly 2½ years, the majority has allowed one open rule—and that was over 2 years ago.

Instead of fulfilling their campaign promise, the majority consistently closes the amendment process and keeps Members from offering amendments to important legislation.

Earlier this year, the majority rushed through some of the largest and most significant pieces of legislation through a closed rule process, including the nearly \$800 billion so-called stimulus and the over \$400 billion so-called omnibus appropriations bills.

Now, Mr. Speaker, I bring up this lack of an open process and the continued use of the closed rule by the majority because later today the Rules Committee is expected to meet to consider yet another closed rule for fiscal year 2009, the War Supplemental Appropriation Act. That legislation will provide over \$90 billion to fund the Department of Defense and related programs.

Now it is time that the majority lives up to its campaign promise and allows an open debate process. It's not

enough to allow amendments on generally noncontroversial legislation like the one we bring to the floor today that authorizes over \$6 billion for school construction. They should allow an open process, Mr. Speaker, on, for example, the over \$90 billion supplemental appropriations bill that we will consider later this week, and on energy and health care legislation expected to be taken up in the coming weeks.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentleman from Colorado. Mr. Speaker, I rise today in support of this rule and the underlying bill, H.R. 2187. I also must comment, I'm sorry that my friend and colleague from Florida feels that things like the 2009 appropriations bill was somehow closed, because not only was it agreed to last year in committee and subcommittee and through the normal appropriations process, but there were hundreds, if not thousands, of special appropriations or earmarks that some would say that were asked for and granted to Republican Members of Congress.

So it's simply in that case not true that—

Mr. LINCOLN DIAZ-BALART of Florida. Will my friend yield?

Mr. HALL of New York. Yes, just for a second.

Mr. LINCOLN DIAZ-BALART of Florida. I was talking about the process that does not permit amendments on the floor. That's what we're referring to when we talk about closed rules.

Mr. HALL of New York. I understand. Reclaiming my time, I want to talk—

Mr. LINCOLN DIAZ-BALART of Florida. The fact that there were earmarks in the bill is a separate debate.

Mr. HALL of New York. Reclaiming my time.

The SPEAKER pro tempore. The gentleman from New York controls the time.

Mr. HALL of New York. I'm reclaiming my time, sir. I only have 2 minutes.

□ 1045

I just wanted to correct that bit of the RECORD.

America's aging schools are in dire need of assistance. I am a former trustee and school board president. I have seen it. Buildings are crumbling while school districts are having trouble paying their energy bills. This bill would help school districts invest in repairs, construction and green modernization without passing the burden on to local taxpayers who in New York, I know, can't afford any more property tax.

Schools in my district are already doing some of this work. For example, Arlington High School is installing solar panels to offset carbon emissions, panels that were lobbied for by the students who went to their school board, went to the State and came to us asking us if our office could help. The Hal-

dane Central School District is planning to replace their old HVAC system with a cost-effective and renewable geothermal power system. But these and other districts in the Hudson Valley could use some help.

As schools make repairs, hundreds of thousands of jobs will be available to hardworking Americans, good-paying jobs that cannot be outsourced.

I urge my colleagues to support this rule and this legislation because it is good for our environment, good for our students, and good for our economy.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I rise in opposition to this rule on what is a relatively noncontroversial bill just to ask the majority, What are you afraid of? You have a 78-seat majority in the House of Representatives, but you are afraid that amendments may carry. It is an astonishing admission of weakness by the leadership that you cannot withstand a House vote on amendments. As someone who has been here as a staffer and a Member since 1984, I will tell you that closed rules generally end speakerships over time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

Mr. KIRK. I stand corrected.

I would just say that closed rules generally end speakerships over time because what happens is if you do not let democracy reign on the House floor, what happens is big bills wipe out. And we certainly saw this in the end of Speaker Wright's service when on closed rules he misguided the rules on the Chamber and then collapsed entire huge pieces of legislation, by the way, reconciliation legislation, which then wiped out his speakership.

With a 78-seat majority, it is an astonishing admission of weakness that the leadership cannot win on amendment votes on the House floor and that they do not want to be subjected to scrutiny and feel that in the Speaker's office alone there is a judgment which will always carry the day on the House floor. And I will refer to the end of Speaker Wright's career, the end of Speaker Foley's career, even the end of Speaker Hastert's career, as a reflection that democracy is much better served if you can actually allow some controversial amendments or two. And to sit on a 78-vote majority and think you are going to lose on the House floor is an amazing admission on your part.

Now one of the things that is not being considered, because this legislation closes down amendments, is a bipartisan amendment by Congressman CARNEY and me. Now, what we wanted to do was simply open up eligibility under this legislation to the 44 percent of American schools that, under the terms of this legislation, are not eligi-

ble for funding. This legislation stands for the principle that only roughly 60 percent of schools in America can even apply for funding under this legislation and that 44 percent cannot apply.

In my congressional district, we have seen good green school initiative programs like at the Thomas Middle school in Arlington Heights, in which they assembled public and donor funds for a 1-kilowatt solar array on their roof and for conservation measures. They learned an important lesson. And by the way, the kids learned an important lesson that maybe solar power in Chicagoland did not have the greatest potential as in other parts of the country because we only have about 58 sunny days a year. It was an important renewable energy lesson where in the Windy City wind power might be the more appropriate solution. And I'm very happy that our students learned that lesson. And some of them may be inspired by their experience at Thomas to pick up a career in the field of science and engineering.

We had a similar program at the Elm Place middle school in Highland Park, Illinois, a greening project in which the students reported that despite all of the attention on the renewable energy side, they actually saved more money with conservation. These are important lessons that we know apply to the Nation, as well, and I'm very happy the students were able to learn this lesson.

Under our amendment that was rejected by this rule, we would have opened up just 1 percent of the funding in this legislation to the other 44 percent of schools, mainly suburban schools, which are locked out of any consideration of funding under this bill. In Illinois, there are 32 school districts that may not receive funding from this legislation. And I think that the other 44 percent should have been considered, that 44 percent of kids should have participated in green school projects, as the kids in my congressional district have done with their own money; and yet we rejected that possibility.

It is astonishing because I think the Carney-Kirk amendment would have carried, would have provided an opportunity for a lot of kids in America to learn some very valuable lessons about the future of the economy, but also astonishing that on a 78-vote majority in this House of Representatives, the Democrat leadership feels that they will still regularly lose in open debate on this House floor.

Mr. POLIS. Mr. Speaker, a few times I have heard reference to a closed rule. And I want to be entirely clear that what we are proposing is, in fact, a structured rule on this bill. There were 34 amendments that were submitted. We are forwarding for the consideration by the full House 14. So I do believe that arguments against a closed rule on this particular bill are not founded.

I would like to yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the gentleman for the time and for the clarification about the nature of this rule.

I rise today in support of the underlying legislation, H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, a bill that was considered, discussed, and passed already once by this House in the last Congress.

This bill will improve the foundations of our education system and modernize our buildings to reflect the environmental realities before us. We know all too well that our treasured school districts are struggling to make essential improvements during these challenging economic times.

It is critical that we improve our schools to ensure that students have a healthy and safe environment in which to learn and develop the skills necessary to compete in today's workforce. By facilitating development of sustainable schools, our students will have a healthy learning environment that will naturally promote environmental literacy. It is also essential that our schools are structurally sound and updated with the needed safety measures that will protect our youth from today's threats.

And, Mr. Speaker, I am particularly supportive of a measure that was included in this Congress when this bill passed the House. That measure included an initiative which I championed that will allow schools to use funding from this bill to improve their building infrastructure with the necessary security measures and security doors.

I am pleased that my provision remains in the current bill. And let me tell you why it is important. Brunswick High School, in my district, is the largest single-level high school building in Ohio, stretching one-quarter of a mile from end to end with 60 entrances. As you can imagine, this presents a difficult security challenge for teachers and administrators. But with this provision, the district can use the funding to update the high school's entrances to meet today's security needs.

I am also proud that this legislation includes a "Buy American" provision. This provision will require that steel, iron and other manufactured goods used for the construction of these improvement projects are produced right here in the United States. The economic downturn has taken a toll on U.S. manufacturing, including the steel plants in my congressional district, and we need to put Americans back to work doing the work that America needs to have done.

This bill also contains Davis-Bacon protections requiring that contractors who build these projects pay their workers the local prevailing wage which is so important to ensuring that workers are able to provide for their families. This is about families.

Mr. Speaker, in these challenging economic times, important, innovative legislation such as this will go a long way to creating new opportunities for America's students and workforce.

I urge a "yes" vote on the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in case there was some confusion, we have not alleged that this is a closed rule. This is a rule that is known as a "structured rule" that permits, authorizes, some amendments to be debated and made other amendments not in order, in other words, did not authorize other amendments. We heard Mr. KIRK, for example, of Illinois, who had an amendment, proposed an amendment before the Rules Committee, and he explained it in detail. It was a bipartisan amendment. And it was not authorized. It was not made in order for debate today.

What we are pointing out is that on legislation like this, for example, that has passed the House before, that today will likely pass the House again with a bipartisan vote, it really does not seem logical, and Mr. KIRK was quite eloquent in describing it, that ideas brought forth by Members are not allowed to be considered by the House.

And with regard to closed rules, I pointed out that the rules that allow any Member to propose an amendment and have it debated, those are, as you know, Mr. Speaker, called "open" rules. And the majority, both in 2006 and 2008, promised an open process in their campaigns. In 2½ years, they have allowed one open rule. So that is a major contrast with the promise. The reality contrasts quite dramatically with the promise.

At this point, I would yield such time as he may consume to the distinguished ranking member of the Rules Committee (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend from Miami for his management of this rule and his very, very thoughtful remarks and the way in which he addresses every single issue that comes before us. He has spoken very thoughtfully about the problem of shutting down the process and preventing Members who have an idea to come forward. He used the example of our friend from Illinois (Mr. KIRK).

I want to talk, Mr. Speaker, about the overall thrust in which we are headed with this legislation. We had an interesting debate in the Rules Committee last night. And I will say that we all share the goal of ensuring that young people in this country have the best quality education possible, that they have a safe environment and that they have a comfortable environment in which to study. After all, if we are going to, as a Nation, remain competitive in this global economy, the single most important thing that we need to do is ensure that we have well educated young people to proceed with the challenges that exist in a global economy.

But, Mr. Speaker, there is something that we need to remember that was a hallmark of the vision that the Framers of our Constitution put forward. And that is the notion of federalism, the responsibility of things that fall at the Federal level here in Washington, D.C., and the responsibility of things that should remain at the State and local level.

My State of California is going through the toughest economic times that it has ever faced, I believe. We just received a report that the deficit itself is double what had been projected. And we have, I think, really difficult days ahead. But we need to remember, Mr. Speaker, that the number one priority for the number one budget item for our State of California happens to be the issue of education.

□ 1100

There are States across this country that are not faced with the difficulty that we are in California. The best example came forward by our new colleague, Mr. ROE, who was the former mayor of Johnson City, Tennessee. And he was able to outline in his role as mayor the success that they are having with the expenditure of \$50 million to not only improve the physical quality of the schools themselves, but their effort to reduce energy costs, which I know is part of the greening goal here. They are saving money by using more efficient ways to heat and cool the schools, so they are actually witnessing a savings there. But this is all being done at the local level. That is the argument that we have here.

As we look at a budget deficit this year that is larger than the entire Federal budget was a mere decade ago, I think we need to analyze what responsibilities under this role of federalism the Federal Government should continue to take. No one is going to stand here and say that they don't want to ensure that the ceilings don't collapse in schools. They will not stand here and say that they should be air-conditioned in the winter and heated in the summer. No one is going to argue in favor of a less than perfect physical structure for students.

But what I believe we need to argue is how do you pay for that. And again, I believe very strongly that we, as a Federal Government, have reached way too far into so many different areas. Right now we are looking at doing this in the area of health care, energy, a wide range of areas. We are looking at dramatically increasing the exercise and scope and reach of the Federal Government. Today we have another example of that.

Now, there will be people who will argue that if you are not supportive of this measure that you somehow want substandard schools in this country. That is just absolute lunacy. We are just saying that the Federal Government can't do absolutely everything.

So in the name of fairness, I urge my colleagues to reject this rule which

does not provide Mr. KIRK and others the chance that they should have to offer amendments. I thank my friend for yielding.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentleman and rise in strong support of H.R. 2187. This important legislation will fund much-needed repairs to public school buildings, reduce their carbon footprint, and maximize scarce education resources by saving our schools money on energy costs. By investing up front in sustainable renovations to our public school facilities, we can help slash their energy bills by as much as 33 percent in the long term and free up more money to invest in teacher retention, textbooks, after-school activities, and a number of other things that are so important to our children's education.

In my home State of Florida, school construction and renovation projects for school buildings are a desperate situation. Unfortunately, they have been postponed indefinitely time and time again as our schools struggle to fund their most basic needs, such as school supplies, school lunch programs, teacher salaries, and general operating costs. These Federal funds that we are talking about today will help bring these school buildings up to code, all while creating thousands of jobs in the construction industry, an industry hit particularly hard in these tough economic times. We are talking about a great benefit from this bill. It is short term in terms of construction jobs and support for the schools, and long term in terms of better quality school buildings.

I was proud to support, along with my colleague, Congressman BLUMENAUER, to facilitate greater bicycle and pedestrian access to our Nation's schools. When I went to school when I was a kid, I rode my bike to school, I walked, and all of these things today are the kinds of things that we want to encourage in the future. By authorizing funds to facilitate healthy alternative modes of transportation to our schools, we can also reduce the cost of school buses and various other things. We can reduce vehicle congestion on our roads, decrease emissions, and improve the health and well-being of our students.

Mr. Speaker, I would like to thank Congressman CHANDLER for introducing this important legislation, and I urge my colleagues to support the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friends on the other side of the aisle for their participation as well, obviously, as my friends and colleagues from our side of the aisle.

As I stated before, this is legislation that has passed before. It passed with some bipartisanship. There is some legitimate substantive debate on the underlying legislation, but I think more

objection, certainly, on our part to the unfortunate nature in which the way the process, the debate in the House has been closed down unnecessarily by the majority. We had an example today, an amendment that was brought before the Rules Committee with bipartisan authorship, and yet it was not allowed for discussion and consideration by the full membership, and that is unnecessary and unfortunate.

Having said that, we will consider without any doubt this legislation even though I think the rule that brings it to the floor should have been an open rule, and the majority would have thus had an opportunity to double its record of open rules. Since they took the majority about 2½ years ago, they have allowed one open rule. That is something I would have never expected. I would have never expected. Certainly it is very different from the promise made to the American people of an open process. It is unfortunate.

But we move forward. Thank you for listening, Mr. Speaker, and for your fairness in guiding this process as always.

Having said that, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, just this last week I had the opportunity in Colorado to visit a number of schools in several school districts across the district that I represent. I visited Adams County, Boulder Valley, Mapleton, and Westminster.

With regard to Boulder Valley School District, having recently passed a \$300 million bond initiative, it was very exciting to see some of the renovations that were taking place. I had an opportunity to go on the roof of one of the schools and observe the solar panels that were being installed, as well as a device that focuses sunlight to provide natural light for the classroom. That is called a Sundolier, and what that encompasses is twofold. One, it saves the need for artificial light and saves energy for the school. Two, there are a number of studies that show that natural light can actually serve to improve learning. This was an item that Boulder Valley School District was able to purchase. There are four that are now pilot projects in Colorado. There are studies being done to document the learning impact. This is the type of activity that many school districts cannot afford to consider.

Mapleton School District, just 10 miles down the road, it has been on their ballot twice with bond initiatives, but they have been unable to get them to pass. They have a much lower local tax base and it is very difficult, and many of the constituents are struggling to stay in their homes. For that reason, this Federal money will be particularly welcomed in those districts that serve the most at-risk children, which is why I applaud the efforts of Chairman MILLER and the committee and the sponsors to target this money to districts that serve a high count of low-income students using the title I criteria.

Mapleton School District, which serves just a few thousand kids, will receive \$578,000 under this bill; Westminster School District in Colorado will receive \$1.8 million; and Adams County 12 District will receive \$2.36 million.

Mr. Speaker, a few folks have mentioned, Oh, this shouldn't be the Federal Government's responsibility.

The question I would pose is: Who, then, can repair these schools? Who can ensure that these classrooms are safe? Where can the money come from? Certainly there are many wealthy districts that can afford to do that themselves. But by allowing only wealthy districts to build classrooms for the 21st century, we are not only creating a divide on the operations side of school funding, we are actually making that considerably worse by creating an enormous gap on the capital front, leading to attrition of good teachers from dangerous and poor-quality schools in poor areas, as well as lower student outcomes because of lack of heating, lack of air-conditioning, dangerous conditions, et cetera. This bill will help reduce those disparities. We certainly have a long way to go, but this bill will help do that.

In addition, there are a number of schools that actually are dangerous and represent a danger for the teachers and for the students. For instance, there was an incident last year in Massachusetts where a roof fell in and actually injured a teacher. They had a leaky roof for decades in Billerica, Massachusetts. The district was not able to afford to repair or replace the school. In fact, when it rained, the principal would announce, Heavy rains are expected; clear the counters. The water damage had caused the floor to rot and a teacher actually fell through the floor and injured herself because of that. Some of the rooms are so hazardous they are closed to students and staff.

That is not an unusual phenomenon. In my district, I was at one elementary school where the gym has been closed for several years because pieces of ceiling are falling off the gymnasium and it is a danger for kids, so the school has not had a gym for those kids to use for several years.

In this school in Massachusetts, they have now moved the girls' locker room to the library, and there is so little space available because of the closure of the rooms that are dangerous that special education classes now meet in what was the boys' locker room. They are trying to use every available place that they have because of the unsafe nature of some of those schools.

School districts do a good job with what they have. They try their best. They approach their voters when they can, but there are districts in Colorado and, indeed, nationally that have very little local tax base from which to draw. In Colorado, we had a lawsuit a number of years ago which was ultimately settled by the State with regard to the failing state of our schools

and our capital infrastructure in Colorado school districts that had very little local tax base. The decision stated that the State had in fact not lived up to its responsibility of providing a safe, thorough and uniform education to all of its citizens.

Certainly every child in this country deserves the opportunity to succeed. They deserve a safe learning environment. This bill will go a long way towards doing that, along with the provisions of the American Recovery and Reinvestment Act. The American Recovery and Reinvestment Act provided funding in two main areas for education, both operational. One was IDEA, special education. And my colleagues on the Rules Committee will recall we had some discussion about special ed and IDEA in committee yesterday. I am proud to say that under this Congress, we have gone further than ever as a country in meeting towards reaching that unfunded mandate of making sure that the needs of all students, including special needs students, are met and increasingly funded by the Federal Government. We had a bipartisan consensus in our Rules Committee meeting yesterday, Mr. Speaker, that our Federal Government needs to do more with regard to funding special education. I am very pleased to say that the American Recovery and Reinvestment Act was the first step.

The second area of investment was in title I programs directed to schools that serve low-income families and families that face a lot of challenges that others don't. To help reduce those disparities, the opportunity disparity that exists, Colorado is a State that has a very strong equalization formula for funding schools. We are very fortunate in that regard.

Our poorer districts on the operational side receive roughly the same funding, in fact, sometimes even more funding because of their at-risk criteria than the wealthy districts. That is not the case nationally. There are other States where there are large operational disparities between large and small districts.

However, in Colorado, and indeed nearly every State, there continue to be large disparities on the capital front. That is why what passes for a school in one district would hardly pass for a school in another district. Schools with low tax bases, with voters that are struggling to stay in their own homes and are, therefore, unwilling or unable to pass another bond initiative, are threatening the education of their kids compared to some of the wealthier districts that are able to invest in some of things that I had the opportunity to see just last week in Boulder Valley School District due to their own \$300 million bond initiative.

□ 1115

The needs, Mr. Speaker, are great. In fact, I dare say they are greater than this investment that we, if the House passes this bill today, will be making.

The rule, Mr. Speaker, is fair. Of the 34 amendments that have been offered, 14 have been ruled in order, including several from Members on the other side of the aisle, including one from Mr. ROE, who my colleague, Mr. DREIER, mentioned in his remarks. That was ruled in order, as well as an amendment from the ranking member of the Education and Labor Committee.

So this is not a closed rule. This is a structured rule that allows for nearly half of the amendments that have been offered to be considered by the full House and advances in there for that purpose, including several that were also incorporated into the chairman's amendment, who has worked with Members on both sides of the aisle to improve the initial piece of legislation.

Let me focus once more on the safety issue. There is an enormous backlog of capital construction—particularly in poor districts across this country—that puts the health and safety as well as the achievement of our students at risk every day. Students should be free of risk regardless of where in this country they attend school. Students have enough challenges to face. They need to be able to face the economic crisis, their family issues, preparation for college. The last thing students need to worry about are roofs falling in, ceilings collapsing, floors collapsing, or asbestos.

At the same time that we can accomplish this, as my colleague from New York (Mr. HALL) mentioned, we have the great opportunity to make some progress on the front by reducing our carbon emissions and greening our schools. This has, of course, beyond the environmental benefits, which are significant, they also have economic benefits because when you save money by reducing your power needs or producing power locally, you are freeing up more operational money to actually help educate kids, meaning lower class sizes, meaning better teacher training, meaning programs that can be continued or expanded because of the energy. One of the biggest complaints that I heard from districts over the last several years were the rising costs of energy and utilities as part of what they pay as a fixed cost. By investing in the capital side—and again, many districts don't have the capability of doing that themselves—we are able to save operational money for those school districts where truly some of the modernization and green investment can become the gift that keeps on giving.

Mr. Speaker, I am the last speaker for this side. I would like to urge a "yes" vote on the previous question and the rule.

Mr. KLINE of Minnesota. Mr. Speaker I rise today to oppose the rule under consideration. By refusing to allow us to debate pertinent amendments that address some of the many challenges facing our public schools, this rule prevents my colleagues and me from improving upon the good intentions of the 21st Century Green High-Performing Public School Facilities Act.

Similar to legislation passed last summer, the bill we are about to consider commits billions of dollars in funding to public schools for modernization, repair, and renovation projects. I agree with Chairman of the Education and Labor Committee GEORGE MILLER who said in support of this bill: "Especially in this economy, with state budgets dwindling, schools have fewer resources to make classrooms top-notch learning environments for students . . . No student should have to learn in a classroom or school that is literally falling apart." I couldn't agree more.

But I wonder whether there might be a better way to address these challenges than to throw even more federal dollars at the problems and add to our rapidly growing federal debt.

Mr. Speaker, I would suggest that by fully funding the Individuals with Disabilities Education Act (IDEA), we would free up desperately needed resources schools across America could use to address their specific needs—whether it is state of the art classrooms, additional teachers, or new textbooks.

In the Education and Labor committee last week, and again before the Rules Committee yesterday, I introduced an amendment that would prohibit the expenditure of federal funds for this bill until Congress fulfills its commitment to provide 40 percent of the national average per pupil expenditure for special education. Unfortunately, partisanship prevailed, and members will not have the opportunity to vote on my amendment.

Mr. Speaker, our nation's schools have been waiting patiently for Congress to fulfill its promise to provide full federal funding IDEA for far too long. It is time for government to live up to its promises and provide our schools the resources they so desperately need.

I urge my colleagues to vote against this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in opposition to this rule and the underlying bill.

Yesterday the Rules Committee voted along party lines to keep the House of Representatives from considering two amendments I offered that would have helped school districts whose tax bases are significantly reduced by the presence of tax-exempt federal lands.

As some of you may recall, I offered the very same amendments to H.R. 3021 last year, when the interests of these school districts were also ignored by Democrats on the Rules Committee.

The bill before us today drastically expands the Federal Government's role in school construction and maintenance—activities historically funded at the State and local level—BEFORE meeting its existing responsibilities to schools that are impacted by federal land ownership.

As I have noted before, over 33 percent of my district in central Washington is owned by the Federal Government—making 11 school districts eligible for Impact Aid. I know all too well about the consequences of federal land ownership and the impact it has on the ability of schools to make needed improvements.

In Grand Coulee Dam, Washington, students attend classes in buildings more than half a century old that are literally falling apart. While local residents have agreed to pay one of the highest levies in the State of Washington, the school district remains unable to secure a bond to make improvements because the community is surrounded by federal lands and has a limited tax base.

The Federal Government has a responsibility to ensure that no child's education is shortchanged because of federal land ownership. And in my view, it's only fair that the Federal Government take care of federally impacted schools before launching a brand new spending program costing billions of dollars that's aimed at other schools that aren't federally impacted.

I offered two amendments in the Rules Committee yesterday. The first would have required that our commitment to federally impacted schools be met through full funding of the Impact Aid program before funding is spent on the new federal spending program in this bill. My second amendment would have simply given preference to federally impacted schools as the new construction and maintenance funds are distributed.

Unfortunately, Democrat leaders again blocked both of my amendments from being debated or voted on today by the full House.

Mr. Speaker, the federal government is not meeting its current responsibilities to federally impacted schools. As I said last year, we certainly have no business creating a brand new \$33 billion spending program for other schools—especially at a time when the federal deficit is at astonishing levels.

Rather than passing this massive expansion of the Federal Government's role in school construction, we should refocus our efforts toward fulfilling existing obligations to schools and children impacted by federal actions.

I urge my colleagues to reject this restrictive rule and the underlying bill.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. 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, this 15-minute vote on adoption of House Resolution 427 will be followed by 5-minute votes on the motion to suspend the rules on House Concurrent Resolution 84, if ordered; and the motion to suspend the rules on H.R. 2162, if ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 175, not voting 10, as follows:

[Roll No. 246]

YEAS—248

Abercrombie	Boren	Clay
Ackerman	Boswell	Cleaver
Adler (NJ)	Boucher	Clyburn
Altmeire	Boyd	Cohen
Andrews	Brady (PA)	Connolly (VA)
Arcuri	Braley (IA)	Conyers
Baca	Bright	Cooper
Baird	Brown, Corrine	Costa
Baldwin	Butterfield	Costello
Barrow	Cao	Courtney
Bean	Capps	Crowley
Becerra	Capuano	Cuellar
Berkley	Carnahan	Cummings
Berman	Carney	Dahlkemper
Berry	Carson (IN)	Davis (AL)
Bishop (GA)	Castor (FL)	Davis (CA)
Bishop (NY)	Chandler	Davis (IL)
Blumenauer	Childers	Davis (TN)
Bocieri	Clarke	DeFazio

DeGette	Kosmas	Rahall	Lewis (CA)	Nunes	Shadegg
Delahunt	Kratovil	Rangel	Linder	Olson	Shimkus
DeLauro	Kucinich	Reyes	LoBiondo	Paulsen	Shuster
Dicks	Langevin	Richardson	Lucas	Pence	Simpson
Dingell	Larsen (WA)	Rodriguez	Luetkemeyer	Petri	Smith (NE)
Doggett	Larson (CT)	Ross	Lummis	Pitts	Smith (NJ)
Donnelly (IN)	Lee (CA)	Rothman (NJ)	Lungren, Daniel E.	Platts	Smith (TX)
Doyle	Levin	Roybal-Allard	Mack	Poe (TX)	Souder
Driehaus	Lewis (GA)	Ruppersberger	Manzullo	Posey	Stearns
Edwards (MD)	Lipinski	Rush	Marchant	Price (GA)	Sullivan
Edwards (TX)	Loebuck	Ryan (OH)	McCarthy (CA)	Putnam	Terry
Ellison	Lofgren, Zoe	Salazar	McCaul	Radanovich	Thompson (PA)
Ellsworth	Lowey	Sanchez, Loretta	McClintock	Rehberg	Thornberry
Engel	Lujan	Sarbanes	McCotter	Reichert	Tiahrt
Eshoo	Lynch	Schakowsky	McHenry	Roe (TN)	Tiberi
Etheridge	Maffei	Schauer	McHugh	Rogers (AL)	Turner
Farr	Maloney	Schiff	McKeon	Rogers (KY)	Upton
Fattah	Markey (CO)	Schrader	McMorris	Rogers (MI)	Walden
Filner	Markey (MA)	Schwartz	Rodgers	Rooney	Wamp
Foster	Marshall	Scott (GA)	Mica	Ros-Lehtinen	Westmoreland
Frank (MA)	Massa	Scott (VA)	Miller (FL)	Roskam	Whitfield
Fudge	Matheson	Serrano	Miller (MI)	Royce	Wilson (SC)
Giffords	Matsui	Sestak	Miller, Gary	Ryan (WI)	Wittman
Gonzalez	McCarthy (NY)	Shea-Porter	Minnick	Scalise	Wolf
Gordon (TN)	McCollum	Sherman	Moran (KS)	Schmidt	Young (AK)
Grayson	McDermott	Shuler	Murphy, Tim	Sensenbrenner	Young (FL)
Green, Al	McGovern	Sires	Neugebauer	Sessions	
Green, Gene	McIntyre	Skelton			
Griffith	McMahon	Slaughter			
Grijalva	McNerney	Smith (WA)			
Gutierrez	Meek (FL)	Snyder			
Hall (NY)	Meeks (NY)	Space			
Halvorson	Melancon	Speier			
Hare	Michaud	Spratt			
Harman	Miller (NC)	Stupak			
Hastings (FL)	Miller, George	Sutton			
Heinrich	Mitchell	Tauscher			
Hereth Sandlin	Mollohan	Taylor			
Higgins	Moore (KS)	Teague			
Hinchee	Moore (WI)	Thompson (CA)			
Hinojosa	Moran (VA)	Thompson (MS)			
Hirono	Murphy (CT)	Tierney			
Hodes	Murphy (NY)	Titus			
Holden	Murphy, Patrick	Tonko			
Holt	Murtha	Towns			
Honda	Nadler (NY)	Tsongas			
Hoyer	Napoliitano	Van Hollen			
Inslee	Neal (MA)	Velázquez			
Israel	Nye	Visclosky			
Jackson (IL)	Oberstar	Walz			
Jackson-Lee	Obey	Wasserman			
(TX)	Oliver	Schultz			
Johnson (GA)	Ortiz	Waters			
Johnson, E. B.	Pallone	Watson			
Kagen	Pascrell	Watt			
Kanjorski	Pastor (AZ)	Waxman			
Kaptur	Payne	Weiner			
Kennedy	Perlmutter	Welch			
Kildee	Perriello	Wexler			
Kilpatrick (MI)	Peters	Wilson (OH)			
Kilroy	Peterson	Woolsey			
Kind	Polis (CO)	Wu			
Kirkpatrick (AZ)	Pomeroy	Yarmuth			
Kissell	Price (NC)				
Klein (FL)	Quigley				

NAYS—175

Aderholt	Cantor	Gingrey (GA)
Akin	Capito	Gohmert
Alexander	Carter	Goodlatte
Austria	Cassidy	Granger
Bachmann	Castle	Graves
Bachus	Chaffetz	Guthrie
Barrett (SC)	Coble	Hall (TX)
Bartlett	Coffman (CO)	Harper
Barton (TX)	Cole	Hastings (WA)
Biggert	Conaway	Heller
Bilbray	Crenshaw	Hensarling
Bilirakis	Culberson	Herger
Bishop (UT)	Davis (KY)	Hill
Blackburn	Deal (GA)	Hoekstra
Blunt	Dent	Hunter
Boehner	Diaz-Balart, L.	Inglis
Bonner	Diaz-Balart, M.	Issa
Bono Mack	Dreier	Jenkins
Boozman	Duncan	Johnson, Sam
Boustany	Ehlers	Jones
Costa	Emerson	Jordan (OH)
Brady (TX)	Fallin	King (IA)
Broun (GA)	Flake	King (NY)
Brown (SC)	Fleming	Kingston
Brown-Waite,	Forbes	Kirk
Ginny	Fortenberry	Kline (MN)
Buchanan	Fox	Lamborn
Burgess	Franks (AZ)	Lance
Burton (IN)	Frelinghuysen	Latham
Buyer	Gallegly	LaTourette
Calvert	Garrett (NJ)	Latta
Camp	Gerlach	Lee (NY)
Campbell		

Lewis (CA)	Nunes	Shadegg
Linder	Olson	Shimkus
LoBiondo	Paulsen	Shuster
Lucas	Pence	Simpson
Luetkemeyer	Petri	Smith (NE)
Lummis	Pitts	Smith (NJ)
Lungren, Daniel E.	Platts	Smith (TX)
Mack	Poe (TX)	Souder
Manzullo	Posey	Stearns
Marchant	Price (GA)	Sullivan
McCarthy (CA)	Putnam	Terry
McCaul	Radanovich	Thompson (PA)
McClintock	Rehberg	Thornberry
McCotter	Reichert	Tiahrt
McHenry	Roe (TN)	Tiberi
McHugh	Rogers (AL)	Turner
McKeon	Rogers (KY)	Upton
McMorris	Rogers (MI)	Walden
Rodgers	Rohrabacher	Wamp
Mica	Rooney	Westmoreland
Miller (FL)	Ros-Lehtinen	Whitfield
Miller (MI)	Roskam	Wilson (SC)
Miller, Gary	Royce	Wittman
Minnick	Ryan (WI)	Wolf
Moran (KS)	Scalise	Young (AK)
Murphy, Tim	Schmidt	Young (FL)
Neugebauer	Sensenbrenner	
	Sessions	

NOT VOTING—10

Cardoza	Paul	Schock
Himes	Pingree (ME)	Stark
Johnson (IL)	Sánchez, Linda T.	Tanner
Myrick		

□ 1145

Mr. PLATTS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE WINNERS OF THE ANNUAL SHOOT-OUT AT THE PRINCE GEORGE'S COUNTY TRAP AND SKI CLUB

(Mr. BOREN asked and was given permission to address the House for 1 minute.)

Mr. BOREN. Mr. Speaker, something very important occurred yesterday at the Prince George's County Trap and Ski Club. The Congressional Sportsmen's Caucus along with the Congressional Sportsmen's Foundation came together, Democrats and Republicans, to have our annual shoot-out, and the results are as follows:

The top Republican shooter was Adam Putnam with a score of 53; the top Democrat, Mike Thompson, with a score of 59. The top gun member was Colin Peterson with 65. The top skeet shooter was me at 19. The top trap was Representative CARNEY at 21. Top sporting clays was Paul Ryan at 19.

But the most important, ladies and gentlemen, Democrats, 354; Republicans, 325. We have regained the trophy again this year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING NATIONAL MILITARY APPRECIATION MONTH

The SPEAKER pro tempore. The unfinished business is the question on