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McClintock
McCollum

McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
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Rodgers
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Pastor (AZ)
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Poe (TX)
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Pomeroy
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Price (GA)
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Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
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Sarbanes
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Schakowsky
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Schmidt
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Scott (GA)

Scott (VA)
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Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
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Van Hollen
Velázquez
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Westmoreland
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McCaull

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Paul
Radanovich
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T.

Schauer
Schwartz
Stark
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining until the end of this vote.

□ 1204

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, due to illness, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

MAY 13, 2009

Rollcall vote 246, on agreeing to the resolution—H. Res. 427, providing for consideration of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act—I would have voted “nay.”

Rollcall vote 247, on motion to suspend the rules and agree—H. Con. Res. 84, Supporting the goals and objectives of a National Military Appreciation Month—I would have voted “yea.”

Rollcall vote 248, on motion to suspend the rules and pass—H.R. 2162, Herbert A Littleton Postal Station—I would have voted “yea.”

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2187 into the RECORD.

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

There was no objection.

21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

The SPEAKER pro tempore. Pursuant to House Resolution 427 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. 2187.

□ 1205

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. 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, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIR. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LOEBSACK), who has been a driving force behind this legislation and one of the original cosponsors of this legislation.

Mr. LOEBSACK. Mr. Chairman, I am very happy to have had the opportunity to work on the 21st Century Green High-Performing School Facilities Act with Mr. CHANDLER, Chairman MILLER and, especially, subcommittee Chairman KILDEE.

Last year, when we considered a similar version of this legislation, I had the great opportunity to include many of the provisions of my Public School Repair and Renovation Act and the GREEN School Improvement Act into the underlying bill, and I am glad that the bill that we introduced this year also contains those provisions.

I am especially proud of this bill's focus on the importance of greening schools. Many schools in my district and across the State and, indeed, across the country have already begun to go green. For example, the Cardinal Community School District has a wind-powered classroom that I visited that saves energy and gives students hands-on experience in an emerging industry.

The Cedar Rapids Community School District is also making large strides towards more energy-efficient facilities. Kennedy High School, Taft Middle School, Harding Middle School, Jefferson High School, and Washington High School are all looking at geothermal systems.

The Elizabeth Tate High School in Iowa City has also taken several important strides towards greening their facilities and have specifically focused on the benefits of natural lighting for their students with disabilities. Other schools in my district that are going green include Evans Middle School, Willowwind School, and Van Allen Elementary School, and I visited almost all of those.

These schools all know that even while they struggle to find funding for their projects, their school modernization efforts will lead to increased

health, learning ability, and productivity.

I truly believe the Federal Government should help provide schools in Iowa and across the country with seed money, and that's what this is, seed money, to leverage local dollars, to modernize, repair, and renovate.

I am proud that this legislation does just that, and I urge my colleagues to support it.

Mr. McKEON. Mr. Chairman, I yield such time as he may consume to the subcommittee ranking member, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank you very much, Mr. McKEON, for the time.

Mr. Chairman, let me just talk about the positives about this for a moment. We all believe in school construction. We all believe that our children should be able to attend the best school facilities we can possibly provide, and I happen to believe in the green energy aspect as well. I give Mr. LOESACK credit. I give Mr. MILLER credit for that.

But there is another factor here that I think we need to consider before we go forward with legislation such as this, and this is where we are financially in this country today. I had an amendment, which was not approved by the Rules Committee. There was another amendment, also not approved by the Rules Committee, and mine would have dealt with funding title I fully. That's to help the lower, the schools with lower-income students in it.

We now fund that at \$13.9 billion, I think, and the authorization is \$25 billion. This has been underfunded forever under the previous Democratic Congress, under the Republican Congress, and now under the Democratic Congress again. So we simply have not lived up to our promise to these schools to bring in money to help with their education.

The same thing is true of IDEA, the Individuals with Disabilities Education Act. And, yes, we have increased that somewhat. As a percentage, we are supposed to be up to 40 percent. I don't think we have reached quite the halfway point yet with respect to that. And, again, that has crossed a lot of Congresses, a lot of Presidents, and we can point fingers at one another. There are Members on both sides who tried to help with that, many good Democrats and many good Republicans, but the bottom line is we have not funded those programs adequately.

Obviously low-income schools and children with disabilities need all the help they can possibly get, and yet we are starting a new program today, and I believe the authorization is something like \$40 billion or something of that nature in this. We won't live up to that. We won't be able to live up to it. So this is good headlining, The Public Government to Help with Schools.

School construction has been the responsibility of local school districts and, of course, the surrounding properties that may pay the taxes for that

and the States. I know in my State the State has stepped up and is a big part of school construction. That's vitally important. We try to keep our schools up with local taxpayers' dollars.

The Federal Government has assigned roles dealing with certain things that we already do that we are not really living up to as fully as we should, try as we might. My judgment is, if we start this program, you are going to see an increase in requests for school construction that is going to blow everything out of the water, probably a tripling and a quadrupling in a year, if I had to guess. All kinds of schools that believe they are okay now are going to find, gee, there's Federal dollars to be had. We will put together a green energy program, make an application for it, and you are going to see the demand triple and quadruple in a period of a year or so, in my belief.

So I think we need to consider seriously what we are doing. Again, we are all for this. I can't imagine anyone who would be opposed to it conceptually. But can we afford to add another education program that's going to be underfunded?

And that says nothing about the overall deficit of our country. We have seen reports in the last day or two that this deficit is the highest that we have ever had.

This administration has indicated it's more than willing to spend money, but how are we going to get the revenues to offset that? And now we are going to add a new program that we simply, unfortunately, cannot afford at this time.

So for all these reasons, I would hope that we would think carefully before we would advance this legislation, a good cause but unaffordable at this time for this country.

Mr. GEORGE MILLER of California. At this time, I would like to yield 3 minutes to the subcommittee Chair, Mr. KILDEE, who is the original sponsor of this legislation.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the 21st Century Green High-Performing School Facilities Act.

I was very pleased to join Congressman CHANDLER, the chief sponsor of this bill, my committee chairman, Chairman MILLER, and Congressman LOESACK, an effective and creative member of the Education and Labor Committee, to cosponsor this bill.

This legislation will bring critically needed resources to schools around the country, to provide students and teachers with safe, healthy, modern energy-efficient and environmentally friendly learning spaces. And it would help our local, State, and national economies by creating jobs for thousands of workers to build these improvements.

Mr. Chairman, some years ago in Flint, Michigan, my hometown, a judge ordered a jail to be torn down because it was unfit for human occupation, yet many local educators at that time told

me that that jail was in better shape than some of the schools in which they work hard every day.

Last Congress, we passed this bill out of the House with strong bipartisan support. I am confident that we will do the same today, and I look forward to working with my colleague to see it become law.

Mr. McKEON. Mr. Chair, I rise in opposition to H.R. 2187 and yield myself such time as I may consume.

Mr. Chair, there is a trend here that troubles me. Over the past few months, the Federal Government has stepped in to take control of more and more industries in America. So far these have included the banking industry, the auto industry, and the credit industry. And there is talk of the Federal Government becoming even more involved in other areas, too. These include the health care industry and possibly the student loan industry.

Today we are considering H.R. 2187, the 21st Century Green High-Performing School Facilities Act. This is a bill that would get the Federal Government involved in yet one more industry, school construction.

□ 1215

Little by little, the Federal Government is becoming more involved in people's lives than ever before—and that's just the start of this bill's concerns.

First, there's the cost. Based on the Congressional Budget Office estimates, it's predicted that this bill will cost taxpayers \$40 billion—and that's just the start. And \$40 billion may not seem like much in these days of multibillion-dollar bailouts and trillion-dollar Federal budgets, but all of this new spending pushes our country further and further into debt.

This week, the Obama administration estimated that the United States has a deficit of \$1.84 trillion this year alone. When I came to Congress, the whole budget 16 years ago was \$1.4 trillion. This year, the deficit alone will exceed that.

The national debt is now about \$11 trillion—and growing. We could update it during the course of this debate because it's growing by the minute—and thanks to bills like this one.

We need to get the Federal budget under control. If we don't, the children we're trying to help today will spend the rest of their lives paying off our debts and deficits—instead of paying for their own dreams and destinies.

But this bill has other costs that go far beyond the balance sheet, if passed. This bill could divert important funding from the title I program for disadvantaged students and for those programs under the Individuals with Disabilities Education Act, or IDEA.

This is a serious blow, especially after the Obama administration's budget failed to increase support for these programs. In fact, under the administration's budget, IDEA is flat-funded, keeping the Federal share of excess costs at just 17 percent.

And, worse still, the title I basic grant is actually cut by \$1.5 billion. The administration is redirecting those funds elsewhere, leaving 1,038 school districts—those that receive funds only under the basic grant—with less money next year than they have this year.

Republicans think we should meet our existing commitments to these two vital programs and maintain the Federal focus on programs that improve student achievement. States and local communities—not Federal bureaucrats—have the primary responsibility to set public policy over education. Federal law should reflect that.

And here's another cost problem. Like other Federal construction projects, this new program carries the burden of Davis-Bacon wage mandates from the Depression era. Davis-Bacon has been shown to drive up the cost of school construction projects between 22 percent and 26 percent when compared to similar projects completed under market conditions. That's money that could otherwise go toward putting additional teachers in the classrooms.

The Labor Department's own Inspector General has found these wage requirements to be flawed. They short-change either taxpayers, workers—or both.

That's not all. These wage mandates create regulatory hurdles that make it hard for smaller contractors, many owned by minorities and women, to win Federal contracts.

Mr. Chair, I cannot support this bill. I know that my friend and colleagues across the aisle are sincere in their efforts to improve the schools, as I am. I know there's a need for school construction and renovation. I also know that this must continue to be dealt with at the State and local level, where more than \$144 billion has been spent to build, repair, and renovate schools just over the last 7 years.

This bill creates more problems than it solves. It costs too much, it borrows too much, and it controls too much. That troubles me and, I hope, other Members in this Chamber. I urge a “no” vote on this bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the original author of this legislation, who has been pushing school construction legislation for a number of years, the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Thank you, Mr. Chairman. I am very proud to be here today to urge passage of the 21st Century Green High-Performing Public School Facilities Act, which authorizes \$6.4 billion to help renovate and modernize our schools.

This bill, in my view, is a home run. It will give much needed money to our schools' struggle with huge budget deficits and deteriorating facilities while encouraging energy efficiency and creating jobs for Americans that cannot be shipped overseas.

I'd like to thank Chairman MILLER, subcommittee Chairman KILDEE, Mr.

LOEBSACK, and all of our cosponsors and committee members for their work on this legislation.

Mr. Chairman, we have the mightiest military in the world. We enjoy some of the most comprehensive freedoms and we have some of the world's best and brightest students who possess unlimited potential.

But today, many of our children are learning in crowded classrooms with lead and asbestos, falling plaster, broken windows, outdated technology, and crumbling infrastructure.

Where children learn has a large impact on what they learn. The U.S. Department of Education tells us that modern, functional school facilities are critical for effective student learning.

In 1995, the GAO found that schools were in desperate need of repairs totaling \$112 billion. Over a decade later, we can be sure that the need is much, much greater.

Each day, we're competing on a global stage with countries like India and China that are pouring billions of dollars into educating their children. Investing in the education of our children at home is the key to staying in the game.

If we want to brighten the future of the next generation, we have to invest in our children. If we want to ensure America's competitiveness on the world stage, we have to invest in our children. If we want to create jobs, if we want to save energy, and if we want to support our most crucial economic resource, we have to invest in our children.

Today, I urge all of my colleagues to vote “yes” on this legislation. Our children cannot wait any longer.

Mr. McKEON. Mr. Chairman, I'm happy at this time to yield 3 minutes to a member of the committee, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I rise today in opposition to the legislation. School construction is being billed as something that can dramatically improve student performance and, while it will have an effect, I would guess it would impact the performance less than parental involvement, less than having a quality teacher, and less than having good textbooks and curricula.

Since arriving in Washington, all I've heard is that programs are dramatically underfunded, so I question why we would add a new program to fund that could divert more resources from these other programs.

I was personally educated in a two-room country school with no running water, no indoor plumbing. I think my parents placing a high value on education had far more to do with my success in the classroom than the condition of my school did.

In our debate yesterday before the Rules Committee, we were discussing the merits of Federal involvement in school construction. The point was made that State and local officials are being forced to cut back on school construction because they're required to

balance their budgets, so we at the Federal level should start funding this construction to make up for their shortfalls.

At home, where I was a mayor, I had a very simple philosophy: Spend less than you take in. Here in Washington, we have a different philosophy: Borrow more than we take, then spend it.

At a time of record deficits, I believe the Federal Government should act more like our State and local officials, many of whom are setting priorities and trying to fund programs to get the most bang to their buck.

Some communities, like Johnson City, Tennessee, where I was mayor before coming to Washington, are investing their own resources in school construction. We were just able to fund \$50 million worth of improvements because we acted in a fiscally responsible manner balancing budgets—and we now have a surplus. Other communities have chosen to put off these needs while they weather this economic crisis.

I think it speaks volumes when communities collectively decide that other programs are more of a priority to student achievement than school construction, yet we at the Federal level are making just the opposite determination. It seems to me that if we want to do something that will really help students, we'd be better off with funding the IDEA and No Child Left Behind programs, which are proven to boost student achievement.

I appreciate what both sides are doing—and everyone wants to improve the education level. I urge a “no” vote on this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the subcommittee Chair of the Education and Labor Committee, the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I'd like to thank my friend, the chairman, for yielding. I rise in support of the legislation.

This is really more than just a bill about modernization and repair of schools. It's a bill that helps address a number of the chronic and substantial problems that face our country. One is unemployment.

This bill will create jobs for workers who will go about the process of fixing these schools and repairing them. Second, the bill creates a model for the construction and renovation of facilities that will save energy, that will reduce our carbon footprint, reduce pollution, and make our country greener. Third, this bill will help local education agencies—schools—by freeing up dollars they would otherwise have to spend on repairs, making those dollars available for the programs that educate the young people who attend those schools.

This is a bill that is not simply about the very desirable work of installing insulation or energy efficient windows

or green technology. It's really about addressing in an important way our unemployment problem, our energy problem, and our education indication problem, and we are giving students a better environment in which to learn.

I'm hopeful that this legislation will provide a benchmark against which future efforts can be measured. It makes great sense. It's something that should achieve support on both sides of the aisle.

I would urge a "yes" vote.

Mr. McKEON. Mr. Chairman, I'm happy at this time to yield such time as he may consume to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. McKEON. I would like to build a new extension on my house, Mr. Chair. I'd like to have a lot of things, but cannot afford it. All of us as individual Americans in our private life and business life live within our means.

As the gentleman from Tennessee said so eloquently, our local and State governments must operate within balanced budget requirements. They must live within their means. They don't build facilities or operate programs that they cannot afford to pay for. And the Federal Government is at a pivotal moment in the history of this Nation.

This new leadership in Congress, the new liberal leadership here in the Congress, our new President has, as Mr. McKEON said so well, taken over and nationalized huge segments of the banking industry, the automobile industry, the insurance industry, the mortgage industry. And here today, this leadership has presented to the Congress, to the Nation, for the first time, the Federal Government is going to get into the school construction business.

At a time of record debt, at a time when the Nation must focus on its fundamental financial security, we are stepping into an area where the Federal Government has never really gone before.

The bill, section 1, reading from the bill, Mr. Chair, page 5, "Grants under this title shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need." Absolutely noble purpose. But we cannot afford it.

Page 10, section 103, "Allowable uses of funds. A local education agency receiving a grant under this title shall use the grant for modernization, renovation, or repair of public school facilities." And a long list—repairing, replacing, installing roofs, walls, plumbing systems, et cetera. This is a bottomless pit.

Ross Perot's famous phrase, "a giant sucking sound." We're going to hear a giant sucking sound out of the United States Treasury paying for utterly endless repairs and construction of local school buildings while we could use this \$40 billion just in southeast Texas.

In 8 years, Medicare is exhausted. Let that sink in. In 96 months, the trustees of the Social Security and Medicare

system just reported yesterday that Medicare is exhausted, Mr. Chair—in 96 months.

This is an urgent, critical emergency. The United States of America needs to follow Dave Ramsey's advice and live on a little beans and rice. Focus on the fundamentals. This stuff isn't complicated.

□ 1230

We are in this magnificent Chamber surrounded by the greatest minds in the history of the civilized world. I look here at a portrait of my hero, Thomas Jefferson, and of George Mason. My hero, Mr. Jefferson, liked to say that if you apply core constitutional principles, the knot will always untie itself.

Here today Congress needs to focus on the fundamentals, keeping America on a path to financial security and solvency. It is not complicated. Let us follow Mr. Jefferson's wisdom, follow the Constitution and the separation of powers, and limit the Federal Government to those functions set out in the Constitution. At a time of critical financial emergency, when literally Medicare payments will stop in 96 months, let's focus on the fundamentals, America. Congress needs to quit spending money; no new taxes, no new debt, no new spending, and save our children from being buried in a mountain of debt that they cannot pay.

This is a noble purpose, but we cannot afford it, anymore than I can afford to build an extension on my house. I cannot borrow money to pay off borrowed money. That is what this bill, what this Congress, what this liberal leadership has been doing since January when we all got sworn in, spent more money in less time than any Congress in history.

I am not playing favorites. I voted against \$2.3 trillion of new spending under George Bush. I have already voted against \$1.6 trillion of new spending under this bunch. This cannot be sustained. We are living on borrowed money. These Treasury bonds are being bought by foreign investors and foreign national sovereign wealth funds that our kids are going to have to repay.

This isn't complicated. Let's get back to the fundamentals. As Mr. Jefferson said, the knot will always untie itself, if we will only follow the Constitution. There is nowhere in the Constitution that it is authorized for the Federal Government to get into the business of school construction. This will literally become a bottomless pit, Mr. Speaker.

I am, as every Member of Congress, as committed as anyone to making sure our local schools are well built and maintained and our kids have a safe environment that is a good place for them to get an education. But let that be done by the local and State governments who are best suited to do it, who know the needs better than anyone else, and will pay as they go. And let us in Congress follow Dave

Ramsey's advice and live on a little beans and rice and don't spend money we don't have, Mr. Speaker; and let's just stick with the fundamentals that these great men and women left for us, this great Nation, this great treasure, this great trust we all have.

Let's not destroy the financial solvency of this Nation by continuing to expand the power and scope of the Federal Government into areas it was never intended at a time of critical financial emergency, when a mere 96 months from now Medicare payments run out. We can do something about it, but it takes action today. It is something we can all do together as Americans to make sure our kids do not inherit a debt they cannot afford to repay.

I am proud to join my colleague Mr. McKEON and the Republican—excuse me, conservative members of the minority. I am going to try to avoid saying party labels. I think it is too important at a time of national emergency. We need to focus on no new debt, no new taxes, no new spending. I am going to quit saying Republican or Democrat. It is being fiscally conservative and responsible. I am proud to join the fiscally conservative and responsible members of the minority who are ready to lead this Nation back into solvency in opposing this utterly irresponsible liberal piece of legislation.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL), a great supporter of this legislation.

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act.

My friend from Texas, I think he is still my friend, my friend from Texas would have to admit that we already have a sucking sound and that is we have been sucked into waste after waste after waste, which is costing us a tremendous amount of money, and this is preventable in the 21st century. I want to thank Congressman CHANDLER for sponsoring this critical legislation, and Chairman MILLER, of course, for his leadership on the entire issue.

Most of the students in this country attend a school that was built over half a century ago; in my district it is even worse than that, complete with leaky roofs and faulty electric. You can't just shove this off to the side saying it is trivial and unimportant. This is outdated technology which is costing us millions, in fact billions, of dollars.

This legislation would provide the dollars and grants for fiscal year 2010 to local school districts so that they can make the repairs, provide the modernization, and green their facilities so that our kids can learn in safe, modern, well-equipped and environmentally friendly school facilities. Many of these schools are not safe, and the States don't have the money, local communities don't have the money to make them safe. This is not acceptable to anybody, regardless of which side of the aisle you are on.

The legislation builds on the principles of the American Recovery and Reinvestment Act. It will create 100,000 new jobs in making these places safer, in making them more cost efficient.

Joe Zarra, the superintendent of the Nutley School System in my district, has launched an ambitious plan to green the town's elementary schools. He already started a couple of years ago, using cutting-edge technology to reduce both greenhouse gas emissions and the school district's utility bills. That is critical.

I agree with my friend from Texas that the health issue is a critical issue. The patient is in the emergency room, particularly with the numbers out today on Medicare and Medicaid. But this too is a very important issue.

H.R. 2187 will help school districts across the country undertake similar projects and ensure that our children learn in modern environments where they can truly reach their potential.

Mr. McKEON. Mr. Chairman, may I inquire as to how much time we have left.

The CHAIR. The gentleman has 12 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 20½ minutes remaining.

Mr. McKEON. Maybe he could use up a little more of his time. I will reserve my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Oregon (Mr. WU), a member of the committee.

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 2187 and the underlying legislation. I thank Representatives CHANDLER and LOEBSACK for introducing this bill. I especially appreciate Chairman MILLER working with me to add seismic retrofitting, more efficient storm water runoff systems and additional clean energy sources to the allowable uses of funds in this bill.

So many of our Nation's schools are in urgent need of upgrading. The funds in this bill will do more than help create safe schools. It will help our schools actually return money to our communities by saving energy and creating jobs.

I have firsthand knowledge of how creating safe and green schools can improve learning environments and student outcomes while saving money for taxpayers. In McMinnville, Oregon, the newly built Sue Buel Elementary School, which I had the pleasure of visiting in February, a building built in 1929, was replaced by a new school which was the first school in the State of Oregon to earn a gold LEED certification. The school was built with low-chemical-emitting materials, an energy-efficient heating and ventilating system, and 96 rooftop solar panels that return over 19,000 watts of power back to the local electricity grid.

Perhaps the most exciting thing about visiting Buel Elementary was seeing how engaged the students, many of whom are on free and reduced lunch,

how engaged those students are in their school and in learning about their environment. The school itself creates a sense of pride in the students and keeps them excited about learning.

This bill will help ensure that our children have a safe and healthy learning environment, with the added benefit of creating jobs during these difficult economic times.

Mr. GEORGE MILLER of California. Mr. Chairman, I now yield 2 minutes to the gentleman from New York (Mr. TONKO), a member of the committee.

Mr. TONKO. Mr. Chairman, I rise today in support of H.R. 2187, which would provide school districts that serve low-income communities with much-needed money for green school modernization, renovation and repair projects. I particularly want to thank Chairman MILLER, Subcommittee Chair KILDEE, and our sponsors that have introduced the legislation, both Mr. CHANDLER and Mr. LOEBSACK, for their outstanding support here on behalf of our students across the country.

These new funds will allow schools to make badly needed repairs to their buildings at a time when State governments are cutting back on education aid. This will help schools to not only become more energy efficient, but also, importantly, more healthy.

Thirty-two million children in our country attend schools which are reportedly having environment problems with their facilities that affect students' health and their learning. These funds will allow our schools to make their buildings healthier by allowing them to reduce greenhouse gas pollution, to mitigate indoor air quality problems, address mold infestations, replace old furnaces and pollution-emitting equipment, and deal with water contamination problems, amongst a host of other things.

Healthy and high-performance schools reduce indoor environmental hazards and are indeed energy efficient. I was proud to have worked with the New York State Energy Research and Development Authority to develop New York State's high-performance school guidelines, some of the best in the country; and I am pleased that this bill now will provide States with funds to develop similar measures.

Every child deserves a safe, clean and healthy environment in which to learn, and this bill is a major step in achieving that goal.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Chairman, I thank the chairman of the committee for his leadership on this issue.

As we all know, schools are hampered in carrying out the mission that they have because of constrained operating budgets and aging infrastructure and ever-increasing energy bills.

In 2005, I introduced the School Building Enhancement Act after learning that energy bills were the second

highest expenditure of schools after personnel costs, and I am pleased to say that that legislation has been incorporated in this bill before us today.

The bill will provide \$6.4 billion for school construction. For New Jersey that means an estimated \$125 million to build and modernize local schools. Most importantly, of course, it will allow States to provide the technical assistance to local educational agencies, local schools, to develop energy-efficiency plans and look at their carbon footprint.

So I want to thank Chairman MILLER and Representative LOEBSACK for carrying this bill forward. There is no question that the economic downturn has put added pressure on our schools from a year ago when we considered similar legislation.

I am also pleased that the chairman has included my language to allow veteran-owned businesses to have contracting preference, along with small, minority and women-owned businesses.

This is a good bill. I encourage my colleagues to support the bill.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. I appreciate the gentleman yielding.

Mr. Chairman, I rise today in strong support of H.R. 2187, the 21st Century Green High-Performing Public Schools Facility Act and commend Representative CHANDLER as well as the Chair of the full committee, Mr. MILLER, and Subcommittee Chair KILDEE, for their wonderful work on this measure in ensuring that our students have the most healthy and environmentally friendly schools possible.

Particularly I am most pleased that language is included in this measure that requires the use of American-made iron, steel and manufactured goods. Last year, similar language was included in the legislation as well.

Last year in April the Congressional Steel Caucus held hearings on imported steel and their substandard nature in many instances relative to safety. If we are going to be using steel-related products for schools, we ought to ensure that those schools are safe. This measure does that.

In addition to ensuring American-quality steel is used to make sure that those students have a safe and healthy environment, it provides a second critical stimulus, and that is to help maintain and create jobs in the domestic steel industry that is losing them at an alarming rate. Last week, steel production across this country was at 42 percent, compared to 91 percent just a year ago.

If school construction projects provided under this act are to be truly safe for our children, the steel used should be made in America. If it is to be beneficial to the American economy to create jobs, the steel we use in this bill should be made in America. Again, I particularly thank the Chair and Chair of the subcommittee for their endeavor

to make sure this provision was included.

□ 1245

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy and leadership of Chairman MILLER and the committee, following up on the good work you did earlier, to make sure that we do have schools of the future.

The schools are the foundation, the building block of a livable community, and green schools are the schools of the future. It is where America and the world is going in terms of being sustainable, efficient, and healthier.

But green schools are also the schools of today. This is an opportunity under this legislation, the 21st Century Green High-Performing Public School Facilities Act, to be able to illustrate our environmental values, that young people who are in school will be able to see through the operation of this legislation that we are going to walk the talk, we are going to implement our values.

The provisions of this legislation will save money almost immediately because there is lots of low-hanging fruit. Indeed, in schools across the country in terms of green sustainable practices, it is not low-hanging fruit; it is picking the fruit up off the ground that will save energy, that will save water, that will be gentler on the land. It will put people to work. This is activity that is amazingly labor intensive. There are few investments that we can make greening our schools that will make more of a difference for people of all skill levels, whether they are casual laborers, they are skilled efforts, they are professional positions, to be able to make a difference.

In the State of Oregon alone, it is 62 badly needed million dollars that is not only going to circulate through the economy, but it is going to do things that school districts need and it is going to save them money for years to come.

I appreciate the fact that the bill includes how young people get to school as part of energy efficiency. A generation ago in virtually every school district in America, more than 50 percent of our children got to school on their own, walking or riding a bike. Today the national average is 15 percent. I work in some communities where it is far less than that.

By investing in ways to make young people be able to get to school safely on a bike or walking, we are going to reduce the carbon footprint while we make their footprint a little lighter. We are dealing with an epidemic of childhood obesity, and these provisions cycle back to make young people healthier.

This legislation will make the schools of today the schools of the future, and it will do it in the very near future. I am pleased to support it. I

thank the committee for its work. The implementation of this legislation is going to make our community schools truly the building block of livable communities and make our families safer, healthier, and more economically secure.

Mr. GEORGE MILLER of California. I yield 2 minutes to Mr. AL GREEN of Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I thank Chairman MILLER for his outstanding work in Congress and thank Mr. CHANDLER for sponsoring this piece of legislation.

Mr. Chairman, the cost of energy is increasing. This bill will help us by saving energy. It will help us in the years to come by reducing the amount of energy that we will use. Unemployment is at 8.9 percent. This bill will put people to work in a crucial and critical area, the area of construction, because the bill is all about construction and reconstruction of some of our facilities, and more, of course.

This bill is one that we all agree is needed. The need for it is undeniable. The question becomes, then, are we going to make our children a priority. That is really the question that I ask Members to consider. Will we make our children a priority?

Yes, there are times when we cannot afford to do things, but there are also times when we cannot afford not to do things. This is one of those things that we cannot afford not to do. And there are times when you have done everything that you can, you have not done enough. When you have done all that you can do, you have not done enough. On occasions when you have done all that you can do and you haven't done enough, you have a duty to do all that you can. This bill does all that we can do at this time to help this generation compete in the global economy.

I beg, I besiege, and I implore my colleagues to make our children a priority and support this bill.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

I have been listening to all of the comments that have been made, and there are good, sound arguments on both sides of this issue. Nobody, I think, says that we shouldn't have the very, very best schools that we can send our children to. I think we talk about priorities and how we decide where the money comes from and how it should be done.

I have been here in Congress a little over 16 years, and I remember back in my first term a bill was proposed that was also very good. It was to put more cops on the street. I remember the mayor of Los Angeles calling me at the time and he said, If you'll vote for this and support it, just get it started, we'll carry it from then on.

I didn't vote for it. I didn't think that they would be able to carry it on, and that is what has happened. That bill was passed. It did good things, put more cops on the street, but the final where we are now is we have put more

and more money into that each year. The Federal Government has become more and more involved in local law enforcement, and now we are to the point where we have even eliminated the local match. We have totally taken over the cops on the street, and the Federal Government now has increased year by year, and I can see this program doing the same thing.

I served for 9 years on a local school board and we always were looking for ways to get more money to cover our needs. There were always more needs than money available. I know we had problems with our long-term maintenance and we had to make some sacrifices. We had to make some adjustments so we could spend money for some long-term investment to build up our roofs on the schools so we wouldn't have them collapsing or the rain wouldn't be coming through.

And I know how people think. I know how human nature is, and I know, if I were still on that school board and this bill were passed and it became law, that I would be, you know, probably looking to the Federal Government to meet those needs and then using the local moneys for other things and turning more and more over to the Federal Government. That's just human nature. As I said, there were always more needs than money.

And so I see this program starting out at \$40 billion and, as it grows over the years, ultimately taking that total responsibility off of the local school boards and looking to the Federal Government for all school construction, all school improvements. And even though it is a good thing, I think, by virtue of the Constitution and tradition, that is a local problem, not a Federal responsibility.

And the money all comes from the taxpayers. When it comes to the Federal Government, it seems like, at least in California, we send about 12 percent of the money here and 10 percent finds its way back. It would be better if we tried to keep our expenses down here, tried to cut spending, tried to get back within our means of how we live.

Some things have been said about how we really should be building better schools. I agree with that, but I don't think it is totally necessary when we think of Mr. ROE, Dr. ROE, who said he went to a two-room schoolhouse and seemed to get a good education. He is a physician. I think back to President Lincoln, who was taught by candlelight with a Bible how to read by his mother and had just a couple of years of formal education. I think we would all agree that Mr. Lincoln turned out all right.

So I think when we say that there is no way to educate our children unless we pump \$40 billion more from the Federal Government into this program, that is the way to make it happen.

I have to say, as I said earlier, this bill costs too much, borrows too much, and controls too much. I urge my colleagues to oppose this bill.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, and Members of the House, the 21st Century Green High-Performing Public School Facilities Act is exactly what the Federal Government should be doing.

We have seen now over the last year, and in some cases a little longer, and for the foreseeable future, that the tax resources of local school districts, cities, and counties have plummeted because of the foreclosure crisis that confronts this Nation and because of the financial scandals and the financial collapse of our institutions across this Nation. We have seen that credit is not available. The school districts that have voted for bonds have had difficulty in getting those bonds to market so that they can engage in the construction. And we see, in fact, the backlog of repairs to schools, renovations, modernizations of schools and school facilities is starting to lag.

We also know and we understand that for the foreseeable future, unemployment will continue to go up in this country, at a diminished rate, but we still know half a million people a month are losing their jobs. Auto sales are down because American families are trying to save more because of the recession, the depression we are in. They are trying to take care of their needs, so school districts are denied those resources as are States.

So what the Federal Government is doing in this time of emergency is trying to say that we will join with you in a partnership based upon the priorities of locally elected school boards, of superintendents of schools, for the repair and restoration of schools that are so necessary in so many areas of this country. If a school board or if a school district doesn't need the money, they need not take it. We hope that they wouldn't because maybe it can go to another school district that might need it more. But the fact of the matter is, these repairs and restorations, and if we use green technology and use the guidelines of the green standards, not only can repair and restore these schools, they can make them much more efficient in the use of energy and the use of water and the use of natural daylight so students will have a better learning environment and better opportunities at learning.

Yes, the data is pretty darn clear that in those kinds of facilities students do have a better opportunity in learning the material that is presented to them in that environment than they do in an old and run-down facility that is crumbling and bathrooms that are not safe and can't be used and windows that are not replaced.

Yes, that may not sound like the local school district that some of you represent, but it sounds like a lot of the local school districts that a lot of us represent, and those school districts are doing all that they can. People are

voting for bond issues and paying higher taxes, but the fact of the matter is they don't have sufficient resources to do that. That does not mean that we should just sentence those kids to a second-class education, to deny them educational opportunities, because when we do that, we then spill over into the national interest of this country, and that is to make sure that every child receives a first-class education, that every child at the end of 12 years has the opportunity to choose a career or schools or schools and a career in whatever combination, but they are prepared to do that.

And we know from all of the surveys that it is far more difficult for young children to learn in dilapidated, ill-repaired, badly restored schools when they are trying to get down the basics of their education.

So this is a Federal partnership. In some cases, local government joins with private sector money to repair and restore schools and provide new technologies. We want to join in part of that. You can say this is the Federal taking over the role. It is not taking over any role. This is insignificant compared to the efforts being made by local governments. We are simply saying we think this can be catalytic in terms of getting some of these projects done at this particular time and for the foreseeable future so that we can ensure our students have an opportunity to do that.

□ 1300

I want to thank the foresight of Mr. KILDEE, not only the subcommittee Chair, but the author of this legislation, Mr. CHANDLER, Mr. LOEBACK, who worked with local districts, who worked with local schools, who looked at examples of what had been done to make a more efficient use of those local dollars, of Federal dollars, of education dollars, to bring that together and try to build high-performing schools.

We want to make the same decisions for these schools that so many in the private sector are making about their renovation, the renewal, the repair of commercial facilities, of facilities throughout our communities where the real estate industry is saving billions of dollars by greening those buildings, where we're saving energy, where we're saving water—in States like California, those two things are very important—and providing a safe environment for children. That's why we should pass this legislation.

H.R. 2187 requires local educational agencies to ensure a full and open competition for qualified bidders. We expect that process to maximize the number of qualified bidders to include local, small, minority-owned, women-owned, and veteran-owned contractors, and to do so without diminishing or precluding the local educational agencies' ability to seek out responsible contractors by, for example, requiring contractors to participate in bona fide apprenticeship training programs and to demonstrate other legitimate responsibility and

qualification standards. Such requirements can be used to ensure high-quality work and successful project delivery as well as foster good training and employment opportunities in local communities.

I would like to yield such time as she may consume to the gentlewoman from Nevada, a member of the committee and a strong supporter of this legislation (Ms. TITUS).

Ms. TITUS. Thank you very much, Chairman MILLER, for your hard work on this legislation. I certainly am supportive of it. I want to add some provisions to it that will be brought forward in an amendment later.

As an educator myself, I believe that it is important that we have safe and healthy schools because only in those environments can children learn better, and certainly that is all our goal.

I am pleased to be supportive of this.

Mr. MATHESON. Mr. Chairman, I rise in support of H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, which will help modernize many of our nation's schools.

I would like to thank my colleague from Kentucky—BEN CHANDLER—for his sponsorship of this legislation. I believe it will help to ensure that our children can learn in healthier, more cost effective, and more energy-efficient schools.

An investment in education and educational facilities is critical. As the father of two young boys, I want to know that they will receive a quality education in a safe school building. Too many of our nation's schools are outdated, and some are even unsafe.

I would also like to thank Chairman MILLER for including my amendment to this bill in the manager's amendment. My amendment will allow schools to prioritize projects that eliminate asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, or other known carcinogens.

Extensive research has shown that children and teachers perform better in "green" schools. Our children already encounter many challenges, and we should do everything we can to provide a safe and healthy learning environment for them.

Mr. AL GREEN of Texas. Mr. Chair, I spoke on the floor earlier today in support of H.R. 2187: The 21st Century Green High-Performing Public School Facilities Act and the amendment that I cosponsored with Mr. BRIGHT (AL), Ms. KOSMAS (FL) and Mr. CUELLAR (TX).

Because my time on the floor was limited, I was unable to explain my reasons for supporting this legislation in detail. Since this legislation will have a profound and positive impact on school districts and school children in my district, I would like to take this opportunity to cover the details regarding its merits.

Our schools should be safe and healthy learning environments for our children. H.R. 2187 gives us a chance to upgrade our school buildings and boost student achievement while creating good local jobs in new, clean energy industries.

In particular, this bill provides \$6.4 billion in Federal funds for school modernization projects that will make schools safer, more energy-efficient, and up-to-date technologically. According to estimates from the House Education and Labor Committee, Texas schools

will receive approximately \$605 million and school districts in my congressional district, TX-09, would receive approximately \$66 million in total. Houston Independent School District (HISD) is estimated to receive \$54,109,000; Alief ISD will receive \$8,482,000; Fort Bend ISD will receive \$3,262,000; and Stafford MSD will receive \$155,000. Title II of this bill also authorizes separate funds—\$600 million over 6 years—for schools that were damaged or destroyed by Hurricanes Katrina and Rita in 2005. Schools in Louisiana, Mississippi, and Alabama trying to recover from the devastation caused by these two hurricanes would be eligible to apply for funding under this section.

In addition, since this funding does not extend to schools impacted by Hurricane Ike in 2008, I am cosponsoring an amendment along with Representatives BOBBY BRIGHT, SUZANNE KOSMAS and HENRY CUELLAR that will set aside 5 percent of the \$6.4 billion (or about \$320 million) for schools impacted by, natural disasters other than Katrina and Rita and for schools experiencing significant economic distress. This amendment will allow schools in my district that were devastated or destroyed by Hurricane Ike in 2008 to be eligible to receive funding for new construction, modernization and repairs. For example, Houston Independent School District (HISD) had damages that cost \$30–\$60 million. In fact, while 14 of HISD's schools are designated as "shelters of last resort" by the City of Houston, none of HISD's facilities are designed to sustain winds in a storm above Category 2. To ensure safety in future natural disasters, facility upgrades are needed to shore up roofs and replace windows that can withstand Category 3+ winds. Generators are needed, as well, in the event of power outages. Federal funding is especially needed in light of the fact that 80 percent of students in HISD schools are economically disadvantaged. Additional reports indicate that over 40 buildings within the Alief Independent School District (Alief ISD) experienced some level of damage from Hurricane Ike and eight facilities endured significant damage totaling \$5.8 million in costs.

All told, schools in my district and in districts across the Nation that have experienced natural disasters and significant economic distress will benefit from our amendment to this legislation. More importantly, it is the children and teachers in these adversely affected communities that will benefit the most once funding from this amendment is used to fix their schools.

Mr. Chairman, I urge all my colleagues to support this much-needed legislation.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2187

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "21st Century Green High-Performing Public School Facilities Act".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

Sec. 101. Purpose.

Sec. 102. Allocation of funds.

Sec. 103. Allowable uses of funds.

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

Sec. 201. Purpose.

Sec. 202. Allocation to local educational agencies.

Sec. 203. Allowable uses of funds.

TITLE III—GENERAL PROVISIONS

Sec. 301. Impermissible uses of funds.

Sec. 302. Supplement, not supplant.

Sec. 303. Prohibition regarding State aid.

Sec. 304. Maintenance of effort.

Sec. 305. Special rule on contracting.

Sec. 306. Use of American iron, steel, and manufactured goods.

Sec. 307. Labor standards.

Sec. 308. Charter schools.

Sec. 309. Green schools.

Sec. 310. Reporting.

Sec. 311. Authorization of appropriations.

Sec. 312. Special rules.

Sec. 313. YouthBuild programs.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Bureau-funded school" has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term "charter school" has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221).

(3) The term "CHPS Criteria" means the green building rating program developed by the Collaborative for High Performance Schools.

(4) The term "Energy Star" means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(5) The term "Green Globes" means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(6) The term "LEED Green Building Rating System" means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term "local educational agency"—

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(8) The term "outlying area"—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) The term "public school facilities" means an existing public school facility, including a public charter school facility, or another existing facility planned for adaptive reuse as such a school facility.

(10) The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

SEC. 101. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

SEC. 102. ALLOCATION OF FUNDS.

(a) *RESERVATION.*—

(1) *IN GENERAL.*—From the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), the Secretary shall reserve 1 percent of such amount, consistent with the purpose described in section 101—

(A) to provide assistance to the outlying areas; and

(B) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) *USE OF RESERVED FUNDS.*—In each fiscal year, the amount reserved under paragraph (1) shall be divided between the uses described in subparagraphs (A) and (B) of such paragraph in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) in such fiscal year.

(b) *ALLOCATION TO STATES.*—

(1) *STATE-BY-STATE ALLOCATION.*—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) *STATE ADMINISTRATION.*—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this title, which include—

(A) providing technical assistance to local educational agencies;

(B) developing an online, publicly searchable database that includes an inventory of public school facilities in the State, including for each, its design, condition, modernization, renovation and repair needs, usage, utilization, energy use, and carbon footprint; and

(C) creating voluntary guidelines for high-performing school buildings, including guidelines concerning the following:

(i) Site location, storm water management, outdoor surfaces, outdoor lighting, and transportation (location near public transit and easy access for pedestrians and bicycles).

(ii) Outdoor water systems, landscaping to minimize water use, including elimination of irrigation systems for landscaping, and indoor water use reduction.

(iii) Energy efficiency (including minimum and superior standards, such as for heating, ventilation, and air conditioning systems), use of alternative energy sources, commissioning, and training.

(iv) Use of durable, sustainable materials and waste reduction.

(v) Indoor environmental quality, such as day lighting in classrooms, lighting quality, indoor air quality, acoustics, and thermal comfort.

(vi) Operations and management, such as use of energy efficient equipment, indoor environmental management plan, maintenance plan, and pest management.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(A) *IN GENERAL.*—From the amount allocated to a State under paragraph (1), each eligible local educational agency in the State shall receive an amount in proportion to the amount received by such local educational agency under

part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under title I of that Act for such fiscal year shall receive a grant of less than \$5,000 in any fiscal year under this title.

(B) **ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—For purposes of subparagraph (A), the term “eligible local educational agency” means a local educational agency that—

(i) meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.); and

(ii) conducts an independent audit by a third-party entity, and is certified by the State, substantiating the overall condition of the public school facilities and the need for modernization, renovation, or repair.

(4) **SPECIAL RULE.**—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph (1) or (3).

(c) **SPECIAL RULES.**—

(1) **DISTRIBUTIONS BY SECRETARY.**—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 30 days after an appropriation of funds for this title is made.

(2) **DISTRIBUTIONS BY STATES.**—A State shall make and distribute the allocations described in subsection (b)(3) within 30 days of receiving such funds from the Secretary.

SEC. 103. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title shall use the grant for modernization, renovation, or repair of public school facilities, including, where applicable, early learning facilities—

(1) repairing, replacing, or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, storm water runoff systems, lighting systems, or components of such systems, windows, ceilings, flooring, or doors, including security doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire, health, seismic, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(5) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

(6) measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution;

(7) modernizations, renovations, or repairs necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(8) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;

(9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(10) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, woody biomass, waste-to-energy, and solar-thermal systems or components of such systems, and energy audits;

(11) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(12) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (11).

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

SEC. 201. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, repairing, or constructing public school facilities, including, where applicable, early learning facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

SEC. 202. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) **IN GENERAL.**—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 311(b), the Secretary shall allocate to local educational agencies in Louisiana, Mississippi, and Alabama an amount equal to the infrastructure damage inflicted on public school facilities in each such district by Hurricane Katrina or Hurricane Rita in 2005 relative to the total of such infrastructure damage so inflicted in all such districts, combined.

(b) **DISTRIBUTION BY SECRETARY.**—The Secretary shall determine and distribute the allocations described in subsection (a) not later than 60 days after an appropriation of funds for this title is made.

SEC. 203. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title shall use the grant for one or more of the activities described in section 103, except that an agency receiving a grant under this title also may use the grant for the construction of new public school facilities.

TITLE III—GENERAL PROVISIONS

SEC. 301. IMPERMISSIBLE USES OF FUNDS.

No funds received under this Act may be used for—

(1) payment of maintenance costs;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

SEC. 302. SUPPLEMENT, NOT SUPPLANT.

A local educational agency receiving a grant under this Act shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, repair, and construction of public school facilities.

SEC. 303. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 304. MAINTENANCE OF EFFORT.

(a) **IN GENERAL.**—A local educational agency may receive a grant under this Act for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the

agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) **REDUCTION IN CASE OF FAILURE TO MEET MAINTENANCE OF EFFORT REQUIREMENT.**—

(1) **IN GENERAL.**—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) **SPECIAL RULE.**—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) **WAIVER.**—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 305. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this Act shall ensure that, if the agency carries out modernization, renovation, repair, or construction through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

SEC. 306. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) **IN GENERAL.**—None of the funds appropriated or otherwise made available by this Act may be used for a project for the modernization, renovation, repair or construction of a public school facility unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) **PUBLICATION OF JUSTIFICATION.**—If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification of the determination.

(d) **CONSTRUCTION.**—This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 307. LABOR STANDARDS.

The grant programs under this Act are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

SEC. 308. CHARTER SCHOOLS.

A local educational agency receiving an allocation under this Act shall distribute an amount of that allocation to charter schools within its jurisdiction. The total amount to be distributed under the preceding sentence shall be determined based on the percentage of students eligible under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in the schools of the agency who are enrolled in charter schools. Of such total, individual charter schools shall receive a share

based on the needs of the schools, as determined by the agency in consultation with the charter school community. Funds shall be used only for allowable activities in accordance with this Act.

SEC. 309. GREEN SCHOOLS.

(a) *IN GENERAL.*—In a given fiscal year, a local educational agency shall use not less than the applicable percentage (described in subsection (b)) of funds received under this Act for public school modernization, renovation, repairs, or construction that are certified, verified, or consistent with any applicable provisions of—

- (1) the LEED Green Building Rating System;
- (2) Energy Star;
- (3) the CHPS Criteria;
- (4) Green Globes; or

(5) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency, which shall include a verifiable method to demonstrate compliance with such program.

(b) *APPLICABLE PERCENTAGES.*—The applicable percentage described in subsection (a) is—

- (1) in fiscal year 2010, 50 percent;
- (2) in fiscal year 2011, 60 percent;
- (3) in fiscal year 2012, 70 percent;
- (4) in fiscal year 2013, 80 percent;
- (5) in fiscal year 2014, 90 percent; and
- (6) in fiscal year 2015, 100 percent.

(c) *TECHNICAL ASSISTANCE.*—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and local educational agencies concerning the best practices in school modernization, renovation, repair, and construction, including those related to student academic achievement, student and staff health, energy efficiency, and environmental protection.

SEC. 310. REPORTING.

(a) *REPORTS BY LOCAL EDUCATIONAL AGENCIES.*—Local educational agencies receiving a grant under this Act shall annually compile a report describing the projects for which such funds were used, including—

(1) the number of public schools in the agency, including the number of charter schools, and for each, in the aggregate, the number of students from low-income families;

(2) the total amount of funds received by the local educational agency under this Act and the amount of such funds expended, including the amount expended for modernization, renovation, repair, or construction of charter schools;

(3) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(4) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(5) for each project—

(A) the cost;

(B) the standard described in section 309(a) with which the use of the funds complied or, if the use of funds did not comply with a standard described in section 309(a), the reason such funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner;

(C) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost-effective; and

(D) any demonstrable or expected benefits as a result of the project (such as energy savings,

improved indoor environmental quality, improved climate for teaching and learning, etc.); and

(6) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

(b) *AVAILABILITY OF REPORTS.*—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) *REPORTS BY SECRETARY.*—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and make available on the Department of Education's website, a report on grants made under this Act, including the information described in subsection (b)(1), the types of modernization, renovation, repair, and construction funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

(a) *TITLE I.*—To carry out title I, there are authorized to be appropriated \$6,400,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015.

(b) *TITLE II.*—To carry out title II, there are authorized to be appropriated \$100,000,000 for each of fiscal years 2010 through 2015.

SEC. 312. SPECIAL RULES.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

SEC. 313. YOUTHBUILD PROGRAMS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for participants in a YouthBuild program (as defined in section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a)) to gain employment experience on modernization, renovation, repair, and construction projects funded under this Act.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-106. 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 of the amendment, 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. GEORGE MILLER OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-106.

Mr. GEORGE MILLER of California. 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:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

In the table of contents in section 1(b) of the bill, after the item relating to section 103, insert the following:

Sec. 104. Priority projects.

In section 102(a)(1), strike "1 percent" and insert "2 percent".

In section 103, in the matter preceding paragraph (1), strike "facilities—" and insert "facilities, including—".

In section 103(1), insert "water supply and" after "wiring."

In section 103(1), insert "building envelope," after "such systems."

After section 103, insert the following:

SEC. 104. PRIORITY PROJECTS.

In selecting a project under section 103, a local educational agency may give priority to projects involving the abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen.

Strike section 308 and insert the following:

SEC. 308. CHARTER SCHOOLS.

(a) *IN GENERAL.*—A local educational agency receiving an allocation under this Act shall reserve an amount of that allocation for charter schools within its jurisdiction for modernization, renovation, repair, and construction of charter school facilities.

(b) *DETERMINATION OF RESERVED AMOUNT.*—The amount to be reserved by a local educational agency under subsection (a) shall be determined based on the combined percentage of students eligible under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in the schools of the agency who—

(1) are enrolled in charter schools; and

(2) the local educational agency, in consultation with the authorized public chartering agency, expects to be enrolled, during the year with respect to which the reservation is made, in charter schools that are scheduled to commence operation during such year.

(c) *SCHOOL SHARE.*—Individual charter schools shall receive a share of the amount reserved under subsection (a) based on the need of each school for modernization, renovation, repair, or construction, as determined by the local educational agency in consultation with charter school administrators.

(d) *EXCESS FUNDS.*—After the consultation described in subsection (c), if the local educational agency determines that the amount of funds reserved under subsection (a) exceeds the modernization, renovation, repair, and construction needs of charter schools within the local educational agency's jurisdiction, the agency may use the excess funds for other public school facility modernization, renovation, repair, or construction consistent with this Act and is not required to carry over such funds to the following fiscal year for use for charter schools.

The CHAIR. Pursuant to House Resolution 427, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, Members of the House, as has been stated earlier in this debate, this is a very important piece of legislation that is geared to improve the condition of school buildings all across the country, and it does so while promoting energy efficiency through green buildings and creating jobs to help stimulate our economy.

I have a manager's amendment which I believe further improves the bill by providing equitable treatment of charter schools while ensuring that the school district can put all of its funds to good use; by allowing schools to give priority to projects designed to remove hazardous material like asbestos and carcinogens; by setting aside more funds for tribal and outlying areas; and finally, allowing funds to be used for water supply and building envelopes. I think these are valuable changes. I want to thank Representatives POLIS, MATHESON, KIRKPATRICK and PINGREE for their insights and leadership on these changes.

Mr. Chairman, critics of this legislation have argued that it intrudes on the traditional role and responsibility of the States. But this is not about Federal versus State and local control of school construction and repair. It is about meeting the urgent needs that will help revamp this Nation's schools, improve student learning and global competitiveness, lower the costs for schools and taxpayers, and help us create jobs. I urge support of the manager's amendment.

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

Mr. McKEON. Mr. Chairman, I claim the time in opposition to this amendment, and I yield myself such time as I may consume.

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

Mr. McKEON. Mr. Chairman, I object to this amendment for several reasons. It adds additional uses of funds, project priorities, and funding allocations.

While none of these on its own is particularly objectionable, on the whole we are making the bill more complex and deviating even further from what the Federal Government ought to be doing in education, and that's focusing on academics. But the most troubling element of this amendment is its unfair treatment of charter schools.

During our committee's markup of this bill, we endorsed, on a fully bipartisan basis, an amendment from the gentleman from Colorado, Representative POLIS. His amendment ensured fair treatment for charter schools under this program. After all, if we are providing facilities funding for public schools, we ought to be providing it equitably for all public schools, and that includes charter schools.

Charter schools are public schools created by teachers, parents, and other members of the community to educate students and stimulate reform in the public school system. As public schools, they must serve students from all backgrounds and educational abilities. Unfortunately, the amendment we are debating weakens the equal protections for charter schools that were inserted on a bipartisan basis during our committee's vote.

The amendment empowers local school districts—some of them notoriously hostile towards charter schools—to determine what their charter

schools' facilities needs are. If the district determines that a charter has no facilities needs, the money specifically set aside for charter schools reverts back to the local district.

We know that charter schools are desperately in need of facilities funding. On average, public charter school funding falls short of traditional public school funding by 22 percent. A primary cause of this inequity is that charter schools lack access to local and capital funding primarily due to the fact that charter schools cannot issue bonds to pay for school construction.

Charter schools drive innovation and reform. They have been championed by President Obama and Education Secretary Duncan. They were protected in this legislation by an amendment offered by a Member of the majority. This amendment undermines the bipartisan support for charter schools by putting their fair access to funds under this program in jeopardy.

I strongly urge my colleagues to oppose this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, the manager's amendment I would hope would pass. The discussion about what was the Polis amendment in the committee to make sure that charter schools got a fair share of this money in fact remains intact. The problem with that amendment in the committee was that new charter schools would have in fact been precluded from having access to that money since they weren't in existence and the amendment originally spoke to those charter schools in existence.

As with the original amendment, this will be done in consultation with the school board. If there isn't a demonstrated need among the charter schools, the money goes back into the pot for the use of the schools. That's, in fact, how it was done in the original amendment. Mr. POLIS, as the author of that amendment, has agreed to this change to make sure that we include all charter schools at that time. I urge passage of the amendment.

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

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

This amendment will make it more difficult for charter schools, which, remember, are public schools held to higher standards for student academic achievement, to receive facilities funding under this bill. If taxpayers are being asked to renovate and repair public schools, at a minimum, we need to ensure fair treatment for all public schools.

I urge my colleagues to reject this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time and I ask for an "aye" vote.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. McKEON

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-106.

Mr. McKEON. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. McKEON: Amend section 102(b)(3)(B)(i) to read as follows:

(i) meets the requirements for—

(I) a local educational agency plan under section 1112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(a));

(II) public school choice under section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(1)(E));

(III) transportation funding for public school choice under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9));

(IV) supplemental educational services funding under section 1116(b)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(10));

(V) supplemental educational services under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e));

(VI) private school participation under section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881); and

(VII) armed forces recruiter access under section 9528 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908); and

The CHAIR. Pursuant to the rule, the gentleman from California (Mr. McKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

There is a lot of talk about accountability in education, but what does that word really mean? At the Federal level, I think it means accountability to taxpayers to get what they're paying for.

We give tens of billions of dollars to States and school districts each year; with this bill, we are going to give them \$40 billion more. But what are we getting in return? Federal elementary and secondary education policy places a few simple, but critical, requirements on schools in exchange for billions in taxpayer dollars. Schools have to assess student achievement and report to parents on how they're performing. In schools where children are being left behind, we require that they be given access to free tutoring or the right to transfer to a better performing public school.

We require equitable participation for private schools, recognizing that programs like title I, IDEA, and others were meant to benefit all students and teachers, not just those in the public school system.

In high school, we require schools to give military recruiters the same access given to colleges and career recruiters. And we call on schools to provide our Armed Forces with basic contact information for students, with the option for parents to opt out, so that students have a chance to learn about all options available for their future.

In exchange for billions in taxpayer dollars, I don't think it's too much to ask for schools to comply with these requirements. A bipartisan majority of Congress agreed when we reauthorized the elementary and secondary education programs in 2001 with the No Child Left Behind Act.

My amendment simply repeats the requirements already in place under the law if schools wish to tap into the additional \$40 billion to renovate or build new facilities. It's about accountability to taxpayers.

I hope the majority will accept this amendment; and they may by arguing that every State and every school is already complying with the law. I wish that were true, but it's not. For example, according to data from the U.S. Department of Education, within the last year we have seen violations in the State of Illinois—from Chicago to Cicero to Aurora East—where districts are not offering the public school choice or free tutoring required under the law. We have seen similar violations in Mississippi, Oregon, New Mexico, and Colorado.

We also know there are school districts that openly flaunt their refusal to provide basic information and equal access to America's military, even though it is a requirement under the law. Representative DUNCAN HUNTER recognized this problem, and he has introduced legislation to tighten the requirements under NCLB to ensure fair treatment of our military and fair access to information by students. But in the meantime, Congress needs to send a signal to schools that we're serious about accountability, we're serious about ensuring they comply with these basic requests—free tutoring, public school transfers, fair treatment of private schools, and access for military recruiters—in exchange for the billions we funnel their way each year.

I urge my colleagues to join me in supporting this amendment. It protects taxpayers, and even more importantly, it protects students.

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

Mr. KILDEE. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. KILDEE. Mr. Chairman, I rise to support this amendment.

We accept this amendment. It is really saying that if you take money under this program, you have to follow the standards that Congress has already adopted for ESEA. It is a logical

amendment. We have debated these things before. We decided that these things were valid under ESEA and, therefore, to accept money under this program, you would have to abide by those same standards under ESEA. Therefore, I would urge my colleagues to accept this amendment.

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

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

I want to thank the gentleman, Mr. KILDEE, for his support of the amendment. I think it makes the bill better. And I also ask all of our colleagues to support this amendment.

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

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Mr. KILDEE. I will yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I rise today in support of both this amendment as well as Chairman MILLER's amendment to the 21st Century Green High-Performing Public School Facilities Act.

I would like to thank Chairman MILLER and Congressman KILDEE and their staff for crafting Mr. MILLER's amendment that will ensure that all public schools, regardless of their governance structure, including public charter schools, get their fair share of the funding available under this act to modernize and green our schools.

Unfortunately sometimes districts have complex and difficult relationships with some of the different public charter schools or other jurisdictional entities under their mandate.

I've experienced such problems firsthand and know how necessary it is to address this challenge.

This amendment requires school districts to reserve funding for the public charter schools under their jurisdiction. It's equal to those schools' aggregate share of the district's student population for low-income families.

This commonsense amendment clarifies the rules for the fair treatment of public charter schools and will go a long way towards avoiding litigation and in-fighting and promoting cooperation between all public schools to serve all children.

Mr. KILDEE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McKEON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. TITUS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-106.

Ms. TITUS. 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:

Amendment No. 3 offered by Ms. TITUS:
After section 313, insert the following:

SEC. 314. ADVISORY COUNCIL ON GREEN, HIGH-PERFORMING SCHOOLS.

(a) ESTABLISHMENT OF ADVISORY COUNCIL.—The Secretary shall establish an advisory council to be known as the "Advisory Council on Green, High-Performing Schools" (in this section referred to as the "Advisory Council") which shall be composed of—

(1) appropriate officials from the Department of Education;

(2) representatives of the academic, architectural, business, education, engineering, environmental, labor and scientific communities; and

(3) such other representatives as the Secretary deems appropriate.

(b) DUTIES OF ADVISORY COUNCIL.—

(1) ADVISORY DUTIES.—The Advisory Council shall advise the Secretary on the impact of green, high-performing schools, on—

(A) teaching and learning;

(B) health;

(C) energy costs;

(D) environmental impact; and

(E) other areas that the Secretary and the Advisory Council deem appropriate.

(2) OTHER DUTIES.—The Advisory Council shall assist the Secretary in—

(A) making recommendations on Federal policies to increase the number of green, high-performing schools;

(B) identifying Federal policies that are barriers to helping States and local educational agencies make schools green and high-performing;

(C) providing technical assistance and outreach to States and local educational agencies under section 309(c); and

(D) providing the Secretary such other assistance as the Secretary deems appropriate.

(c) CONSULTATION.—In carrying out its duties under subsection (b), the Advisory Council shall consult with the Chair of the Council on Environmental Quality and the heads of appropriate Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration (through the Office of Federal High-Performance Green Buildings).

In the table of contents in section 1(b), after the item relating to section 313, insert the following:

Sec. 314. Advisory Council on Green, High-Performing Schools.

The CHAIR. Pursuant to House Resolution 427, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I yield myself as much time as I may consume.

This amendment, which I am offering with my friend and colleague from Colorado (Ms. MARKEY), will establish an advisory council to the Secretary of Education on green high-performing schools. The council will advise the Secretary on the impact of green high-performing schools on several outcomes, including teaching and learning, health effects, energy costs, and environmental impacts. The council will also work with the Secretary to identify Federal policies that are barriers to helping States to make schools green and high performing, and it will recommend Federal policies to increase the number of such schools. Additionally, the council will provide technical

assistance to States and school districts.

The 21st Century High-Performing Public School Facilities Act is an important bill that will provide our students with a healthy, safe learning environment, will create jobs, and will provide environmental responsibility. At the same time, it is moving us closer to the clean energy economy of the future.

Our amendment will provide the Secretary with the tools he needs to ensure the opportunities outlined in this important bill are available to as many schools as possible. It will also ensure that the upgrades made to school facilities meet the highest standards of quality and that the Secretary is always getting feedback about how to improve the program.

I'd like to thank Chairman MILLER and Messrs. CHANDLER, KILDEE and LOEBSACK for their hard work on this bill.

I reserve the balance of my time.

Mr. McKEON. Mr. Chair, I rise to claim time in opposition to this amendment.

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

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

Mr. Chair, creating an advisory council to the Secretary of Education on green high-performing schools makes the government even bigger than it already is. Such a council would expand the Federal Government's role in school construction to unprecedented levels.

The Federal Government is big enough, thank you very much. Creating a new council dedicated to this purpose will only serve to expand and cement Federal interference in how school facilities are maintained.

The council also would help determine a key concept in successful education policy. The States and the local districts take the lead. The Federal Government offers limited but helpful support.

For these reasons, I oppose this amendment and urge my colleagues to vote "no."

I reserve the balance of my time.

Ms. TITUS. Mr. Chairman, I would yield 2 minutes to the gentlelady from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Chairman, I rise today in strong support of H.R. 2187 and to speak on behalf of my amendment with my colleague Ms. TITUS of Nevada.

The 21st Century Green High-Performing Public School Facilities Act is important and necessary legislation that will improve the learning environment for our children, reduce energy costs and create new jobs across the country.

Green schools not only save school districts money but also teach the importance of sustainable living to children at a young age.

I know that schools in my own district of Colorado have been forced to

make tough decisions in today's economy.

The Poudre school district in my hometown of Fort Collins, Colorado, has seen firsthand the benefits of green schools. In 2007 the district received 19 ENERGY STAR awards from EPA and Department of Energy. I am proud to say that Kinard Junior High is the most energy-efficient school in Colorado.

Over the past 15 years, the school district has saved nearly \$2 million through its energy conservation efforts and has seen improved performance and attendance for students who attend these healthier schools.

This amendment would create an advisory council for the Secretary of Education to evaluate the benefits of these greener schools and identify the roadblocks schools face in achieving these benefits.

On the eastern plains of Colorado, we also have several schools that have incorporated wind power into their energy systems and educational curriculum. These schools have installed wind turbines to minimize their energy costs and to teach students about renewable energy firsthand.

One of the biggest hurdles the district faces is the lack of technical assistance in becoming more energy efficient.

I am pleased that the bill and this amendment specifically provide technical assistance to school districts, and I look forward to modernizing Colorado schools with the help of this legislation.

I thank Chairman MILLER and Congressman CHANDLER for their leadership on this bill and Congresswoman TITUS for her efforts on this amendment.

I urge my colleagues to vote yes on the bill and the amendment.

Mr. McKEON. Mr. Chair, I yield myself the balance of the time.

You know, as I listen to some of this debate, it's like by the Federal Government providing money for the local government, it's free to the local people.

The Federal Government only gets the money from two places, taxing and borrowing, and it all comes eventually from the same people across the country.

I think that the Federal Government has been steadily consuming more taxpayer dollars and slowly taking control—actually not slowly, it's been quite rapidly in the last few months—over what used to be State or local decisions. Adding an advisory council for green schools does not help. In fact, it makes the problems worse.

Once again, I urge a no vote to help keep Federal growth under control.

I yield back the balance of my time.

Ms. TITUS. Mr. Chairman, I would urge just urge my colleagues to vote in favor of this because we see this council as a facilitator that will help with coordination, efficiency, best practices and accountability.

I again thank Chairman MILLER, Mr. KILDEE, Mr. CHANDLER and Mr. LOEBSACK.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Nevada (Ms. TITUS).

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

Ms. TITUS. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. ROE OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-106.

Mr. ROE of Tennessee. 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:

Amendment No. 4 offered by Mr. ROE of Tennessee:

After section 313, insert the following:

SEC. 314. EVALUATION.

(a) EVALUATION.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Institute of Educational Sciences of the Department of Education to evaluate the impact of projects funded under this Act on student academic achievement, including a comparison of students attending public schools receiving funding under this Act with students attending public schools that are not receiving such funding.

(2) RESEARCH DESIGN; DISSEMINATION.—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation described in paragraph (1) is conducted using the strongest possible research design for determining the effectiveness of the projects funded under this Act; and

(B) disseminate information on the impact of the projects in increasing the academic achievement of students.

(b) REPORT.—Not later than 1 year after the final year for which a grant is made under this Act, the Secretary shall submit to the Committee on Appropriations, and the Committee on Education and Labor, of the House of Representatives, and the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions, of the Senate, a report on the results of the evaluation described in subsection (a).

(c) PUBLIC AVAILABILITY.—Following the submission of the report under subsection (b), all reports and underlying data gathered pursuant to this section shall be made available, in a timely manner, to the public upon request.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit the disclosure of any personally identifiable information regarding a student, except to the parents of the student.

(e) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for a fiscal year shall not exceed 0.5 percent of the total amount appropriated to carry out this Act for such fiscal year.

In the table of contents in section 1(b), after the item relating to section 313, insert the following:

Sec. 314. Evaluation.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Tennessee (Mr. ROE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. I yield myself as much time as I may consume.

Mr. Chairman, the amendment is simple, straightforward and hopefully noncontroversial. It adds a bit of accountability to this legislation by requiring the Institute of Education Sciences within the Department of Education to study the impact the Federal school construction dollars have on the institutions that are receiving the funds.

I know proponents of this legislation will say that school construction does impact performance, and they may be correct. I am skeptical of the claim. So I am asking for the opportunity to study the effects of school construction on student performance.

This amendment would require the institute to issue a report a year after the schools have issued construction funding and report the impact the funding has. I am hopeful that such a report could provide valuable insights into the best use of taxpayer dollars.

I know Mr. CUELLAR wanted to be here today to speak in favor. It's nice to have bipartisan support for accountability.

I urge adoption of the amendment.

I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. KILDEE. Mr. Chairman, this amendment calls for the Department of Education's Institute of Education Sciences to study the impact of projects funded by this bill on student achievement.

Student achievement is one of the benefits of this bill. It will also bring health, economic, energy and environmental benefits. I believe it is clear that students learn better when they are in better facilities, but I certainly have no objection to a regular study of the issue.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I urge adoption of my amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. ROE).

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

Mr. KILDEE. 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 Tennessee will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ELLSWORTH

Mr. ELLSWORTH. 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:

Amendment No. 5 offered by Mr. ELLSWORTH:

In section 309, redesignate subsection (c) as subsection (d).

In section 309, insert after subsection (b) the following:

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber as ascertained through the forest inventory and analysis program of the Forest Service of the Department of Agriculture under the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) for public school modernization, renovation, repairs, or construction.

In section 310(a)(5)(C)(ii), insert “and renewable” after “sustainable”.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ELLSWORTH. Mr. Chairman, I yield myself as much time as I may consume.

I would like to thank the bill's sponsors, Congressman CHANDLER, Chairman MILLER and the members of the Education and Labor Committee for their hard work to help provide students with modern facilities that will help them succeed.

My amendment seeks to clarify that nothing in the underlying bill shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber for public school modernization, renovation, repairs or construction.

Our Nation's hardwood lumber producers are careful stewards of a valuable resource, and their efforts make domestic hardwood lumber abundant and sustainable.

These producers are small family landowners and business, and their small size has made it difficult to be certified by green building programs.

Because of this, domestic hardwood lumber is not currently listed as a preferred material by programs such as LEED or Green Globes, although hardwood producers are working to correct the situation.

H.R. 2187 wisely offers educational agencies with some flexibility in choosing a green building certification program. And as these programs adopt new provisions and account for new advances in environmentally friendly building, my amendment clarifies for local education officials that domestic hardwood lumber is not prohibited for use in this construction.

It is my hope that green building certification programs will soon recognize the environmental value of sustainable use of domestic hardwood lumber.

In the meantime, I urge my colleagues to make sure this resource remains available to our school facilities.

Again, I'd like to thank Congressman CHANDLER, Chairman MILLER and of all my colleagues for their hard work on this bill.

I reserve the balance of my time.

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

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

There was no objection.

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

Mr. Chairman, this amendment would allow school districts to use sustainable domestic hardwood for projects approved under this program and would require districts to report when they have used renewable resources.

Schools should be able to use the products that work best for their projects, and domestic hardwood should be no exception.

While I am supporting the amendment, I do not believe an additional reporting requirement is necessary. The underlying bill already has several reporting requirements, and we're debating an amendment for an additional GAO report later today as well.

Each report adds costs to the district and the government, which means that is less money for the actual project.

I support knowing what our Federal dollars are being used for, but I do not think we need a mandate to report for every step in the process.

I yield back the balance of my time.

Mr. ELLSWORTH. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH).

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

Mr. ELLSWORTH. 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 Indiana will be postponed.

□ 1330

AMENDMENT NO. 6 OFFERED BY MR. MCKEON

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-106.

Mr. MCKEON. As the designee of Mr. FLAKE, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCKEON:

In section 311, add at the end the following:

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated under this section may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIR. Pursuant to House Resolution 427, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, this amendment will prevent any funds appropriated under this act from being targeted to congressional earmarks.

This is a commonsense amendment that surely we can all agree on. Members should not see this program as a new pot of money for earmark projects in their district.

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

Mr. KILDEE. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

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

There was no objection.

Mr. KILDEE. We have no objection to this amendment on this bill, Mr. Chairman, and I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, this is a commonsense amendment that ensures our Federal dollars are not authorizing pet projects for our colleagues. I appreciate the gentleman from Arizona's offering it, and I urge its support.

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

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McKEON).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. GIFFORDS

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-106.

Ms. GIFFORDS. 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:

Amendment No. 7 offered by Ms. GIFFORDS:
In the table of contents in section 1(b) of the bill, add at the end the following:

Sec. 314. Education regarding projects.

At the end of the bill, add the following:

SEC. 314. EDUCATION REGARDING PROJECTS.

A local educational agency receiving funds under this Act may encourage schools at which projects are undertaken with such funds to educate students about the project, including, as appropriate, the functioning of the project and its environmental, energy, sustainability, and other benefits.

The CHAIR. Pursuant to House Resolution 427, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. GIFFORDS. Mr. Chair, I yield myself 2½ minutes.

First I would like to thank Chairman MILLER for his work to bring this important legislation back to the floor of this Congress. I appreciate his willingness to work with me and my cosponsor, Representative CLEAVER, on this amendment.

Second, I would like to extend a special thank you to my colleague STEVE ISRAEL from New York. Representative ISRAEL has done a lot of excellent work

on green schools and green education, and he has contributed substantially to the quality of this amendment. I am indebted and grateful to him for his work.

Greening our society represents both a tremendous opportunity and an urgent imperative. For the sake of our economy, our national security, the environment, our public health, we must make the transition to greener technologies without delay.

The bill before us recognizes the importance of making this transition in our Nation's schools. This legislation will facilitate the adoption of green technologies in the buildings where our children spend their days learning. This will reduce the environmental footprint and improve the learning environment of schools across the Nation.

But more than that, green projects represent a significant opportunity to enhance our students' education. The purpose of this amendment is to capitalize on this opportunity. The amendment would encourage schools receiving funds to educate their students about the projects that they have undertaken. This includes both how the projects function as well as the environmental, energy, and sustainability benefits. Adding an educational component to these projects will serve two important goals:

First, it will provide an opportunity to teach students about how to use our natural resources in terms of the way it affects the world around us economically, environmentally, and even geopolitically. Second, it will expose students to new technologies and show them how they can solve problems through creativity and innovation. We live in an increasingly technological world; we must take every opportunity to inspire our kids and equip them with the skills that they're going to need for 21st-century problems.

I know firsthand from the experience of schools in my own district the value of green technologies and school building and curriculum. Schools like Civano Elementary and Empire High are reaping the benefits of exposing their students to solar power and other green technologies. This amendment would encourage others to follow their lead.

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

Mr. McKEON. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I am not opposed to the amendment.

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

There was no objection.

Mr. McKEON. Mr. Chairman, while there's debate on whether funding school construction is a proper role of the Federal Government, it's difficult to argue that any such program should not contain an educational component. I commend the gentlewoman for her

amendment, and I would support that amendment and ask my colleagues to support that amendment.

Mr. Chairman, we are moving along a little quicker than we thought, and that's why Mr. FLAKE wasn't able to get here for his amendment, but he has arrived, and at this time I yield him such time as he may consume.

Mr. FLAKE. I appreciate the gentleman for yielding. I appreciate that he offered the amendment on my behalf and that it was accepted.

The prior amendment is simply to ensure that the programs done here are not earmarked later. Now, we've had that problem in prior bills. People say, well, this isn't set up for earmarks. This is going to be distributed, this money, in a merit-based way. But then a few years later, that account from which the money is drawn is completely earmarked, and those schools, in this case, or other groups who apply for the money can no longer get access to it because it's completely earmarked. So I think that this is an important amendment, and I appreciate the ranking minority member offering it on my behalf and the majority for accepting it.

Mr. McKEON. Mr. Chairman, I urge support of the gentlewoman's amendment, and I yield back the balance of my time.

Ms. GIFFORDS. Mr. Chairman, I yield 2 minutes to my colleague from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Chairman, there is perhaps no need for me to use the 2 minutes since there's no opposition. I would like to commend my colleague from Arizona for the vision of submitting this amendment.

Mr. Chairman, the truth of the matter is that 20 percent, 20 percent, of Americans go to school each day, not unlike the pages who are here in Washington, who go to school every single day. And when you consider that 20 percent of the population is in school, if we take advantage of the fact that they are in school to teach them why and how we are greening America by beginning to green their schools, it cannot help but build an America, our Nation, in a manner that will utilize to the best of the ability of its people the resources we have.

So I commend the gentlewoman from Arizona. I also appreciate the support for this amendment from the other side.

Ms. GIFFORDS. Mr. Chairman, I yield myself the balance of my time.

The 21st Century Green High-Performing Public School Facilities Act addresses critical infrastructure needs in our Nation's schools. Let us ensure that it addresses critical educational needs as well.

I urge my colleagues to adopt this amendment and once again thank Chairman MILLER for his leadership on this legislation.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

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

Ms. GIFFORDS. 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 Arizona will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. REICHERT

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-106.

Mr. REICHERT. 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:

Amendment No. 8 offered by Mr. REICHERT: In section 103(3), before the semicolon at the end, insert the following: "and installing or upgrading technology to ensure that schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters".

The CHAIR. Pursuant to House Resolution 427, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, today we are considering legislation to improve the condition of our elementary and secondary schools. I can think of nothing more fundamental to creating an optimal learning environment for our children than ensuring that our schools are safe, secure places for them to learn and grow. Safety is an integral part to fostering a positive learning environment. Students can learn best and teachers can teach best when they don't feel endangered or threatened. Parents also deserve the peace of mind knowing that their children will be safe when they drop them off at school in the mornings.

The rise in school violence in recent years highlights the need for improvements in school safety measures. While the bill provides funds for bringing schools into compliance with fire and health safety codes, the bill does not currently provide funding to help ensure that schools are prepared for other emergencies like, unfortunately, school shootings.

My amendment is simple. It permits funds to be used for upgrading or installing technology to ensure schools are prepared and able to respond to emergencies like campus violence, acts of terrorism, and natural disasters. It is essential that we equip our schools with the tools needed to protect our teachers, our students, and school administrators during times of crisis and violence.

You know, it's sad that we come to understand the need for these funds to be spent on these heartbreaking tragedies like those at Virginia Tech and Columbine, where so many innocent lives were lost and families were torn apart by the loss of a son or daughter, husband or wife. And as a former cop of

33 years, I can stand here today and tell you that communication during emergencies is so critical. They're needed to bring everybody together to communicate to make sure that everyone involved in a tragedy, in an emergency, is safe.

For example, during the Columbine tragedy, first responders knew that students were trapped in the library with the shooters. However, they didn't know where the library was located; so they didn't know where to go. Twelve students and one teacher lost their lives that day while 21 more students were injured.

Incident planning and mapping systems, "school mapping," as it's more commonly known, and notification and alert systems are essential. Cameras and other Web-based emergency preparedness and crisis management systems exist today to improve school security and prevent future tragedies from occurring by enabling schools to prepare for the unthinkable. My amendment would provide the funds so that schools are able to provide the highest level of protection to their students and their teachers.

In my home State of Washington, a tragedy was successfully avoided at Lewis and Clark High School in Spokane, Washington, using these types of safety measures. In September of 2003, a school shooting at Lewis and Clark High School was successfully resolved without loss of life. A student fired a gun in a classroom, and thanks to the system that they put in place at that school, they were able to respond quickly, know where the rooms were, know where the shooter was, know where the incident was taking place, and evacuate students, 2,000 students, by the way, and resolve this crisis with no injuries and no deaths.

Emergencies come in many forms. We have a responsibility to ensure that our schools are equipped with all the tools necessary to prevent and effectively respond to all emergencies. In addition to building modern schools with minimal environmental impact, we should build schools for the 21st century with technology and modern equipment that create safe environments for teaching and encouraging learning.

Mr. Chairman, this amendment is simple, it's straightforward, and it will ultimately improve school safety and protect our children. It's been endorsed by the National Sheriffs Association, and I urge my colleagues to support this commonsense amendment.

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

Mr. KILDEE. Mr. Chairman, I rise to claim time in opposition to the amendment, although I will not oppose it.

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

There was no objection.

Mr. KILDEE. Mr. REICHERT and I have done this similarly before.

I think a few months ago, I accepted one of your amendments.

I believe this is a good amendment that will contribute to our children's and their teachers' safety, and I urge support of the amendment.

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

Mr. REICHERT. Mr. Chairman, I wish to thank the chairman for his support of this amendment and also the previous amendment I presented last Congress, which goes to reduce class size. So I appreciate the support on both amendments.

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

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

□ 1345

AMENDMENT NO. 9 OFFERED BY MR. MAFFEI

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-106.

Mr. MAFFEI. 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:

Amendment No. 9 offered by Mr. MAFFEI:

In the table of contents in section 1(b) of the bill, add at the end the following:

Sec. 314. Job Corps.
Sec. 315. Junior and community college students.

At the end of the bill, add the following:

SEC. 314. JOB CORPS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for individuals enrolled in the Job Corps program carried out under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.) to gain employment experience on modernization, renovation, repair, and construction projects funded under this Act.

SEC. 315. JUNIOR AND COMMUNITY COLLEGE STUDENTS.

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for individuals enrolled in a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1088(f))) certificate or degree program relating to projects described in section 309(a) to gain employment experience working on such projects funded under this Act.

The CHAIR. Pursuant to House Resolution 427, the gentleman from New York (Mr. MAFFEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MAFFEI. Mr. Chairman, I yield myself as much time as I would consume.

Mr. Chairman, this is a very simple amendment that would require the Secretary of Education, in consultation with the Secretary of Labor, to work with funding recipients to promote opportunities for individuals enrolled in Job Corps to gain employment experience on modernization, repair, and construction projects funded under this act.

The amendment would also require the Secretary of Education, in consultation with the Secretary of Labor, to work with recipients of funds to promote appropriate opportunities for individuals enrolled in a junior or community college. This is, I think, a pretty noncontroversial amendment that just allows additional help in getting people to work, young people to work, and giving them needed skills.

I reserve the balance of my time.

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

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

There was no objection.

Mr. McKEON. I ask that our colleagues support this amendment. While I do not support the underlying bill, I think this amendment makes the bill stronger. I appreciate the gentleman offering it, and I urge all our colleagues to support it.

I yield back the balance of my time.

Mr. MAFFEI. Mr. Chairman, I urge my colleagues to support my amendment.

I rise to offer an amendment that enables job opportunities provided under the 21st Century Green High-Performing Schools Act to be accessible to students enrolled in Job Corps and community colleges.

The Maffei/Schwartz amendment adds to the existing requirements of the bill which requires the Secretary of Education, in consultation with the Secretary of Labor, to work with grant recipients under this Act to promote opportunities for participants in Youthbuild programs to gain experience on projects funded by the bill.

In the state of New York and through a nationwide campus network, Job Corps provides a complete range of career development services to at-risk young women and men, ages 16 to 24, to prepare them for successful careers. Job Corps differs from Youthbuild in that it targets at-risk youth and operates programs at residential facilities.

Job Corps is a critical program that reaches young adults who need opportunities by providing them with academic training and vocational opportunity.

My district is in Upstate New York and includes Syracuse, where each year we place approximately 400 at-risk youth into the Job Corps program. There are real success stories from this program, and by allowing funds from the Green Schools Act to be utilized for the Job Corps program, we will bring opportunity and hope to more vulnerable youth in my area and across the country.

Community Colleges are an important generator of trained, skilled students who can enter the workforce in critical fields. In my district, Onondaga Community College has created the Sustainability Institute. The institute will train students in installation of geothermal and wind systems, which are both expanding fields but severely lack adequately trained workers in Central New York. The Sustainability Institute has been endorsed by the New York US Green Buildings Council because a green workforce is our future, but we are woefully under-trained and -prepared to embrace this new economic engine.

Renovating, modernizing, and constructing green schools offers hands-on learning opportunities for students, ensuring that they are provided opportunities to learn new techniques, new trades, in a new green economy. This amendment will help to further ensure that our nation's young people are prepared for the jobs of the future.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BRIGHT

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-106.

Mr. BRIGHT. 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:

Amendment No. 10 offered by Mr. BRIGHT: In section 102(a), add at the end the following:

(3) DISTRESSED AREAS AND NATURAL DISASTERS.—From the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), the Secretary shall reserve 5 percent of such amount for grants to—

(A) local educational agencies serving geographic areas with significant economic distress, to be used consistent with the purpose described in section 101 and the allowable uses of funds described in section 103; and

(B) local educational agencies serving geographic areas recovering from a natural disaster, to be used consistent with the purpose described in section 201 and the allowable uses of funds described in section 203.

The CHAIR. Pursuant to House Resolution 427, the gentleman from Alabama (Mr. BRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

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

Mr. Chairman, I rise today in support of my amendment to H.R. 2187, the 21st Century Green High-Performing School Facilities Act. This amendment allows the Secretary of Education to reserve 5 percent of section 102 grant funds for local educational agencies serving geographic areas with significant economic distress or recovering from a natural disaster.

In its current form, the bill sets aside money for schools damaged in Hurricanes Katrina and Rita. Indeed, those two storms caused unprecedented damage to the gulf coast, including my home State of Alabama.

However, Congress would be short-sighted if we don't recognize that natural disasters happen across the country. Whether it's wildfires in the West, floods in the Midwest, ice storms in the North, hurricanes in the South and the gulf, or tornados across the country, our schools are damaged when Mother Nature strikes.

The specific need for this amendment came to my attention because of the ongoing struggles that a community in my district has experienced. In March

of 2007, a tornado destroyed Enterprise High School in Enterprise, Alabama, killing eight school-aged children. Two years later, Enterprise High School is still in the process of rebuilding and has exhausted all avenues for the additional needed funds to complete the school.

I cite the example in Enterprise because other school districts across the country will have similar issues as they recover from natural disasters. Over the past 2 months, my district alone has seen flooding, storms, and tornados that have led to at least one Federal disaster declaration, and another is being considered. Small towns across America are simply not equipped to rebuild a mainstay in their community, such as a school, when they are severely damaged or destroyed.

This is a way for the Federal Government to lend a helping hand when local school districts need their help. Moreover, I am a believer in the old adage that if you are going to do something, do it right. Rebuilding and repairing these schools to 21st century and environmentally efficient standards will help create a positive and healthy learning experience for our children. The families and students who utilize these schools will be able to take pride in them for years to come.

This is a simple but important amendment. I urge its passage.

I reserve the balance of my time

Mr. McKEON. Mr. Chairman, I claim the time in opposition to the amendment, although I don't oppose the amendment.

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

There was no objection.

Mr. McKEON. Although I oppose the underlying bill because it spends too much, borrows too much, and takes too much control for the Federal Government, in fairness, if it's going to be done, this is a good amendment.

From brush fires in California to flooding in Iowa to tornados in Kansas, natural disasters like this take place all over the country, and this would be a good thing to help those local districts if, in fact, the money is going to be spent. For that purpose, I support the amendment.

I yield back the balance of my time.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. On behalf of the committee, we want to commend the gentleman for offering this amendment.

Mr. Chairman, there are some misconceptions about Hurricanes Katrina and Rita. One of the misconceptions is that the devastation people felt in New Orleans was pretty much the sole extent of that.

The gentleman, I think, has done the institution a great service by pointing out that the disaster was very widespread. There is still an urgent need in

his area and other areas throughout the region, and as we invest funds in renovation and improvement of schools, I would think that a very high priority should go to the types of communities that are covered by this amendment.

So the committee believes that this amendment is very well considered, it will do a great service, it's an accurate reflection of priorities, and we wish to commend the gentleman for offering the amendment. As a new Member, I think he has come up with a creative solution. We enthusiastically support the amendment.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I rise in support of this important amendment to help school districts hit by the economic downturn or by natural disasters so they can recover faster.

To paraphrase the gentleman from California, Chairman MILLER, school construction is the economic stimulus for struggling communities. It achieves two key objectives: creating jobs and laying out the educational foundation for future prosperity.

As the chairman of the Emergency Communications, Preparedness, and Response Subcommittee of Homeland Security, I have seen firsthand how challenging it is to rebuild a school after a disaster, a problem that is only magnified in those difficult economic times. As communities pick up the pieces after a disaster, many students are left with damaged schools or no place to learn, leading them to fall farther and farther behind.

We cannot erase the pain and suffering, but one of the things we can do with this particular amendment that we are all cosponsoring is that we provide American students a decent place to learn.

Mr. BRIGHT. Mr. Chairman, I am happy to yield 30 seconds of my time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the chairman for yielding. This is a great piece of legislation that you have allowed me to cosponsor with you.

This is going to help the schools in my district. Many of them have suffered enormous damage.

This Member has done us a service. I salute him for what he has done. I also thank the ranking member, Mr. McKEON, for agreeing to the amendment.

The CHAIR. The gentleman's time has expired.

Mr. BRIGHT. Mr. Chairman, I ask unanimous consent that the time be extended by 1 minute on each side.

The CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BRIGHT. Mr. Chairman, I yield my remaining time to the gentlelady from Florida (Ms. KOSMAS).

Ms. KOSMAS. Thank you, Congressman BRIGHT.

I rise today in support of the Bright-Kosmas-Cuellar-Green amendment. I am proud to be a cosponsor of this important amendment that will set aside funds for the schools that need it most.

The bill we are considering will provide critical funds to modernize our schools and to turn them into green buildings, which will help our environment, reduce energy consumption and costs for school districts, and create jobs in the process. However, we must take into account that many school districts across the country are suffering greatly from the economic downturn or have been affected by recent natural disasters.

Central Florida, where I reside, has been hit very hard by two devastating forces, both the recession and natural disasters. As a result, our education system is experiencing a budget crisis that has only been temporarily relieved through the American Recovery and Reinvestment Act.

Many of our schools still do not have the money in their budgets to complete basic repairs, let alone repairs needed following hurricanes in recent years.

This funding will ensure that schools will not only be able to make those repairs, but also to make them green, bring them up to safety codes, and create overall healthier learning environments.

This is not only a problem in central Florida. Numerous regions throughout the country are experiencing similar problems.

Mr. McKEON. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BRIGHT).

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

Mr. ANDREWS. 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 Alabama will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. GRIFFITH

The CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-106.

Mr. GRIFFITH. 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:

Amendment No. 11 offered by Mr. GRIFFITH:

In section 102(b)(2)(C)(v) of the bill, strike "air quality," and insert "air quality (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses)."

In section 103(12), strike "through (11)" and insert "through (12)".

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) measures designed to reduce or eliminate human exposure to airborne particles such as dust, sand, and pollens;

In section 310(a)(5)(D) of the bill, after "quality," insert "student and staff health (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses)."

The CHAIR. Pursuant to House Resolution 427, the gentleman from Alabama (Mr. GRIFFITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. GRIFFITH. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, this amendment would instruct State educational agencies on how improvements in indoor environmental quality can help reduce asthma and other respiratory illnesses in the classroom and in our children.

Asthma has reached an epidemic proportion in our country, affecting 20 million of all ages, but children in particular.

I have two good friends who lost children due to asthma-related attacks at school. We must do everything we can to help improve air quality for our students so no one else ever has to suffer this tragic loss.

□ 1400

Almost 1 in 13 children the age of 18 has asthma, and the percentage of children with this illness is rising more rapidly with our preschoolers than in any other age group.

Asthma is the leading cause of missed school days due to chronic illnesses, causing our kids to miss more than 14 million days of school. When our children are absent, they are no longer able to keep up; falling behind. And American can no longer afford this. Our children also get left behind when their teachers and school staff are sick.

We cannot sit on the sidelines and handicap our schools by failing to address the detrimental effect of poor indoor air quality on our students' concentration, attendance, and performance in school.

This is an easily fixable situation. The adoption of this amendment would help improve indoor air quality and better the lives of 56 million Americans who spend their days in elementary and secondary schools.

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

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

The Acting CHAIR (Mr. PASTOR of Arizona). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. I support this amendment, I encourage our colleagues to support the amendment, and I reserve the balance of my time.

Mr. GRIFFITH. Mr. Chairman, I thank my colleague. I am happy to yield 2 minutes to the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I rise in support of the Griffith-Teague amendment to H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act. I'd like to thank Chairman MILLER and Chairwoman SLAUGHTER for their help in this bill and on this amendment.

This amendment is about protecting the health of our children. In my district, schools are oftentimes surrounded by sand and dust. When the wind comes, which is almost every day in New Mexico, this sand and dust is picked up and becomes a part of the air our children breathe. These particles can cause asthma attacks and can give them other health problems.

Under our amendment, schools would be able to work on facilities to mitigate the amount of dust and particles in the air.

Our schools must be places where the health of our children is protected. Our kids should not be subjected to dust and other particles constantly being blown in their faces. The air they breathe should be clean and free of contaminants.

I think it is important that this bill provides schools with the resources they need to help lessen this problem and protect the health of children. That is exactly what this amendment does. I urge my colleagues to support this amendment to H.R. 2187, and the underlying bill.

Mr. McKEON. I continue to urge our colleagues to support this amendment. I appreciate the gentleman offering it, and I yield back the balance of my time.

Mr. GRIFFITH. Mr. Chairman, I thank my colleagues from California, and would yield 1 minute of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the author of the amendment for yielding. Mr. Chairman, on behalf of the committee, we would urge support of the amendment. Not only does this amendment do a lot of good for children and teachers, it does a lot of good for the health care system.

Seventy-five percent of health care expenditures in this country, as I'm sure the gentleman knows, are attributable to chronic illness. Four chronic illnesses are accountable for 80 percent of that 75 percent. Among them is asthma.

So by this very well-crafted amendment, not only is the gentleman improving conditions within schools, but he is making a good first start toward dealing with the problem of the health care cost explosion here in our country. We commend a "yes" vote.

Mr. GRIFFITH. I thank my colleague from New Jersey. Mr. Chairman, I ask that my colleagues support this amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. GRIFFITH).

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

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

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

AMENDMENT NO. 12 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-106.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HEINRICH:

In section 103(12), strike "through (11)" and insert "through (12)".

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) upgrading or installing recreational structures, including physical education facilities for students, made from post consumer recovered materials in accordance with the comprehensive procurement guidelines prepared by the Administrator of the Environmental Protection Agency under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e));

The Acting CHAIR. Pursuant to House Resolution 427, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I yield myself such time as I may consume. Thank you to Chairman MILLER and Representative CHANDLER for championing this legislation.

Mr. Chair, this amendment that I offer today provides a downpayment on our children's health and education. The bill itself is a forward-thinking investment in our children that will create clean energy jobs and turn our schools into high-performing, energy-efficient learning environments.

My amendment would strengthen this long-term investment by including the installation of environmentally friendly physical education facilities, recreational structures, and equipment for our children. Modernized schools using the most state-of-the-art, environmentally friendly building methods and materials will put our children in the best position to compete in a 21st century economy.

Research shows that recreational structures are critical to our children's educational environment. Many studies show that a child's ability to spend time in physical activity contributes significantly to their development, creativity and, most importantly, their ability to focus on academics when back in the classroom.

By exerting energy outside the classroom, students have better attention spans inside the classroom. Physical activity is an increasingly important

issue in my home State of New Mexico, where 22 percent of New Mexico children between the ages of 2 and 5 and 23 percent of high school students are overweight.

Parent and teacher organizations across the country recognize the link between recreational opportunities, education, and their students' health. But often, due to budget constraints, parents find themselves having to fundraise for this kind of permanent physical education and recreation equipment and facilities on their own.

How many of my colleagues here today have had to bake rice crispy treats for a bake sale or even pass the hat at a PTA meeting to raise the money for fitness activities for their own kids?

Why do we do this? Because we want our kids to play soccer and basketball; we want them to play on swings and run on the track; and we want our kids to learn how to play fair and how to win and lose with grace and dignity. We do this because we want our kids to be healthy and happy and successful. With my amendment today, this will be easier to achieve for our children.

We also know the impact that recreational opportunities have on reducing classroom discipline problems, increasing teacher job satisfaction, and increasing students' engagement in learning.

Permanent physical educational and recreational structures not only add to children's education, but also contribute greatly to their surrounding communities. For many neighborhoods, school playgrounds are the only nearby recreational areas where children are able to engage in physical activity.

My amendment would allow this grant money to fund the installation of permanent recreational structures for schools and physical educational programs that are made from post-consumer waste materials. This funding would be utilized to upgrade and install recreational equipment, such as surfaces used for track, basketball, tennis, soccer, and general physical educational activities.

Many American companies have achieved the creation of permanent recreational equipment using recycled plastics and rubber rather than wood and metal. In New Mexico, companies install structures today that transform tens of thousands of recycled milk containers into highly durable plastic lumber. This is just one example of the kind of clean energy jobs that would result from this amendment.

Mr. Chair, I strongly believe that this amendment is good for our schools and good for our economy and, most importantly, good for our children. I ask my colleagues to vote "yes" on this amendment.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

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

Mr. Chairman, again, Federal dollars are not free. They don't appear out of nowhere. They come from either taxing or borrowing. While, in all due respect, I understand what the gentleman is saying, but it probably is cheaper for his constituents to pass the hat or to have bake sales to raise the money than to pay for it out of their Federal tax dollars that get siphoned through Washington to get back to New Mexico.

Mr. Chair, we do not need to spend Federal dollars on upgrading swimming pools when this Nation is drowning in debt. Our deficit is soaring higher every day. Proposals like this send it even higher.

Recreational structures and physical education facilities are worthy tools that can promote good health among our children, but are they worthy of taxpayer dollars intended to improve academic achievement?

I urge a "no" vote on this amendment.

I reserve the balance of my time.

Mr. HEINRICH. I would yield 1 minute to the gentleman from New Jersey.

Mr. ANDREWS. I thank the author of the amendment for yielding. On behalf of the committee, I rise in support of the amendment.

Mr. Chairman, my friend from California suggested that these funds should go to academic improvement. I think he implied that these do not. The research is rather ample. The children who are fit and healthy, do better in the classroom than those who do not. There's a connection between academic performance and fitness.

The second point that I would make mirrors the one we made with reference to the previous amendment. Of the four chronic illnesses that drive the explosion of health care costs in this country, in addition to asthma, another is diabetes and the obesity that often comes with it, childhood obesity in particular.

So in addition to the academic dividends that I think the gentleman's amendment produces, it also produces the dividend of yet another down payment on control of the health care cost explosion.

We believe that the amendment is entirely suitable. It will be used in an innovative way that will provide national models for school districts around the country. We'd urge a "yes" vote in favor of the amendment.

Mr. McKEON. I yield myself the balance of my time. I ask my colleagues to vote "no" on this amendment. Federal interference in school facility maintenance is troubling enough, but at least there is some semblance of an academic focus in the underlying bill. But I cannot justify expanding that spending to recreation and physical education. I urge a "no" vote.

I yield back the balance of my time.

Mr. HEINRICH. I would close by saying that in New Mexico and across this

country we have an enormous problem with obesity. I urge an "aye" vote.

The Acting CHAIR. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MS. SCHWARTZ

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-106.

Ms. SCHWARTZ. As the designee of Mr. LUJÁN of New Mexico, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. SCHWARTZ:

In section 103(12), strike "through (11)" and insert "through (12)".

In section 103, redesignate paragraphs (11) and (12) as paragraphs (12) and (13), respectively.

In section 103, insert after paragraph (10) the following:

(11) creating greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings;

The Acting CHAIR. Pursuant to House Resolution 427, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCHWARTZ. I yield myself such time as I may consume. Good schools take learning beyond classroom walls, and good planners go beyond buildings to look for energy savings opportunities. This is the point of my amendment with Congressman LUJÁN. I'm very pleased to be able to be offering it.

The amendment is simple. It adds, "greenhouses, gardens (including trees), and other facilities for environmental, scientific, and other educational purposes or to produce energy cost savings" to the list of allowable uses of these funds.

To improve our school buildings, this amendment helps fund additional savings from the natural environment. If we're going to build "green" schools, then there's nothing better than planting trees, gardens, and greenhouses on school property.

These uses would enable our schools to save energy and it would improve school appearance and it would create more learning opportunities for our students.

According to the U.S. Department of Energy, carefully positioned trees save up to 25 percent of a household's energy consumption for heating and cooling. It can certainly do the same—or at least much of it—for our school buildings as well. We also know that planting and gardening does create contact with nature and creates a good supportive learning environment for our children.

This is a good amendment. It enhances the bill. It does not add extra funding.

I would like to yield 1 minute to my colleague who wrote this amendment with me, and also to speak in support of this bill, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I rise today to offer an amendment to the 21st Century Green High-Performing Public School Facilities Act. The legislation will renew the foundation of our Nation's public school system by rebuilding our critical educational infrastructure. By providing assistance to our school districts for the construction of modern school facilities, we're creating a healthier, safer, and more energy-efficient learning environment for the next generation of Americans.

I strongly commend Chairman MILLER for his work in bringing this important measure to the floor. This amendment, which I have developed in cooperation with Congresswoman SCHWARTZ, would allow these funds to be used for the construction of greenhouses and gardens as well as planting trees and greenery. Our schools will benefit from an improved environment, additional energy efficiency, and valuable educational experiences for children.

By expanding the classroom for our children and putting them into a greenhouse and garden, we will impart upon them the value of water, biodiversity, and respect for the environment. We will be creating better futures for our children and all of us.

Mr. Chairman, this commonsense amendment would allow for energy efficiency and environmental improvements on our Nation's school and campuses. This amendment will add no additional cost to the bill, but will greatly benefit the education of our Nation's students.

I strongly urge my colleagues to support this amendment.

Mr. McKEON. Mr. Chair, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Chairman, let me remind the Chamber of a few numbers. A million seconds is 12 days. A billion seconds is 36 years. And a trillion seconds is over 36,000 years.

While we have been talking on this bill, our national debt has gone up \$300 million.

A few other numbers. Forty billion dollars; \$1.84 trillion; \$11 trillion. That's the cost of this bill—the \$40 billion; this year's deficit currently—\$1.84 trillion; and our national debt—\$11 trillion.

Every time we debate a new use of funds, we should think about these numbers.

Now I'm sure that many schools would enjoy a greenhouse or a nice garden or some new landscaping on their grounds. But when it comes to education, the job of the Federal Government is to help educate.

If there's an educational purpose for a greenhouse on school grounds, this bill already allows one to be built. But if these greenhouses and gardens are not academically needed, I do not believe the Federal Government ought to be building them—especially not with deficit spending.

I'm not asking my grandchildren to finance a greenhouse with no academic purpose, and I hope none of you will either.

I reserve the balance of my time.

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Ms. SCHWARTZ. Just to speak to this amendment, let's be really clear here. The purpose of our amendment, of course, is to actually enhance this bill by creating more opportunities for energy savings. Every time we save dollars for a school, we save dollars for our school district, we save dollars for our taxpayers.

This bill is smart. It is to make energy efficiency investments that will save taxpayers dollars. In addition, it will help to educate our young people in the positive aspects of greening. It is extremely important to understand the purpose of planting a tree is not only because it looks good, but it in fact can save on energy costs. Planting vegetables is done not only because it is a fun thing to do, but it actually can put food on the table that is healthy and nutritious.

All of this is part of what we are trying to do in this bill, create energy savings for our children, for our school districts and for our taxpayers. I encourage support of this amendment and the underlying bill.

I yield 15 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. The committee supports this bill. The bill requires the money be spent for academic purposes. I don't know really how you teach biology effectively without giving children the chance to interact with plant life. I think it just makes an awful lot of sense to have that kind of lab.

We support the bill and urge a "yes" vote.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

If there is a serious academic purpose for gardens and greenhouses, they can already be built under the far-reaching legislation in the underlying bill. Let's not dilute the Federal investment in education further by getting into the landscaping business. I urge a "no" vote on this amendment.

I yield back the balance of my time.

Ms. SCHWARTZ. Mr. Speaker, I yield 30 seconds to my colleague, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I would encourage and hope that my colleague would support an opportunity to be able to teach our kids about the importance of food, of growing it, and even the business aspect of this, Mr. Chairman.

It is not just about growing food, fruits and vegetables. This is about

teaching them how to be responsible and how to make sure we can get these into the schools to keep our kids healthy and nourished, as well as business opportunities, Mr. Chairman. This is a learning opportunity that we could take advantage of across the country. I strongly urge my colleagues to vote "yes" on this amendment.

Ms. SCHWARTZ. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Ms. SCHWARTZ).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-106.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SCHRADER:

In the table of contents of the bill, add at the end the following:

Sec. 314. GAO study.

At the end of the bill, add the following:

SEC. 314. GAO STUDY.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to determine, and report to the Congress on, the extent and types of projects in keeping with the uses of funds authorized under this Act being undertaken in schools around the United States, the geographic distribution of green, high-performing schools in the United States, including by urban, suburban, and rural areas, and the relative access to such schools of the demographic groups described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 USC 6311(b)(2)(C)(v)).

The Acting CHAIR. Pursuant to House Resolution 427, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

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

Mr. Chairman, I would like to thank Chairman MILLER, Subcommittee Chairman KILDEE and Representative CHANDLER for their hard work on this important legislation. The 21st Century Green High-Performing Public School Facilities Act provides the country a wonderful opportunity to not only modernize our schools by creating a healthier, more environmentally friendly learning environment for our children, but it also creates good jobs at a time when they are needed the most by this country.

While there is no disputing the merits the underlying bill and the proven benefits of green schools on students and teachers, I believe it is crucial that Congress has a clear picture on how and where these funds are going to be

spent, the long-term economic savings and the types of projects funded to be sure we are keeping with the intent of the legislation. That is why I am offering a straightforward good government amendment that requires the GAO to report to Congress on how these funds are being utilized.

Under my amendment, the GAO will be required to report to Congress no later than 1 year after the enactment on the extent and types of projects being undertaken in the schools around the country, the geographic distribution around the country and the urban, suburban and rural mix. As we continue to improve and modernize our schools, this information is going to be critical for the future decisionmaking of this Congress.

I urge my colleagues to support the amendment and the underlying legislation.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I claim the time in opposition to the amendment, although I will not oppose the amendment.

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

There was no objection.

Mr. McKEON. This amendment will require the GAO to keep a list of projects that were funded through the bill and look at who has access to these projects. The underlying bill already contains lengthy reporting requirements that include much of this information, making this amendment largely unnecessary.

I do agree it will create jobs. There will be people hired that will have to fill out these reports and there will be people hired that will have to read these reports. However, if the gentleman is interested in getting additional information on the sort of projects funded under this act, we have no objection to having the GAO provide it, other than the fact it is going to cause government to grow even more.

I urge support of the amendment.

I yield back the balance of my time.

Mr. SCHRADER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the author for yielding and would urge a "yes" vote on this amendment.

With all due respect, the amendment does not require simply a keeping of lists of where the money is spent. It requires an analysis of the effectiveness of the expenditure of the money, it requires an analysis of whether all children are getting proportionately equal access to the funds that are expended, and it gives the Congress the basis, the factual basis, to make further decisions about whether to expand, eliminate or modify such programs in the future.

The minority protest is concerned about the ever-growing size of government. The minority knows a lot about growing the size of government. That is what they did for 8 years when they

doubled the national debt. That is what they did for 8 years when they inherited the largest surplus in American history and turned it into the largest deficit in American history.

One of the ways to turn about deficit financing is economic growth. We believe this bill will do that.

We urge a “yes” vote on the amendment.

Mr. SCHRADER. Mr. Chairman, I just would reiterate that this is a good government bill actually looking at saving the taxpayers money. I am surprised my colleague from California is not interested in the energy savings and the benefit of this amendment to make sure that there is actually accountability in the legislation.

Mr. McKEON. Mr. Chairman, would the gentleman yield?

Mr. SCHRADER. I yield to the gentleman.

Mr. McKEON. I am interested in saving energy. I just think that this bill costs too much, borrows too much, and controls too much.

I thank the gentleman for yielding.

Mr. SCHRADER. I thank the gentleman.

I will get back to the bill itself. I just would appreciate support of my colleagues to show fiscal accountability by adopting this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on three amendments printed in House Report 111-106 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Ms. TITUS of Nevada.

Amendment No. 4 by Mr. ROE of Tennessee.

Amendment No. 5 by Mr. ELLSWORTH of Indiana.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MS. TITUS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. TITUS) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 160, not voting 9, as follows:

[Roll No. 249]

AYES—270

Abercrombie	Gonzalez	Murphy, Patrick
Ackerman	Gordon (TN)	Murtha
Altmire	Grayson	Nadler (NY)
Andrews	Green, Al	Napolitano
Arcuri	Green, Gene	Neal (MA)
Baca	Griffith	Norton
Baird	Grijalva	Nye
Baldwin	Gutierrez	Oberstar
Barrow	Hall (NY)	Obey
Bean	Halvorson	Oliver
Becerra	Hare	Ortiz
Berkley	Harman	Pallone
Berman	Hastings (FL)	Pascarell
Berry	Heinrich	Pastor (AZ)
Bilbray	Herseth Sandlin	Payne
Bishop (GA)	Higgins	Perlmutter
Bishop (NY)	Hill	Perriello
Blumenauer	Hinchev	Peters
Boccieri	Hinojosa	Peterson
Bordallo	Hirono	Pierluisi
Boren	Hodes	Pingree (ME)
Boswell	Holden	Platts
Boucher	Holt	Polis (CO)
Boyd	Honda	Pomeroy
Brady (PA)	Hoyer	Price (NC)
Braley (IA)	Inslee	Quigley
Bright	Israel	Rahall
Brown, Corrine	Jackson (IL)	Rangel
Brown-Waite,	Jackson-Lee	Reichert
Ginny	(TX)	Reyes
Butterfield	Johnson (IL)	Richardson
Cao	Johnson, E. B.	Rodriguez
Capps	Kagen	Ros-Lehtinen
Capuano	Kanjorski	Ross
Cardoza	Kennedy	Rothman (NJ)
Carnahan	Kildee	Roybal-Allard
Carney	Kilpatrick (MI)	Ruppersberger
Carson (IN)	Kilroy	Rush
Castle	Kind	Ryan (OH)
Castor (FL)	Kirk	Sablan
Chandler	Kirkpatrick (AZ)	Salazar
Childers	Kissell	Sanchez, Loretta
Christensen	Klein (FL)	Sarbantes
Clarke	Kosmas	Schakowsky
Clay	Kratovil	Schauer
Cleaver	Kucinich	Schiff
Clyburn	Lance	Schrader
Cohen	Langevin	Schwartz
Connolly (VA)	Larsen (WA)	Scott (GA)
Conyers	Larson (CT)	Scott (VA)
Cooper	Lee (CA)	Serrano
Costa	Levin	Sestak
Costello	Lewis (GA)	Shea-Porter
Courtney	Lipinski	Sherman
Crowley	LoBiondo	Shuler
Cuellar	Loebbeck	Sires
Cummings	Lofgren, Zoe	Skelton
Dahlkemper	Lowe	Slaughter
Davis (AL)	Lujan	Smith (NJ)
Davis (CA)	Lynch	Snyder
Davis (IL)	Maffei	Space
Davis (TN)	Maloney	Speier
DeFazio	Markey (CO)	Spratt
DeGette	Markey (MA)	Stupak
DeLauro	Marshall	Sutton
Dent	Massa	Tauscher
Dicks	Matheson	Taylor
Dingell	Matsui	Teague
Doggett	McCarthy (NY)	Thompson (CA)
Donnelly (IN)	McCauley	Thompson (MS)
Doyle	McCollum	Tierney
Driehaus	McDermott	Titus
Edwards (MD)	McGovern	Tonko
Edwards (TX)	McHugh	Tsongas
Ehlers	McIntyre	Upton
Ellison	McMahon	Van Hollen
Ellsworth	McNerney	Velázquez
Engel	Meek (FL)	Visclosky
Eshoo	Meeks (NY)	Walz
Etheridge	Melancon	Wasserman
Faleomavaega	Michaud	Schultz
Farr	Miller (NC)	Waters
Fattah	Miller, George	Watson
Filner	Minnick	Watt
Fortenberry	Mitchell	Waxman
Foster	Mollohan	Weiner
Frank (MA)	Moore (KS)	Welch
Fudge	Moore (WI)	Wexler
Gerlach	Moran (VA)	Wilson (OH)
Giffords	Murphy (CT)	Wu
	Murphy (NY)	Yarmuth

NOES—160

Aderholt	Alexander	Bachus
Adler (NJ)	Austria	Barrett (SC)
Akin	Bachmann	Bartlett

Barton (TX)	Graves	Olson
Biggert	Guthrie	Paul
Billirakis	Hall (TX)	Paulsen
Bishop (UT)	Harper	Pence
Blackburn	Hastings (WA)	Petri
Blunt	Heller	Pitts
Boehner	Hensarling	Poe (TX)
Bonner	Herger	Posey
Bono Mack	Hoekstra	Price (GA)
Boozman	Hunter	Putnam
Boustany	Inglis	Radanovich
Brady (TX)	Issa	Rehberg
Broun (GA)	Jenkins	Roe (TN)
Brown (SC)	Johnson, Sam	Rogers (AL)
Buchanan	Jones	Rogers (KY)
Burgess	Jordan (OH)	Rogers (MI)
Burton (IN)	King (IA)	Rohrabacher
Buyer	King (NY)	Rooney
Calvert	Kingston	Roskam
Camp	Kline (MN)	Royce
Campbell	Lamborn	Ryan (WI)
Cantor	Latham	Scalise
Capito	LaTourette	Schmidt
Carter	Latta	Schock
Cassidy	Lee (NY)	Sensenbrenner
Chaffetz	Lewis (CA)	Sessions
Coble	Linder	Shadegg
Coffman (CO)	Lucas	Shimkus
Cole	Luetkemeyer	Shuster
Conaway	Lummis	Simpson
Crenshaw	Lungren, Daniel	Smith (NE)
Culberson	E.	Smith (TX)
Davis (KY)	Mack	Smith (WA)
Deal (GA)	Manzullo	Souder
Diaz-Balart, L.	Marchant	Stearns
Diaz-Balart, M.	McCarthy (CA)	Sullivan
Dreier	McClintock	Terry
Duncan	McCotter	Thompson (PA)
Emerson	McHenry	Thornberry
Fallin	McKeon	Tiahrt
Flake	McMorris	Tiberi
Fleming	Rodgers	Turner
Forbes	Mica	Walden
Fox	Miller (FL)	Wamp
Franks (AZ)	Miller (MI)	Westmoreland
Frelinghuysen	Miller, Gary	Whitfield
Gallegly	Moran (KS)	Wilson (SC)
Gingrey (GA)	Murphy, Tim	Wittman
Gohmert	Myrick	Wolf
Goodlatte	Neugebauer	Young (AK)
Granger	Nunes	Young (FL)

NOT VOTING—9

Garrett (NJ)	Sánchez, Linda	Towns
Himes	T.	Woolsey
Johnson (GA)	Stark	
Kaptur	Tanner	

□ 1454

Messrs. SESSIONS, MANZULLO, SCHOCK and ADLER of New Jersey changed their vote from “aye” to “no.”

Messrs. SPRATT, BILBRAY and RUSH changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. ROE OF TENNESSEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. ROE) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 432, noes 2, not voting 5, as follows:

[Roll No. 250]

AYES—432

Abercrombie Cummings Jenkins
Ackerman Dahlkemper Johnson (GA)
Aderholt Davis (AL) Johnson (IL)
Adler (NJ) Davis (CA) Johnson, E. B.
Akin Davis (IL) Johnson, Sam
Alexander Davis (KY) Jones
Altmire Davis (TN) Jordan (OH)
Andrews Deal (GA) Kagen
Arcuri DeFazio Kanjorski
Austria DeGette Kaptur
Baca Delahunt Kennedy
Bachmann DeLauro Kildee
Bachus Dent Kilpatrick (MI)
Baird Diaz-Balart, L. Kilroy
Baldwin Diaz-Balart, M. Kind
Barrett (SC) Dicks King (IA)
Barrow Dingell King (NY)
Bartlett Doggett Kingston
Barton (TX) Donnelly (IN) Kirk
Bean Doyle Kirkpatrick (AZ)
Becerra Dreier Kissell
Berkley Driehaus Klein (FL)
Berman Duncan Kline (MN)
Berry Edwards (MD) Kosmas
Biggart Edwards (TX) Kratovil
Bilbray Ehlers Kucinich
Bilirakis Ellison Lamborn
Bishop (GA) Ellsworth Lance
Bishop (NY) Emerson Langevin
Bishop (UT) Engel Larsen (WA)
Blackburn Eshoo Larson (CT)
Blumenauer Etheridge Latham
Blunt Faleomavaega LaTourette
Bocieri Fallin Latta
Boehner Farr Lee (CA)
Bonner Fattah Lee (NY)
Bono Mack Filner Levin
Boozman Flake Lewis (CA)
Bordallo Fleming Lewis (GA)
Boren Forbes Linder
Boswell Fortenberry Lipinski
Boucher Foster LoBiondo
Boustany Foxx Loeb sack
Boyd Frank (MA) Lofgren, Zoe
Brady (PA) Franks (AZ) Lowey
Brady (TX) Frelinghuysen Lucas
Braley (IA) Fudge Luetkemeyer
Bright Gallegly Lujan
Broun (GA) Garrett (NJ) Lummis
Brown (SC) Gerlach Lungren, Daniel
Brown, Corrine Giffords E.
Brown-Waite, Ginny Lynch
Buchanan Gohmert Mack
Burgess Gonzalez Maffei
Burton (IN) Goodlatte Maloney
Butterfield Gordon (TN) Manzullo
Buyer Granger Marchant
Calvert Graves Markey (CO)
Camp Grayson Markey (MA)
Campbell Green, Al Marshall
Cantor Green, Gene Massa
Cao Griffith Matheson
Capito Grijalva Matsui
Capps Guthrie McCarthy (CA)
Capuano Hall (NY) McCarthy (NY)
Cardoza Hall (TX) McCaul
Carnahan Halvorson McClintock
Carney Hare McCollum
Carson (IN) Harman McCotter
Carter Harper McDermott
Cassidy Hastings (FL) McGovern
Castle Hastings (WA) McHenry
Castor (FL) Heinrich McHugh
Chaffetz Heller McIntyre
Chandler Hensarling McKeon
Childers Herger McMahon
Christensen Hersheth Sandlin McMorris
Clarke Higgins Rodgers
Clay Hill McNeerney
Cleaver Hinchey Meek (FL)
Clyburn Hinojosa Meeks (NY)
Coble Hirono Melancon
Coffman (CO) Hodes Mica
Cohen Hoekstra Michaud
Cole Holden Miller (FL)
Conaway Holt Miller (MI)
Conyers Hoyer Miller (NC)
Cooper Hunter Miller, Gary
Costa Inglis Miller, George
Costello Inslee Minnick
Courtney Israel Mitchell
Crenshaw Issa Mollohan
Crowley Jackson (IL) Moore (KS)
Cuellar Jackson-Lee Moore (WI)
Culberson (TX) Moran (KS)
Moran (VA)

Murphy (CT) Roe (TN)
Murphy (NY) Rogers (AL)
Murphy, Patrick Rogers (KY)
Murphy, Tim Rogers (MI)
Murtha Rohrabacher
Myrick Rooney
Nadler (NY) Ros-Lehtinen
Napolitano Roskam
Neal (MA) Ross
Neugebauer Rothman (NJ)
Norton Roybal-Allard
Nunes Royce
Nye Ruppertsberger
Oberstar Rush
Obey Ryan (OH)
Olson Ryan (WI)
Oliver Sablan
Ortiz Salazar
Pallone Sanchez, Loretta
Pascrell Sarbanes
Pastor (AZ) Scalise
Paul Schakowsky
Paulsen Schauer
Payne Schuff
Pence Schmidt
Perlmutter Schock
Perriello Schrader
Peters Schwartz
Peterson Scott (GA)
Petri Scott (VA)
Pierluisi Sensenbrenner
Pingree (ME) Serrano
Pitts Sessions
Platts Sestak
Poe (TX) Shadegg
Polis (CO) Shea-Porter
Pomeroy Sherman
Posey Shimkus
Price (GA) Shuler
Price (NC) Shuster
Putnam Simpson
Quigley Sires
Radanovich Skelton
Rahall Slaughter
Rangel Smith (NE)
Rehberg Smith (NJ)
Reichert Smith (TX)
Reyes Smith (WA)
Richardson Snyder
Rodriguez Souder

Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Townes
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

Walden
NOT VOTING—5

Connolly (VA) Sánchez, Linda
Himes T. Stark
Tanner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining in the vote.

□ 1504

So the amendment was agreed to.
The result of the vote was announced
as above recorded.

(By unanimous consent, Mr. LINCOLN DIAZ-BALART of Florida was allowed to speak out of order.)

HONORABLE BILL YOUNG CASTS 20,000TH
RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I have the honor of co-chairing the Florida delegation along with my friend, Congressman ALCEE HASTINGS.

I rise to inform my colleagues that our good friend, the gentleman from Florida, Congressman BILL YOUNG, the longest-serving Republican in the House and the dean of the Florida Delegation, has just cast his recorded vote number 20,000 in the House of Representatives.

It is, indeed, a small and select group, Mr. Speaker, of distinguished Members in the history of the House of Representatives who have reached that important milestone.

BILL YOUNG was first elected in 1970 to the Congress. He cast his first re-

corded vote in January 1971. His vote total would be even higher today had the House not waited until 1973 to institute electronic voting.

He cast his vote number 10,000 on November 18, 1991, to give approval to the conference report on the fiscal year 1992 defense authorization bill, which I believe is fitting, considering that he has devoted his career on the Appropriations Committee to the well-being of the men and women who serve our Nation in the Armed Forces.

It has been my deep honor to serve with him. And I ask all of you, as I now yield to my dear friend, colleague and cochairman, Mr. HASTINGS, for all of us to congratulate BILL on this extraordinary achievement.

Mr. HASTINGS of Florida. I thank my colleague for yielding.

As the cochair of the Florida delegation, I echo the sentiments that he has expressed and say to BILL YOUNG, who I refer to all the time as Dean because he is the dean of the Florida delegation, to say to him my congratulations, and I am sure from all of us, recognizing the extraordinariness of having had that opportunity here in this body to cast that many votes.

It reminds me, BILL, of Mr. Natcher who instructed me when I first came here, as he may have others. Mr. Natcher, as you know, had the longest running streak of consecutive votes.

And I talked with DALE KILDEE, who has been here with you, BILL. He has 26,000 at this time. But Mr. Natcher said to me, "Miss a vote and get that albatross off from around your neck." I'm glad you have kept that albatross around your neck, and it's a proud day for all of us that you have cast your 20,000 votes.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the distinguished Republican leader, the gentleman from Ohio.

Mr. BOEHNER. I think all of us can realize that 20,000 votes over the course of your career are quite a number of votes. But I think all of us can also realize that when you cast that many votes, there are going to be a lot of very important votes that will be cast over the period of 20,000.

But beyond all of that, I think the real measure of what we have today is the measure of BILL YOUNG's career in the House. Thirty-eight years of service to this institution, 38 years of friendship with Members on both sides of the aisle, and 38 years of distinguished service to us all.

BILL, congratulations.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the distinguished majority leader, the gentleman from Maryland.

Mr. HOYER. I thank the gentleman from Florida for yielding.

Twenty thousand votes is a quantifiable criteria. What, for those of you who are new, is not as quantifiable is the real measure of the man.

Twenty thousand votes, a conscientious Member. But the real measure of

BILL YOUNG, which Americans would have observed had they been with him during each of those votes, is the decency of BILL YOUNG, is the collegiality of BILL YOUNG, of his inclination to reach across the aisle, reach across ideology, reach across and say, How can we do this together?

BILL YOUNG is an example for us all of how to treat one another and how to engage in this process, though we may have differences, in a way that built a better institution, not tore it down.

That is why those 20,000 votes are deserving of so much respect, because the character with which they were cast and the character that characterize and continues to characterize the gentleman from Florida's service.

BILL YOUNG, we are in your debt. You have served your country well, and we look forward to years of service with you, my friend. Thank you.

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentlewoman from California, the distinguished Speaker of the House.

Speaker PELOSI. I thank the gentleman for yielding. I thank him for giving us this opportunity, he and Mr. HASTINGS, to express our appreciation to a great leader for our country.

Here he is, modestly sitting in the furthest corner of the House—well, it is his regular spot—but a person we all seek out, wherever he sits or wherever he is standing for his advice and his guidance.

Speaking from the standpoint of a member of the Appropriations Committee, when Mr. YOUNG was our distinguished chairman, I know everyone who served at that time on the committee agrees that he was a great chairman and that he listened to his members very carefully, that he moderated the debate, that the dignity he brought to that chairmanship was something that made us all proud on both sides of the aisle. And whatever the outcome, we knew that he would give everyone a chance to make his or her case.

I wish to associate myself with all the other remarks that were made about Mr. YOUNG. Oh, my goodness. Thousands and thousands of votes.

But I also want to point out that all of us who care about our troops, our men and women in uniform, and particularly those who are harmed in the service of our country, not only of Mr. YOUNG but his wife Beverly, who has been an angel in meeting the needs of our troops. Mr. YOUNG officially on duty here, Beverly on a day-to-day basis, bringing comfort and refreshment to our troops.

They are living examples of what we say in the military, that on the battlefield, we will leave no soldier behind, and when they come home, we will leave no veteran behind.

□ 1515

My thanks to Mr. YOUNG for what you do to protect America, what you have done to advance the debate, and

for your ongoing service to our country. I know I speak for everyone here when I say we are proud, each and every one of us, to call you "colleague."

Thank you, Mr. Chairman.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you, Madam Speaker. And thank you, our dear friend, BILL YOUNG.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The ACTING CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. ELLSWORTH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ELLSWORTH) 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 Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 7, not voting 7, as follows:

[Roll No. 251]

AYES—425

Abercrombie	Braley (IA)	Crenshaw	Lujan	Rogers (AL)
Ackerman	Bright	Crowley	Lummis	Rogers (KY)
Aderholt	Broun (GA)	Cuellar	Lungren, Daniel E.	Rogers (MI)
Adler (NJ)	Brown (SC)	Culberson	Lynch	Rohrabacher
Akin	Brown, Corrine	Cummings	Mack	Rooney
Alexander	Brown-Waite,	Dahlkemper	Maffei	Ros-Lehtinen
Altmire	Ginny	Davis (AL)	Maloney	Roskam
Andrews	Buchanan	Davis (CA)	Manzullo	Ross
Arcuri	Burgess	Davis (IL)	Marchant	Rothman (NJ)
Austria	Burton (IN)	Davis (KY)	Markey (CO)	Roybal-Allard
Baca	Butterfield	Davis (TN)	Markey (MA)	Ruppersberger
Bachmann	Buyer	Deal (GA)	Marshall	Rush
Bachus	Calvert	DeFazio	Massa	Ryan (OH)
Baird	Camp	DeGette	Matheson	Ryan (WI)
Baldwin	Cantor	DeLauro	Matsui	Sablan
Barrett (SC)	Cao	Dent	McCarthy (CA)	Salazar
Barrow	Capito	Diaz-Balart, L.	McCarthy (NY)	Sanchez, Loretta
Bartlett	Capps	Diaz-Balart, M.	McCaul	Sarbanes
Barton (TX)	Cardoza	Dicks	McClintock	Scalise
Bean	Carnahan	Dingell	McCollum	Schakowsky
Becerra	Carney	Doggett	McCotter	Schauer
Berkley	Carson (IN)	Donnelly (IN)	McDermott	Schiff
Berman	Carter	Doyle	McGovern	Schmidt
Berry	Cassidy	Dreier	McHenry	Schock
Biggett	Castle	Driehaus	McHugh	Schrader
Bilbray	Castor (FL)	Edwards (MD)	McIntyre	Schwartz
Bilirakis	Chaffetz	Edwards (TX)	McKeon	Scott (GA)
Bishop (GA)	Chandler	Ehlers	McMahon	Scott (VA)
Bishop (NY)	Childers	Ellison	McMorris	Serrano
Bishop (UT)	Christensen	Ellsworth	Rodgers	Sessions
Blackburn	Clarke	Emerson	McNerney	Sestak
Blumenauer	Clay	Engel	Meek (FL)	Shea-Porter
Blunt	Cleaver	Eshoo	Meeks (NY)	Sherman
Boccieri	Clyburn	Etheridge	Melancon	Shimkus
Boehner	Coble	Faleomavaega	Mica	Shuler
Bonner	Coffman (CO)	Fallin	Michaud	Shuster
Bono Mack	Cohen	Farr	Miller (FL)	Simpson
Boozman	Cole	Fattah	Miller (MI)	Sires
Bordallo	Conaway	Filner	Miller (NC)	Skelton
Boren	Connolly (VA)	Fleming	Miller, Gary	Slaughter
Boswell	Conyers	Forbes	Miller, George	Smith (NE)
Boucher	Cooper	Fortenberry	Minnick	Smith (NJ)
Boustany	Costa	Foster	Mitchell	Smith (TX)
Boyd	Costello	Fox	Mollohan	Smith (WA)
Brady (PA)	Courtney	Frank (MA)	Moore (KS)	Snyder
Brady (TX)		Franks (AZ)	Moore (WI)	Souder
		Frelinghuysen	Moran (KS)	Space
		Fudge	Moran (VA)	Speier
		Gallegly	Murphy (CT)	Spratt
		Garrett (NJ)	Murphy (NY)	Stearns
		Gerlach	Murphy, Patrick	Stupak
		Giffords	Murphy, Tim	Sullivan
		Gingrey (GA)	Murtha	Sutton
		Gohmert	Myrick	Tauscher
		Gonzalez	Nadler (NY)	Taylor
		Goodlatte	Napolitano	Teague
		Gordon (TN)	Neal (MA)	Terry
		Granger	Neugebauer	Thompson (CA)
		Graves	Norton	Thompson (MS)
		Grayson	Nunes	Thompson (PA)
		Green, Al	Nye	Thornberry
		Green, Gene	Oberstar	Tiahrt
		Griffith	Olson	Tiberi
		Grijalva	Oliver	Tierney
		Guthrie	Ortiz	Titus
		Gutierrez	Pallone	Tonko
		Hall (NY)	Pascarell	Towns
		Hall (TX)	Pastor (AZ)	Tsongas
		Halvorson	Paul	Turner
		Hare	Paulsen	Upton
		Harman	Payne	Van Hollen
		Harper	Pence	Velázquez
		Hastings (FL)	Perlmutter	Visclosky
		Hastings (WA)	Perriello	Walden
		Heinrich	Peters	Walz
		Heller	Peterson	Wamp
		Hensarling	Pierluisi	Wasserman
		Herger	Pingree (ME)	Schultz
		Herseth Sandlin	Pitts	Waters
		Higgins	Platts	Watson
		Hill	Poe (TX)	Watt
		Hinchee	Pollis (CO)	Waxman
		Hinojosa	Pomeroy	Weiner
		Hirono	Posey	Welch
		Hodes	Price (GA)	Westmoreland
		Hoekstra	Price (NC)	Wexler
		Holden	Putnam	Whitfield
		Holt	Quigley	Wilson (OH)
		Honda	Radanovich	Wilson (SC)
		Hoyer	Rahall	Wittman
		Hunter	Rangel	Wolf
		Inglis	Rehberg	Woolsey
		Inlee	Reichert	Wu
		Israel	Reyes	Yarmuth
		Issa	Richardson	Young (AK)
		Jackson (IL)	Rodriguez	Young (FL)
		Jackson-Lee	Roe (TN)	
		(TX)		
		Jenkins		
		Johnson (GA)		
		Johnson (IL)		
		Johnson, Sam		
		Jones		
		Jordan (OH)		
		Kagen		
		Kanjorski		
		Kaptur		
		Kennedy		
		Kildee		
		Kilpatrick (MI)		
		Kilroy		
		Kind		
		King (NY)		
		Kingston		
		Kirk		
		Kirkpatrick (AZ)		
		Kissell		
		Klein (FL)		
		Kline (MN)		
		Kosmas		
		Kratovil		
		Kucinich		
		Lamborn		
		Lance		
		Langevin		
		Larsen (WA)		
		Larson (CT)		
		Latham		
		LaTourette		
		Latta		
		Lee (CA)		
		Lee (NY)		
		Levin		
		Lewis (GA)		
		Linder		
		Lipinski		
		LoBiondo		
		Loebach		
		Lofgren, Zoe		
		Lowey		
		Lucas		
		Luetkemeyer		