Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—10

Broun (GA)
Duncan
Flake
Kingston
Paul
Pence
Poe
Sensenbrenner
Shadegg
Tancredo

NOT VOTING—18

Andrews
Baca
Campbell (CA)
Cardoza
Chabot
Filner
Gallegly
Gillibrand
Hunter
Jackson-Lee (TX)
Lewis (GA)
Meeks (NY)
Pryce (OH)
Rush
Saxton
Shuler
Udall (NM)
Wilson (NM)

□ 1644

Mr. POE changed his vote from ''yea'' to ''nay.''

Mr. PUTNAM changed his vote from ''nay'' to ''yea.''

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.

Mr. FILNER. Mr. Speaker, on rollcall 373, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted ''yea.''

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend and insert extraneous material on H.R. 3021.

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 1234 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. 3021.

□ 1645

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. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes, with Ms. BORDALLO in the chair.

The Clerk read the title of the bill.

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

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. Madam Chairman, I yield myself 2 minutes.

I rise in very strong support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facility Act, legislation that would invest in modernizing public schools across the country.

This legislation is an example of how well-crafted public policy can address a number of key challenges all at the same time. This bill has something in it for improving the education of our children, improving our economy, and improving the environment.

First, this legislation will help improve student achievement by providing more children and teachers with a modern, safe, healthy, clean, place for learning. Second, this legislation will give a boost to our economy by injecting demand into a faltering U.S. construction industry. And, third, this legislation will make our schools part of the solution to the global warming crisis by encouraging more energy efficiency as well as the use of renewable energy resources.

Any one of these three reasons alone would be enough to support this bill; but when you put all three of them together, this is a clear win for our children, for our communities, for workers, and for our planet.

For children and teachers, unfortunately, the reality is that in too many of our communities the schools are literally crumbling. In 2000, The National Center of Education Statistics said it would take $127 billion to bring schools into good condition, including that 75 percent of the schools were in various stages of disrepair. The American Society of Civil Engineers gave U.S. schools a D for national infrastructure report card. Just last month, the 21st Century School Fund called for a $140 billion Federal investment in school facilities to bring all school districts up to the level of the highest income districts followed by ongoing annual Federal investment.

The fact of the matter is that those children who have the most difficult time receiving an education are receiving that education in some of the worst schools in this Nation. This is an effort for us simply to partner with local school districts on a formula basis so that they can then carry out their plans to renovate, to repair, to remodel existing schools so that they can save energy, they can provide better lighting and a better atmosphere for the schools to learn.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I stand in opposition to H.R. 3021, and I yield myself such time as I may consume.

The name of this bill is a mouthful but seems harmless enough, the 21st Century Green High-Performing Public School Facilities Act. It sounds like a program to ensure good schools, safe schools, environmentally friendly schools. It sounds pretty good to me. It is when we look a little closer that the real goal becomes clear. This is a bill that puts us on a path toward Federalizing the building and maintenance of our Nation's schools. It is about feeding bigger government and giving Washington more control over what happens in States and local communities. We are talking about an estimated $20 billion over the next 5 years handed out to States and schools so that we can exercise control over how they build their schools.

Maybe a school has a leaky roof. The Federal Government is happy to pay to get it fixed; but instead of spending $1,000 on a repair, we tell the school it has to spend $100,000 on a new roof that meets our hand-picked environmental standards. And Big Brother doesn't stop there. We also link this funding to the Depression-era Davis-Bacon Act, meaning that construction projects under this bill must pay so-called prevailing wages. The problem is, prevailing wage calculations are critically and fundamentally flawed. Sometimes they are higher than market rates and other times they are lower.

Take plumbers, for instance. I have a chart here that shows in a sampling of cities plumbers paid Davis-Bacon wages could be paid anywhere from 70 percent below the market rate to 77 percent above the market rate. Davis-Bacon requirements drive up the cost of Federal projects by 10, 15, 20 percent,

and sometimes more. These are costs that get passed on to the taxpayers. Moreover, these requirements force private companies to do hundreds of millions of dollars of excess administrative work each year.

So already we are talking about a new $20 billion program to fund an inefficient construction mandate that allows bureaucrats here in Washington to tell our neighborhoods and small towns and big cities exactly how their school buildings should be built, from the materials they use to the contractors they hire.

Madam Chairman, I would like to know where that $20 billion is going to come from. When we were in the majority, we heard no end to the complaints from the other side of the aisle that we were underfunding No Child Left Behind and the Individuals With Disabilities Education Act. I am proud of our record of strong support for these programs, but it is true that they are not funded at their authorized level. It was true when Democrats were in the majority up until 1995, it was true when we were in the majority even though we doubled the payments there, and it is still true today with Democrats back at the helm. The reality is that neither party has funded these programs at their authorized maximum.

If we have $20 billion to spend on our schools, shouldn't we invest that in keeping the promises we have already made? We are looking at $6.4 billion authorized for this program next year alone. Do you know what that could do for title I or IDEA? We could increase special education funding by almost 60 percent in 1 year. We could bring title I funding to more than $20 billion.

I don't know whether we have the money to spend on this program; in fact, I think we probably don't. But if we have it, we have a duty to spend it on programs that help improve academic achievement for disadvantaged children.

I also think it is ironic that we are here today proposing a program to build more schools when districts around the country are struggling just to pay for the fuel it takes to transport children and operate, heat, and cool the schools we already have. Like the rest of the country, our schools are being squeezed by the high price of gasoline. Rising fuel prices are taking a real toll on our Nation's schools, just as on our Nation's families and individuals.

Beyond diesel fuel and heating oil, schools are faced with higher supply costs, fewer field trips, and costlier school lunches. First it was community colleges forced to move to a 4-day school week; now, even K–12 school systems are reducing the number of school days because of the pain at the pump. Unfortunately, that is a problem for which the Democrats are offering no answers.

Madam Chairman, this is a bad program created based on a flawed premise. Yes, there is a need for school construction and modernization. It is a need that is best handled at the State and local level where they can be responsive to each community's unique needs. The Federal role in education has been limited to target interventions that help provide a more level playing field for children who might otherwise be left behind. That is where our focus should remain.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 30 seconds to say that it is interesting that again they talk about the increased energy costs for schools. And at the same time that we are considering legislation which is designed to lower those energy costs for schools, they are arguing against the passage of this legislation.

This is a modest effort by the Federal Government to help these schools get on with the refurbishing, the repair, and the renovation of these schools so that they will lower their energy costs, whether it is heating or air conditioning, so that they can then put that money back into the educational program.

Madam Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. CHANDLER), the author of this legislation who understands the importance of this contribution to the education of our children at the local level.

Mr. CHANDLER. Madam Chairman, I am very proud to be here today to introduce the 21st Century Green High-Performing Public School Facilities Act, authorizing almost $7 billion for our struggling schools.

I would like to express my sincere appreciation to our cosponsors on this bill, in particular Mr. KILDEE and Mr. LOEBSACK, but especially Chairman MILLER who has done an incredible job as chairman of the Education and Labor Committee and I very much appreciate what the gentleman from California has done on this bill.

Where children learn has a large impact on what they learn, and the evidence is undeniable. The U.S. Department of Education tells us that modern, functional school facilities are truly important for effective student learning. Consequently, it is unacceptable that some of our children spend their days in buildings with faulty wiring, leaking roofs, lead paint, and asbestos.

In 1995, the GAO found that schools were in desperate need of repairs totaling $112 billion. Over a decade later, the need is even greater. Each day we are competing on a global stage and not always winning that competition, and investing in the education of our children at home is the key to staying in the game. We are spending hundreds of billions of dollars in Iraq. Surely, surely we can invest less than $7 billion in the future of our children and the future of our country.

This bill is a home run. It will give much needed money to our schools struggling with huge budget deficits, while encouraging energy efficiency and creating jobs for Americans that cannot be shipped overseas. Today, I urge you, Democrats and Republicans alike, make this important investment in our schools, in our children, and in our future.

Mr. MCKEON. Madam Chairman, I am privileged now to yield to the gentleman from Delaware (Mr. CASTLE), the ranking member on the subcommittee over K–12 education, 3 minutes.

Mr. CASTLE. I thank the distinguished gentleman from California for yielding. Let me try to put this in perspective.

We are talking about Federal dollars here. We have never at the Federal Government level funded school construction. Perhaps in emergency situations, but other than that, we have not.

□ 1700

We do have certain responsibilities that we do need to fund, and one of those is clearly under the No Child Left Behind. The Elementary and Secondary Education Act is title I. The ranking member from California has already pointed this out.

But the bottom line is that when you look at the funding which we have here, which fundamentally is $6.4 billion in title I. There's another $100 million in title II of this legislation. But if you take that $6.4 billion and you add it to title I, you get very close to that amount of money that we have already authorized in our committee under the jurisdiction of all of us involved with this committee.

I think we clearly recognize the importance of title I. It brings in the teachers, it brings in the help. It brings in the people who are going to help our children in schools which are most in need of money. And we would get at least a lot closer to the $25 billion. Right now we only have $13.9 billion appropriated.

And then you look at IDEA. Everybody here, Republicans and Democrats alike have fought hard in recent years to increase IDEA to help our children with disabilities, the Individual Disabilities Education Act, and with that extra $6.4 billion, as this chart shows, IDEA could be funded at $7.3 billion, getting very close to the 40 percent requirement in the statute with respect to where we should be with helping those children with disabilities.

My concern is, where are we spending our Federal money?

My other concern is, and I hope my friends in the Blue Dogs are listening to all of this, but my other concern is we are opening a door here. We are opening a door which is very large, and we're opening it somewhat wide. You haven't even begun to see where we're going to go. The $6.4 billion for fiscal year 2009 is followed by whatever sums thereafter, that's going to go up dramatically very, very quickly, in my judgment. And when all of the local entities realize that perhaps they can

come to the Federal Government and get money, maybe they'll try to whittle down the title III of this so they don't have to worry about the green aspect of it quite as much, and they're going to go for more money. That's going to be the key to it and you're going to see huge increases. I think the 6.4 is merely a beginning. And all this is going to, in my judgment, take away from whatever money is needed for education.

Yes, we can argue that the money could come from war or this or whatever it may be. It's not that simple. The bottom line is that people are going to look at education, and I'm afraid they're going to say, we're putting it in construction, therefore we can't put it in title I, we can't put it in IDEA, and I think that would be a mistake.

I believe that this bill is well-intended, and I agree with everything that's being said on the other side about the good it can do as far as schools are concerned. But I have a strong disagreement with where the Federal Government should be in this. I think it should be a local and State issue in terms of construction, and we need to fund those things that we have agreed to fund. We need to fund title I. We need to fund IDEA. We do not need to open up a whole new source of funding that we simply cannot afford at this time.

So I would encourage defeat of the legislation and, hopefully, we can make sure that we're funding programs we should be funding in education.

Mr. GEORGE MILLER of California. Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), the chairman of the Subcommittee on Early Childhood, Elementary and Secondary Education, and an incredible advocate for the Federal role in school construction for many, many years, and a coauthor of this legislation.

Mr. KILDEE. Madam Chairman, I rise in strong support of this legislation.

I was pleased to join Mr. CHANDLER and Chairman MILLER in introducing H.R. 3021, and to work with my chairman and Representatives LOEBSACK, ANDREWS, HARE, HOLT and MCCARTHY to introduce the committee substitute. I especially acknowledge Mr. LOEBSACK's great depth of knowledge and the perseverance he has brought to this bill.

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

Some years ago, Madam Chairman, in my district, a Federal judge ordered a jail to be torn down because it was unfit for human habitation. Yet, many local educators told me that jail was in better shape than some of the schools where they work so hard every day on behalf of their students. By providing the resources to ensure that situation never happens again, this bill would send children the message that we truly value every one of them.

I urge my colleagues to support this legislation.

Mr. MCKEON. I yield now to the gentleman from Utah, a member of the committee, Mr. BISHOP, 3 minutes.

Mr. BISHOP of Utah. When this bill was originally introduced by the gentleman from Kentucky, it would have required the Department of Energy to conduct a study of needs nationwide and then provided grants to meet those needs.

This doesn't quite do it. There have been no studies. NCE did one about 8 years ago which talked on a regional basis but not anything more specific. Another study was done about 3 years ago, and instead of trying to identify construction needs, this bill tracks money based on title I spending, which simply asks the question, is there a connection between construction needs and the distribution formula in this particular bill? If not, and this bill escapes, we will be coming back repeatedly with ideas that we need to tweak this or that in the effort to create some kind of fairness for the future.

At the committee I raised the question, because my State has an equalization formula, not just for maintenance and operation which is programmed, but also for capital outlay. And I asked how this bill would impact my State and I was told we would find that out; get back with you. That still has yet to happen.

So let me try and tell you what this particular bill would do in my State as it relates to how we fund construction needs within a State. The State of Utah has two different categories, historically. First of all, we have continuing school building aid which basically went for areas that were overcrowded, where there was a surge of students creating crowded school conditions.

We also had a category that we funded which was continuing. I'm sorry. Let me switch that around. Continuing was for overcrowded. Critical school building aid was for those districts that happened to have all their buildings coming of age at the same time and needed an infusion of cash.

We then equalized the formula so that districts in the State of Utah were given State money, in addition to what they could raise locally, to meet these particular needs.

So I simply went through the formula that this bill would equate, and what would it do in the State of Utah. This is the bottom line. The districts that have continuing school building needs, overcrowded, would not get money from this formula. The districts that have critical school building needs, which simply means the age of their buildings are all coming together at the same time, would not get money from this formula.

Indeed, the districts that get money from this formula are the ones in the State of Utah that do not have the construction needs. And that's a simple problem with this bill.

If we had gone along with what Congressman CHANDLER had originally established and tried to establish a criteria of where this money would go, there would be some logic to it. There is no logic. We are simply throwing money at a target that is constantly on the move.

Satchel Paige used to talk to young pitchers and say, ''Just throw strikes. Home plate don't move.''

Well, in this particular bill, we can't throw strikes because not only is home plate moving, it doesn't even exist. And that is a key problem with what we are trying to accomplish in this.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. BISHOP of Utah. I have one other issue as well. We have talked, both in committee, the Rules Committee and I'm going to bring it up here on the floor, of the issue of charter schools. The committee has stated as their policy they wish to have charter schools treated fairly in this particular bill.

If a charter school is, of itself, a local education agency, the language in this bill covers charter schools and they will be treated fairly. Unfortunately, if a charter school is part of a different local education agency it does not guarantee in the language of the bill that that charter school will be treated fairly.

We have examples, anecdotal I admit, but anecdotal from coast to coast in this Nation, of charter schools who were not treated fairly by local education agencies. And unless specific language is placed in this bill, it does not guarantee that will happen.

I appreciate the chairman of the committee adding new language in a manager's amendment that will try and make a study of this to see if they can report back. But the bottom line is simply this. Despite our statement that we want charter schools to be treated fairly, the language of our bill is a gaping loophole that does not meet that if the charter school is not part of the LEA, and I would hope, I would certainly hope that the chairman or the sponsors would guarantee that they would continue to work on this issue to make sure that this is given out in a fair and equitable manner because we want fairness and logic. It doesn't exist in the distribution formula in this particular bill.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK), a member of our committee and a primary sponsor of this legislation.

Mr. LOEBSACK. Madam Chairman, I want to thank Chairman MILLER for his really great work on this legislation. I also want to thank Mr. CHANDLER for his commitment to this issue, and Mr. KILDEE, of course, for his longstanding work on this issue, and for his partnership in offering the substitute amendment to this bill during committee mark-up.

Mr. KILDEE's and my amendment combined important provisions from Mr. CHANDLER's legislation and provisions from my own legislation, the Public School Repair and Renovation Improvement Act and the Green School Improvement Act, and it also contained suggestions from many members, many other members of our committee who have prioritized green school construction over the years.

Schools across this country are deteriorating. Problems vary region by region, State by State and even district by district. I can see the problems in my own district in Iowa, especially in our rural schools. In Iowa, these schools serve close to 170,000 students.

This bill will help Iowa by directing over $35 million to the State. This Federal investment will help leverage additional local dollars and create over 560 new jobs.

This bill also focuses on the importance of ''greening'' schools. Research demonstrates that green school technology can lead to increased health, learning ability and productivity. This includes improved test scores, attendance, teacher retention and satisfaction.

This legislation is a much needed investment in the education and safety of our students. Today, when we pass this bill, Congress will tell our students they matter. Congress will tell the American people that our economy and good jobs and good wages matter. And Congress will tell all of us that maintaining a healthy environment for all matters.

Madam Chairman, I urge the bill's passage.

Mr. MCKEON. Madam Chairman, may I inquire as to how much time is left.

The CHAIRMAN. Mr. MCKEON has 17 minutes. Mr. MILLER has 22 minutes.

Mr. MCKEON. I am privileged to yield at this time to the gentlelady from Illinois, a member of the committee, Mrs. BIGGERT, 4 minutes.

Mrs. BIGGERT. Madam Chairman, I rise in reluctant opposition to H.R. 3021. I support giving schools some Federal assistance when it comes to school construction. In fact, I've sponsored legislation in the past that would provide interest-free and low-interest loans to States and localities to support school construction, renovation and repair.

I represent some of the fastest growing communities in the country, and I know how school districts are constantly struggling to meet the growing demand for space and resources.

I also support the greening of our schools. I'm a cosponsor of H.R. 6065, which will provide schools with small grants to make green and energy efficient improvements for their schools.

Much as I would like to join the supporters of H.R. 3021, let me remind them of the promises that we've already made to schools, but yet not met. In 1975, in passing the Individuals with Disabilities Education Act, or IDEA, Congress made a commitment to fund 40 percent of the cost of educating children with disabilities. Yet for fiscal year 2008, Congress appropriated only $11.3 billion for this purpose, a mere 17 percent of the funds originally promised.

□ 1715

Is this an anomaly? Not at all. Congress has never delivered more than 18.5 percent of the money we promised for IDEA.

What I hear over and over again from teachers and school boards and administrators in my district is, When are you going to meet your commitments on IDEA and NCLB? How about meeting our commitments under No Child Left Behind? NCLB was authorized at $25 billion, but Congress has just provided less than $14 billion.

Despite these unmet commitments, Congress is positioned today to make another Federal commitment on school spending. The Congressional Budget Office estimates that H.R. 3021 would increase discretionary spending by $20.3 over a 5-year period. With this funding, we could meet our commitments to IDEA and increase funding for NCLB by $5 billion over the next 5 years. I realize this is a back-of-the-envelope calculation. But I think it gives Members a better idea of what we could be accomplishing with this money.

As a former school board president, I well know that school construction is the responsibility of State and local governments. I support fiscally responsible proposals to facilitate State and local government investments in school infrastructure, but I cannot support authorizing billions of dollars in new spending when we cannot fulfill our current commitments to schools and children.

When Congress has fully funded IDEA and NCLB, I will be very happy to revisit this issue with my colleagues on the other side of the aisle. But until then, I think the top Federal priorities should be meeting our commitments and improving student achievement.

Mr. GEORGE MILLER of California. Madam Chairman, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a member of our committee and a sponsor of this legislation.

Mrs. MCCARTHY of New York. Madam Chairman, I think there are obviously many of us that support H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. In listening to the debate, I can only talk about a number of the schools that are in my district. I'm certainly someone who supports school funding for IDEA, but if I have my children in the classrooms—or most of them are actually being taught in the hallways because they don't have the facilities to be able to do the teaching that they need to do. I know a number of my schools—if that was a business, you wouldn't be able to get anybody to work into that particular business.

What we're trying to do—and you have to look at things holistically. If we don't have good school facilities, how do we expect our teachers and certainly our students to learn, and what kind of message are we sending that we don't care enough about our children that we give them safe environments?

I can go into my schools in my district during the winter, and every window is wide open because the way the energy for the heating system is, it makes the classrooms too hot. The children can't concentrate. You go into one of my schools during the summertime when they're taking their final exams, and the classrooms are 110 degrees. How are our students supposed to be able to pass those tests and concentrate? None of us would work under those conditions. And yet we are asking our children to survive under those conditions.

We must look at how we're going to work to be able to educate our children for the global economy that we're looking forward to. But I believe very, very strongly we have to have a clean, safe environment. Go into our city schools. Come into my schools. Look at the amount of children that have asthma because the quality of the air is subnormal. A number of my schools in the last year had to be closed. So now we're putting our children in little trailers.

I don't understand this debate. This is something that many of our schools need, and as far as having Davis-Bacon, why should not we have prevailing wage for those that work in the community, pay the wages, and also have good construction done?

With that, I hope that we pass overwhelmingly this bill.

Mr. MCKEON. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee and subcommittee Chair.

Ms. WOOLSEY. Thank you, Chairman MILLER.

Madam Chairman, I'm pleased to rise in support of H.R. 3021, the 21st Century High-Performing Public School Facilities Act.

No child should be expected to learn in a crumbling school building. And this bill will give our Nation's schools the funds needed to repair and renovate their school building. That's very important because our children deserve the best opportunities in life, and that starts with a quality education in a safe building where students can focus on learning and teachers can focus on teaching.

This bill also encourages schools to make environmentally—green repairs. Schools in my district are making their facilities more environmentally friendly lately, and it's encouraging other schools to follow their lead because as our States face budget shortfalls and school districts deal with budget cuts, savings on energy costs will make a huge difference.

And it's a win-win. As a school shifts towards greening their school, students will learn about the process and the importance of preserving our environment. If you value our children, if you value our students, if you value their education and their educators, then show them; ensure their schools are the very best possible.

Support H.R. 3021.

Mr. MCKEON. Madam Chairman, I continue to reserve.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to a member of the committee, the gentleman from Illinois (Mr. HARE).

Mr. HARE. Madam Chairman, I rise in strong support today of H.R. 3021.

School districts around the country are struggling to find the money to pay for the most basic school repairs, let alone funding to upgrade school facilities to meet the needs of 21st century learners.

While school construction funding has traditionally been a State and local responsibility, the magnitude of the challenge warrants an increased Federal role, a role that could help schools such as Lewistown High in my district repair a leaky roof and replace World War II-era equipment that students are using for machine shop.

Madam Chairman, the bill before us authorizes $6.4 billion to address unmet school construction needs. Additionally, the bill guarantees schools with the greatest need receive a minimum of $5,000 for school construction projects.

As a member of the Green Schools Caucus, I'm pleased that this bill encourages schools to make energy-efficient improvements. By dedicating the majority of funds to green projects, H.R. 3021 will save schools an average of $100,000 each year in energy costs alone—enough to hire two additional full-time teachers, purchase 5,000 new textbooks, or buy 500 new computers.

The deteriorating physical condition of public schools also presents an opportunity to stimulate our failing economy. A direct Federal investment in school construction will provide an immediate boost to our economy and create an estimated 100,000 jobs in the building trades hit hard in recent months.

Madam Chairman, H.R. 3021 comes as a much-needed response to crumbling school infrastructure, skyrocketing energy prices, and our declining economy. I strongly urge all of my colleagues to support this vital piece of legislation.

Mr. MCKEON. I am privileged to yield at this time to the gentleman from California (Mr. DANIEL E. LUNGREN) 3 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Chairman, I apologize. I'm not a member of the committee involved. I was not really that alert to what this bill is, but listening to some of the debate, it just caused me some pause to reflect on maybe we found the answer to the question I keep being asked at my town hall meetings which is, How do you folks back there allow the budget to get so large? How do you get such deficit spending? What is going on back there?

Well, let's see. I just heard Members on the other side of the aisle say this is a Federal responsibility. In fact, I just heard this argued as a jobs program. This will stimulate the economy. Well, if that's the case, let's multiply it by 10. If this is going to create that many more jobs, let's ten 100 times. We will take care of all of the unemployment in America.

The idea that somehow we have the responsibility on the Federal level to now fund the programs for construction and air-conditioning and heating and so forth in schools, what is left for local taxpayers to do? Oh, I'm sorry. Local taxpayers are also the Federal taxpayers and the State taxpayers. I forgot that because we forget that here.

I just heard the gentleman previously on the other side say his school districts are strapped. They can't pay for it. But magically, we can pay for it here because I guess when my constituents get up in the morning they say, Well, this morning I'm a local taxpayer but at noon I will be a State taxpayer, tonight I will be a Federal taxpayer. I can't afford to pay for it in the morning; I'm not sure I can pay for it yet, but magically I can pay for it tonight because—well, I don't know. I guess this money comes from nowhere.

I mean, does anybody understand we're talking about a new program that's never existed before? But now, now the very future of the Republic depends on this program.

I heard another Member on the other side of the aisle say students can't learn when they're sweating, I guess. Well, I confess. I went to Catholic school. We didn't have air-conditioning in Southern California when it was 103, and it was hot. I remember sweating through my shirts, and it was uncomfortable. But give me a break. You're telling me that there's a Federal responsibility to put air-conditioning in every building that school kids are going to?

I would just ask the American people is this what they think the Federal Government is supposed to be doing? We should go around and find every single wrong thing or something that is not perfectly right and then the Federal Government is going to take care of it? Now, if that is the case, we will never come close to fiscal responsibility, and we're going to do this on top of the fact that we have mandatory spending programs that, if you look at the payout, by the year 2042—and I know that's a long way away, but my grandkids will probably be concerned about it—as was stated not too long ago in testimony before one of our committees, if we continue spending the way it is, we will have no room for discretionary spending——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional minute.

Mr. DANIEL E. LUNGREN of California. As the head of OMB said at that time, including defense. That's the first time I ever heard of defense called discretionary.

But the point is there are certain responsibilities that are the Federal Government's. And I remember when we started the—I am old enough to remember that. I happened to be in Congress shortly after that when President Carter was elected and we established the Department of Education because we said the Federal Government ought to play a small role, small but important role in education.

Well, now if we're going to be responsible for construction for air-conditioning, for heating, for environmentally friendly construction, where does it end? I guess it ends at the taxpayers' pocketbook. But we just pretend that we're not taking from the pocketbook here because it is the Federal Government that doesn't cost anybody anything, but we are here to rescue everybody on the Federal level because they can't afford to pay for it at the local or State level.

Maybe that makes sense here in Washington, but I don't think it makes sense anywhere else. Maybe this is ''Alice in Wonderland,'' but where I come from, people know that when you take a dollar out of their pocket, it's one less dollar they have.

The CHAIRMAN. The gentleman's time has again expired.

Mr. MCKEON. Madam Chairman, I yield the gentleman an additional 2 minutes, and I want to ask him a question.

Mr. DANIEL E. LUNGREN of California. You have to understand I'm not on the committee. So I'm not an expert on that. I'm just a regular Member of Congress who heard the debate as I was walking by.

Mr. MCKEON. Let's talk about the things we deal with when we're not here in Congress. You have children. I have children. We have grandchildren. And I try to think about our children and grandchildren sitting at the kitchen table, and they have a little different rules that they have to operate under.

□ 1730

You know, we have a Federal responsibility that we have taken upon ourselves, and we will fund 40 percent of IDEA. We're up to about 17 percent. We said that we'll fund title I. We're way short of where we should be on that.

If, say, you have a grandson or granddaughter, maybe they've bought a motorcycle and they have a commitment to pay $100 a month on a motorcycle. And maybe the daughter is going to school and has a commitment to pay a couple hundred dollars a month on that.

Family is sitting around and they say, you know, we're a little short, we don't have quite enough to pay the motorcycle bill this month, we don't have quite enough to pay the school bill this month, but why don't we go out and buy a motor home, because the family would benefit from that; it would be a good thing. We could have good quality time that we could spend together, and we don't have the money for that.

That's kind of what we're talking about here, isn't it?

Mr. DANIEL E. LUNGREN of California. Well, I would think so. I would think that it's certainly a greater priority to help that program, the Individuals with Disabilities Education Act, that we assume that as a responsibility, and I can argue back home that that is a shared Federal responsibility.

I don't think this bill rises to that level, and it seems to me if we use money for this and not for disabilities, aren't we shortchanging a program which really has a Federal responsibility for this? I know it sounds good because it's a new program.

I just noticed this. Maybe it's because I came back after 16 years. I find it's awfully easy to say billions and trillions.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. I found when I was gone for 16 years, I couldn't find billion and trillion so easy to say. But once we're here, it's awfully easy to say, and then it kind of masks the costs to the local taxpayer because the average person can't figure out what $1 trillion is or $1 billion because that's not within their area of experience.

But what it means, I would hope that folks back home would understand, if we were ever to talk to them about this, that this is coming out of their pocket. And if they believe they can't afford it back home, how can they afford it here, first?

Secondly, we have a commitment to programs like those for children with disabilities. Shouldn't we try and fund that to a higher level first before we start on this path to a new program?

Again, I'm not a member of the committee, and I know the gentleman has served on the committee. But that's a simple question.

Mr. MCKEON. We would love to have you on the committee, and I think that you're asking the right questions.

Mr. DANIEL E. LUNGREN of California. I'm not sure the chairman of the committee shares that sentiment, but I appreciate that, and I thank the gentleman for the time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 30 seconds.

It's wonderful to listen to this conversation among two people talking about fiscal responsibility back and forth to one another. When the Bush administration came into office, they were given a $5 trillion surplus. Now, 8 years later, it's a $9 trillion deficit. And in that time, they never found the way to fund title I. They never found the way to fund IDEA. And yet, somehow, they were fiscally responsible, and now they've run this economy and this country into a ditch, with $9 trillion of debt in 8 short years, and they inherited a $5 trillion surplus.

Madam Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Just to follow up on the chairman's remarks, it sounds like crocodile tears to hear people talking about underfunding IDEA and title I when last December we had a chance to override the President's veto of the education spending bill, which would have put a serious commitment by this Chamber towards those programs which, indeed, have been underfunded for far too long, but unfortunately, too many Members on the other side of the aisle upheld the President's veto and broke, again, the promises to local communities to pay for Federal mandates.

We have a national challenge facing this country, a national energy challenge, national education challenge, and that's what this national bill is focusing on.

In Connecticut, the Eastern Connecticut State University Institute for Sustainable Energy did an inventory of school buildings a couple of years ago. They found that 90 percent of the buildings were constructed before 1978, completely energy inefficient. If we could get to an Energy Star rating of 50, which is a very modest rating, we would save 40 percent, not 20 percent, but 40 percent energy costs, which is precious dollars for local communities that are distressed and don't have a property tax base to pay for that kind of investment.

This program is focused with a title I formula to needy school districts. We're not just taking dollars and throwing them up in the air across the United States of America. We are helping the communities that need the help and can't afford to invest in green technology.

We have districts in my part of Connecticut, Quaker Hill Elementary School, that are making that type of investment, but we need to help the districts that can't afford to do it.

That's why, with a title I-based formula, this legislation will accomplish that task. I urge the Chamber's full support.

Mr. MCKEON. I notice the chairman has left, but I wanted to just correct the record a little bit.

I've been here 16 years. I know he's been here over 30 years. But when we won the majority in 1994, at that point IDEA was funded at about $2 billion. It was passed in 1976.

At the time, we made a commitment, those who were in the Congress at the time made a commitment, that the Federal level would be funded at 40 percent. At that time in 1976, $2 billion would have funded at 40 percent. The Democrats were in charge from 1976 to 1994. They got it from a few hundred million up to $2 billion in that time.

We won the majority in 1994, and we increased the funding from $2 billion up to over $10 billion in the following 12 years.

Now, to go back to talk about the surplus and the deficit. In 1994, we ran on the Contract With America, and we made a pledge to the American people that if we were given a chance, given the majority, we would balance the Federal budget in 7 years. Actually, we did it in 4 years. That's how we got that surplus.

But then in 2000, President Bush came in. There was a recession when he took office. We had 9/11 in 2001, which took us into a war footing, and you know, when you're at war, you spend more money, and that's how we've gotten the deficit.

But all of that aside, back to the basic premise of why we should be working to fully fund IDEA. What a problem that is to not provide fully funding for these children that need help with their special disabilities. We made a strong commitment. We took it from the 7 percent that they were funding it when they were in the majority, and they had been there for 18 years prior to that. We had 12 years. We got it up to over 17, 18 percent in that period of time.

So I don't think if you want to talk about commitment and who was putting the money where, we were doing it. All we're saying now is if they can find another $6 billion, why not put it to the children with disabilities rather than fund a brand new program that really is the State and local responsibility.

I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, we're all concerned with fiscal responsibility, but I can recall a tough political vote I took the first year of President George W. Bush. That was on about a $2 trillion tax cut, $2 trillion. That's $2,000 billion. This bill will cost $6.5 billion a year. That tax cut was $2 trillion.

There's various ways we have to be fiscally responsible, and I submit that tax cut, in my humble opinion—and I voted ''no'' on it and went back home and faced some wrath, not that much, though—I voted ''no'' on that because I also have a sense of fiscal responsibility.

Now you talk about IDEA. I think you will concede that no one's been a stronger advocate of full funding for IDEA than myself.

Mr. MCKEON. Would the gentleman yield?

Mr. KILDEE. I would be glad to yield.

Mr. MCKEON. I would be happy to yield that. You're a man of conviction and I think you are a strong supporter of IDEA, and we've worked together well on these things in the past.

I just think right now we have kind of a divergence where we're talking about a new program that could be used to fully fund IDEA, and we just have a difference then on that opinion.

Mr. KILDEE. On that, let me indicate I have a list of groups here who support both full funding of IDEA and support this bill. I will just read a few of them: the American Federation of Teachers, the American Association of School Administrators, the Council of Great City Schools, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the Parent-Teacher Association. So these are groups who support both full funding of IDEA and full funding of this.

With that, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT), a member of our committee. I thank the gentleman from California for his kind words.

Mr. HOLT. Madam Chairman, I thank Mr. KILDEE.

And to my friend from California, I would say if we wanted to use this time for a discussion of both fiscal responsibility and which side of the aisle has done better with respect to individuals with disabilities and title I, boy, that's an argument that we would gladly take on.

But that's not the topic here. The topic here is the green schools program, and energy costs are the second highest operating expenditure for schools after personnel costs.

The two gentlemen from California were talking about how this is wasteful spending. I'll tell you what's wasteful. About a third of those $8 billion annually that schools spend on energy could be saved.

What this legislation does, it provides help for local schools and States to invest in energy-saving design and technology, which will provide not only better learning conditions but save billions of dollars.

So this actually is beneficial from a fiscal point of view, as well as an educational point of view.

Mr. MCKEON. I yield myself 1 minute.

I just want to say that I don't think either of the two gentlemen from California used the term ''wasteful'' spending. We never meant for that. We never inferred that.

What we were talking about is it's a new program that is going to divert limited resources. The list that Mr. KILDEE read, all of those people that supported it, yeah, you know, a lot of people want to have more and more and more spending. The problem is, we do have limited resources. I could probably read you a list of people that say we should not have additional spending that's going to carry us more and more into deficit for new programs before we fund the programs that we've already committed to, and the gentleman said he would like to have the debate on that issue.

I had an amendment on that issue that was not given to me. I wasn't given the ability to discuss it on the floor because the Rules Committee, I guess, felt that it wasn't an important issue.

The CHAIRMAN. The gentleman's time has expired.

Mr. MCKEON. I yield myself an additional minute.

I did have an amendment saying that we should first spend the money for the title I. That was where the Federal Government first got involved, helping underprivileged children, close the gap between the minorities and those that were doing better in their school, 14 percent gap. And we have spent billions of dollars, over $85 billion, to try to close that gap, and we haven't done it, and we're still short on that funding.

And then the disabilities, the students that we all feel need more help, why, if we can come up with another $6 billion, don't we put the money for these children that need the help the most?

I reserve the balance of my time.

□ 1745

Mr. KILDEE. Madam Chairman, may I inquire as to how much time remains on each side.

The CHAIRMAN. The gentleman from Michigan has 11 minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. KILDEE. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding and for your leadership and your commitment to our country's children.

I rise today in strong support of this bill. Not only does it provide for the modernization and repair of our schools, but it also employs green building standards and encourages States to adopt forward-thinking, energy-efficient strategies.

And I must thank Chairman MILLER for this bill, and the committee, but also for including in the manager's amendment language that I authored that requires local education agencies to report on the number and amount of contracts awarded to small minority and women-owned and veteran-owned businesses.

As a longtime advocate of green jobs that will be fundamental to America's future economic competitiveness, I believe everyone must have the opportunity to benefit from the green economy supported by this language.

Let me just say that I firmly believe the American people would rather invest in their school children. And in listening to this debate, it's mind boggling to hear the other side talk about resource allocation and priorities. I think the American people would rather send our children to decent schools rather than fund a war and an occupation in Iraq that did not have to be fought. Here we're talking about now another $180 something billion plus as another down payment of this occupation that the President wants. This could lead us up to, what, $3 trillion in terms of the occupation.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. KILDEE. I yield the gentlelady 30 additional seconds.

Ms. LEE. I just wanted to make this one point because I listened very closely to what the fiscal arguments were on this bill. And it's hard to believe that you continue to fund this occupation in Iraq, yet you talk about the fact that we don't have the resources to create schools worthy of our children.

So I think this is about priorities. And I hope that everyone on both sides will vote for this bill in a bipartisan fashion.

Thank you, Mr. Chairman. And thank you for yielding. I support this bill and hope we all vote for it.

Mr. KILDEE. I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. I thank the gentleman. And I thank him and Chairman MILLER for incorporating parts of my ''Green Schools'' bill in this legislation.

I just wanted to make two more points, that under this bill States must develop a database of energy usage in public school facilities. I'm really pleased that this includes language that requires schools to report on their carbon footprints.

Also, we've included a provision to ensure that veteran-owned businesses receive the same contracting preferences as minority and women-owned businesses. As the war continues to swell the veteran population, it's our duty to help to ensure that returning soldiers have jobs to return to.

This is good legislation. I urge its passage. I thank the gentleman for putting together such good legislation.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Madam Chairman, I rise in support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facilities Act, which would authorize funding for modernization, renovation and repair projects in schools with poor building quality.

Students and teachers deserve a clean and safe environment to go to school. However, according to the Environmental Protection Agency, one-third of schools, which serve approximately 14 million students, are desperately in need of extensive repairs.

As a former high school teacher, I believe that it is crucial to ensure that the grants authorized under this legislation be available for schools in which

existing building conditions are putting the health and safety of students and faculty at risk.

Many schools suffer from inadequate ventilation. When combined with toxic substances, such as mold, asbestos and lead, this lack of ventilation can cause significant health problems. Students and teachers in schools with indoor air quality problems suffer from a range of health problems from headaches, fatigue, dizziness, nausea, to respiratory illness. Even more troubling, when indoor air pollutants accumulate in inadequately ventilated schools, the air can become carcinogenic.

In Arizona's Tempe Union High School District, where I taught for almost 30 years, Corona del Sol High School has an HVAC system in desperate need of replacement. According to the Arizona Republic, some within the Corona del Sol community have expressed illnesses ranging from allergies and asthma to tumors and cancers. The high school district is struggling to find funds to replace HVAC systems, and as a result the problems continue to persist.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. KILDEE. I yield the gentleman 30 additional seconds.

Mr. MITCHELL. I would like to thank Chairman MILLER for working with me to ensure that the grants pursuant to this legislation can be used to help schools make critical repairs to protect the health and safety of students and teachers due to building conditions. Students and teachers should never have to compromise their health and safety to attend school, and this legislation will help prevent this from happening.

I urge my colleagues to support this important bill.

Mr. KILDEE. Madam Chairman, could I ask again how much time each side has remaining.

The CHAIRMAN. The gentleman from Michigan has 6½ minutes remaining. The gentleman from California has 2½ minutes remaining.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chairman, I rise today in support of the 21st Century Green High-Performing Public School Facilities Act.

I want to thank Chairman MILLER and the gentleman from Washington (Mr. BAIRD) for his efforts to modernize technical schools.

Madam Chairman, faced with record gas prices and a dangerous dependence on foreign oil, we must harness new technology to meet our energy needs. To do this, we must prepare students of today to power the green collar workforce of tomorrow.

I am honored to have worked with Chairman MILLER and Mr. BAIRD to ensure funding for this act goes toward modernizing career and technical schools, especially for the renewable energy industries. By giving technical schools a chance to modernize, we will help even more students become innovators, work together to end global warming, and bring green energy jobs to the American economy.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you, Mr. Chairman, for giving me this opportunity. I want to speak very briefly about this bill. This is a very, very important bill. It is critical to the future of education of our young people.

Let me start out by letting you know how important this is to my State of Georgia, and especially the metro Atlanta area. The metro Atlanta area is the third fastest growing child population in this country. Some 120,000 school children will enter area schools over the next 5 years. They need additional space. They're meeting in trailers. They're meeting in broken down buildings. They need help.

Now, Madam Chairman, I just came from a trip from Afghanistan and Iraq, and I'm very proud to say our soldiers are doing a wonderful job and all of our contractors are doing a wonderful job. They come to tell us, oh, we're doing great, we're building these many schools, we're building these many hospitals, which is wonderful, but then to come back here and to see us crawling and falling back instead of going forward to do the same thing for our own people. Not since 2001, 7 years ago, was the last time we even gave direct Federal aid to the States and the counties of our Nation to build schools, to help repair schools.

This bill is important because not only does it build schools, it builds them in a way that helps our environment, it builds them in a way that preserves our energy, cuts down on emissions that help global warming. It is an effective measure, Madam Chairman. It is a bill we must pass, and the time to do it is now.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Madam Chairman, I rise in strong support of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act.

Madam Chairman, as the only former State schools chief serving in Congress, I have always worked to be a voice for children and their schools.

One of the biggest challenges we face in my home State of North Carolina—and really across this country—is a lack of adequate facilities for learning to take place. We simply must make a commitment to get our children out of trailers and into quality classrooms.

You just heard my colleague talk about what we're doing overseas in Iraq and Afghanistan building schools. If we can build them overseas, we certainly can build them here in the United States. This bill is an important first step toward improving our children's education.

We will need to follow the authorization of these grants with full funding in appropriations. And we need to ensure that local and State authorities can raise money in other ways, as would be provided by in the America's Better Classroom Act through interest-free bonds to build more schools. There really is no substitute for bricks and mortar when it comes to quality schools and meeting the educational goals of our community.

I applaud Chairman MILLER and Congressman CHANDLER for their leadership on this issue, and urge my colleagues to join me in support of H.R. 3021, to improve the quality of where our children go to school and help them to learn and to be able to compete in the 21st century.

The CHAIRMAN. Both sides now have 2½ minutes remaining.

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

Madam Chairman, for our Nation's schools, the spike in energy prices means that it costs more to fuel the buses that carry children to and from school. It costs more to heat and cool their facilities. It costs more to buy books and supplies. It costs more to provide school lunches and snacks. The list goes on.

School budgets are being overwhelmed by rising energy costs, and they need relief. The majority refuses to unveil its commonsense plan to bring down skyrocketing gas prices. On January 4, 2007, when the Democrats took charge of this House, gas prices stood at $2.33 a gallon. Seventeen months later, gas costs 71 percent more, and yet their plan remains a secret.

We're turning a blind eye to the burden of high energy costs in our Nation's schools, and instead taking up a bill that usurps State and local rights and responsibilities, undermines efforts to fund programs for disadvantaged children, imposes complex and costly requirements, and offers little more than a Band-Aid for the very real need for school construction and modernization.

Madam Chairman, I strongly oppose this legislation. Just yesterday we received a Statement of Administration Policy indicating that if this legislation were presented to the President, his advisers would recommend that it be vetoed.

The Federal Government has a role to play in education. That role is to provide support and assistance to ensure that all children are provided a quality education. It's to support the academic achievement for disadvantaged children, children with disabilities, and other at-risk students who might otherwise be left behind.

We all want our communities to have safe, modern, environmentally friendly

schools in which our children can live and thrive, but this bill is the wrong way to achieve that goal. States, local communities and the private sector are all actively engaged in the construction and maintenance of school facilities all around the country. At least $20 billion is being spent by the States each year to build new schools and modernize those already in use.

If we have $6.4 billion to invest in education next year, let's put it into programs that serve underprivileged and disadvantaged children. Programs are already there. Whether it's title I or IDEA or even Pell Grants to help low-income students attend college, there are existing programs that could use these resources to improve academic achievement and directly benefit those who need help most.

I strongly urge a ''no'' vote on this legislation.

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

Mr. KILDEE. May I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from Michigan has 2½ minutes remaining.

□ 1800

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

Madam Chairman, in my congressional district, I have a wide range of schools. I have some schools that were built before I was born, and you can guess maybe how old those schools are. Some of them are in deplorable condition. Then I have some school districts which, thanks to the voters because they are a little better off, they bond and they have really up-to-date school buildings. I have been happy to have been at the ground breaking or the ribbon cutting for those buildings, and the people have certainly done well to bond themselves for that. But there are other school districts that are abjectly poor, their tax base is miserable, and the school buildings are miserable.

Children learn better in decent buildings. And human nature being what it is, good teachers to a great extent are more likely to stay in better buildings.

This bill was wisely based upon the title I formula so those schools that are really stricken in my district now would be able to apply for these grants and, under the title I formula, would be able to receive some Federal dollars to help them replace buildings which I say are worse off than a jail that was torn down in my district because a judge declared it unfit for human habitation.

This is a good bill. It will put dollars where they are most needed to help children learn better. We know they learn better in a better building. I urge support for this bill.

Mr. SPACE. Madam Chairman, the steel industry has a proud tradition in this country. For over 150 years, steel production has been an important symbol of American strength and a critical source of American jobs.

In recent decades, the American steel industry has faced an increasingly difficult landscape. Short-sighted free-trade agreements and illegal dumping policies set in place by foreign countries have placed American steel on an uneven playing field with foreign competitors. Facilities have been forced to close, at the expense of countless American jobs.

In no place is this change in the industry more apparent than in my home of Ohio. Both my father and my grandfather found gainful employment in steel mills that now lie vacant and unused. Without question, Appalachian Ohio has felt the burden of global shifts in the economy, and I worry about the future of the jobs that remain.

This amendment will ensure that American taxpayer dollars are used to support American industries and jobs. At a time when other countries like China are using questionable policies to develop an unfair advantage, there must be a mandate to use American steel with any federal funds. I am proud to lend my support to this amendment and the American steel industry.

Mr. HINOJOSA. Madam Chairman, I rise in strong support of H.R. 3021, the 21st Century Green High-Performing Public Schools Act.

It is high time that we include public schools on the list of critical infrastructure that requires significant Federal investment and support.

I would like to commend Congressman BEN CHANDLER of Kentucky and Chairmen MILLER and KILDEE for their leadership on this vital legislation.

Our public schools educate roughly 90 percent of children in the United States.

We are counting on our public schools to prepare the leaders and workforce of tomorrow. Yet according to several estimates the need for school construction and renovation is in the hundreds of billions of dollars—as much as $322 billion according to analysis from the National Education Association.

Worse, the students in the areas where the need for school modernization is most acute are minority students who now represent 43 percent of the total student population. Improving school facilities is also about improving educational opportunities and equality.

I am especially pleased that the manager's substitute includes specific language regarding the renovation and improvement of science and engineering laboratories in our schools. 52 percent of school principals reported having no science laboratory facilities in a National Center for Education Statistics survey. Simply put, we can never succeed in our national imperative to improve our competitiveness in the STEM fields if our children do not have the opportunity to experience and practice science and engineering. I would like to thank Chairman MILLER and Chairman KILDEE for working with me and my colleague from Vermont, Congressman PETER WELCH to include the important provision in the bill before us today.

I urge all of my colleagues to vote ''yes'' on H.R. 3021.

Mr. CONYERS. Madam Chairman, I rise today in support of H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act. The bill authorizes $6.4 billion for school construction projects for fiscal year 2009, and ensures that school districts will quickly receive funds for school modernization, renovation, and repairs. A majority of these funds must be used for projects that meet green building standards for energy efficiency and carbon footprint reduction.

This important bill will improve the health of our Nation on a variety of levels. As an economic stimulus, it will create jobs all across the Nation as local citizens join together to build and repair schools. The bill also improves the teaching and learning climate in America's schools by combating overcrowding, decreasing student and teacher sick days, and improving school air quality for our nation's 60 million school children. This legislation also improves energy efficiency by mandating the use of renewable resources in our schools. These same energy efficiencies will also play a positive role in combating global climate change by limiting the carbon emissions emitted by school buildings. Finally, the inclusion of Davis-Bacon protections ensures that workers will receive a fair and prevailing wage.

At a time when our economy is reeling, with unemployment and inflation on the rise, this bill will infuse our faltering job market with the resources it needs to flourish. This $6.4 billion investment in our Nation's infrastructure will create 100,000 new design and construction jobs—4,041 of which will be located in Michigan. Citizens working in other sectors will also see an improvement in their financial stability, as property values improve in communities with these new schools.

The bill will also dramatically improve the teaching and learning climate for America's school children. We all know that children can't learn if they're sick. The average American school was built half a century ago. As a result, too many of our children attend overcrowded schools housed in buildings with leaky roofs, faulty electrical systems, and outdated technology. This tremendous investment in physical facilities would help alleviate these problems by repairing and removing infrastructure rife will black mold and asbestos.

Some may decry the spending associated with this bill. I however, see it as a smart investment that will pay out cost-saving dividends in the very near future. Green schools created by this bill will cost, on average, 2% more than conventional schools but provide financial benefits that are 20 times as large. This is enough savings to hire two additional full-time teachers in most communities.

Although not obvious at first, the bill will also play a substantial role in our nation's multifaceted response to the threat posed by global climate change. When one thinks about the causes of global warming, images of exhaust spewing SUVs and coal plants billowing out black smoke spring to mind. In fact, 39 percent of all green house gas emissions come from buildings—including many of our country's school buildings. The energy efficiency improvements that will be built into our schools will have an immediate impact on this front. Each green and energy efficient school will lead to annual emission reductions of 585,000 pounds of carbon dioxide.

Finally, I am happy to see that the bill will include Davis-Bacon protections to all grants for school modernization, renovation, and repair projects. The inclusion of these protections exemplifies the tremendous differences between the two major parties on issues of worker's rights. I am continually reminded that during the aftermath of Hurricane Katrina, our President attempted to rescind Davis-Bacon protections at a time when local workers could least afford to have their living standards depressed. In contrast, with this bill, this Democratic Congress emphasizes its commitment to

the belief that the government has a responsibility to provide workers with a living wage as they work to improve their communities.

I applaud Representative CHANDLER and the rest of the Leadership for this bill. As I noted two weeks ago in the CONGRESSIONAL RECORD, one of the hallmarks of this Congress has been its attempt to provide comprehensive solutions to complicated problems. I believe that this bill is a proud example of this trend. In a bill aimed at decreasing class sizes, the Congress has also chosen to attack climate change, promote worker's rights, and improve air quality.

I urge my colleagues to vote for this bill and send a clear message to the American people: This Congress is committed to smart solutions to the real problems that this country will face in the 21st Century.

Mr. VAN HOLLEN. Madam Chairman, I rise today as a member of the Green Schools Caucus to strongly support the 21st Century Green High-Performing Public School Facilities Act.

Our Nation needs new schools. The average American school is 50 years old and almost two-thirds need extensive repair. According the GAO, 14 million students attend schools considered below standard or dangerous. But in a time of state budget deficits, fewer dollars are going to school construction projects.

Today's bill will assist local school districts with the initial costs of construction and modernization and, by investing in energy efficient technology, will result in significant long term savings. Building green costs about 2 percent more than conventional construction, but can save 20 times that amount over the life of the school.

Moreover, green school construction yields substantial environmental benefits. Green schools use on average 33 percent less energy and produce less carbon dioxide, nitrogen oxide, sulfur dioxide, and coarse particulate matter emissions.

With its investment in infrastructure, this bill provides an important economic stimulus. School districts have many projects ready to go. When this bill is passed, we will see additional jobs in the construction industry, including suppliers, architects, contractors, and engineers.

Madam Chairman, this legislation is a good, long-term investment that will improve education, reduce our energy consumption, and create jobs in local communities. I urge my colleagues to join me and support this important bill.

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

The CHAIRMAN. 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. 3021

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 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 States.
Sec. 203. Allowable uses of funds.
TITLE III—GENERAL PROVISIONS
Sec. 301. Impermissible uses of funds.
Sec. 302. Supplement, not supplant.
Sec. 303. Maintenance of effort.
Sec. 304. Special rule on contracting.
Sec. 305. Application of GEPA.
Sec. 306. Green Schools.
Sec. 307. Reporting.
Sec. 308. Authorization of appropriations.

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.

(3) 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, 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.

(4) 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.

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

(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 ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

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

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

SEC. 101. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, or repairing public kindergarten, elementary, and secondary educational facilities that are safe, healthy, high-performing, and up-to-date technologically.

SEC. 102. ALLOCATION OF FUNDS.

(a) RESERVATION.—From the amount appropriated to carry out this title for each fiscal year pursuant to section 308(a), the Secretary shall reserve 1 percent of such amount, consistent with the purpose described in section 101—

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

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

(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 308(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 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, including—

(A) providing technical assistance to local educational agencies;

(B) developing within 6 months of receiving its allocation under paragraph (1) a plan to develop a database that includes an inventory of public school facilities in the State and the modernization, renovation, and repair needs of, energy use by, and the carbon footprint of such schools; and

(C) developing a school energy efficiency quality plan.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under paragraph (1), each local educational agency in the State that meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of that Act 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 part A of 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.

(4) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 shall not apply to paragraphs (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 may use the grant for modernization, renovation, or repair of public school facilities, including—

(1) repairing, replacing, or installing roofs, electrical wiring, plumbing systems, sewage systems, lighting systems, or components of such systems, windows, or 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 and safety codes, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies;

(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), except that such modifications shall not be the primary use of the grant;

(5) asbestos abatement or removal from public school facilities;

(6) implementation of measures designed to reduce or eliminate human exposure to lead-based paint hazards though methods including interim controls, abatement, or a combination of each;

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

(8) 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; or

(C) make them more energy efficient; and

(9) required environmental remediation related to school modernization, renovation, or repair described in paragraphs (1) though (8).

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 kindergarten, elementary, and secondary educational facilities that are safe, healthy, high-performing, and up-to-date technologically in order to address such needs caused by damage resulting from Hurricane Katrina or Hurricane Rita.

SEC. 202. ALLOCATION TO STATES.

(a) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 308(b), the Secretary shall allocate to Louisiana, Mississippi, and Alabama an amount equal to the number of schools in each of those States that were closed for 60 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita, relative to the number of schools in all of those States combined that were so closed.

(b) STATE ADMINISTRATION.—A State that receives funds under this title may reserve one-half of one percent of such funds for administrative purposes related to this title.

(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—States receiving funds under subsection (a) shall allocate such funds to local educational agencies within the State according to the criteria described in subsection (a).

(d) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the allocations described in subsection (a) 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 (c) within 30 days of receiving such funds from the Secretary.

SEC. 203. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title may use the grant for any of the activities described in section 103, except that an agency receiving a grant under this title also may use such grant for such activities for the construction of new public kindergarten, elementary, and secondary 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; or

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

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, and repair of public kindergarten, elementary, and secondary educational facilities.

SEC. 303. MAINTENANCE OF EFFORT.

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.

SEC. 304. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this Act shall ensure that, if the agency carries out modernization, renovation, or repair 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. 305. APPLICATION OF GEPA.

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. 306. GREEN SCHOOLS.

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

(1) LEED Green Building Rating System-certified or consistent with any applicable provisions of the LEED Green Building Rating System;

(2) Energy Star-certified or consistent with any applicable provisions of Energy Star; or

(3) certified, designed, or verified under or meet any applicable provisions of an equivalent program to the LEED Green Building Rating System or Energy Star adopted by the State or another jurisdiction with authority over the local educational agency, such as the CHPS Criteria.

(b) APPLICABLE PERCENTAGES.—The applicable percentages described in subsection (a) are—

(1) in fiscal year 2009, 50 percent;

(2) in fiscal year 2010, 60 percent;

(3) in fiscal year 2011, 70 percent;

(4) in fiscal year 2012, 80 percent; and

(5) in fiscal year 2013, 90 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 school districts concerning the best practices in school modernization, renovation, and repair, including those related to student academic achievement and student and staff health, energy efficiency, and environmental protection.

SEC. 307. 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;

(2) the number of 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;

(3) the number of schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 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; and

(4) for each project—

(A) the cost;

(B) the standard described in section 306(a) with which the use of the funds complied or if the use of funds did not comply with a standard described in section 306(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; and

(C) 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.).

(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 a report on grants made under this Act, including the information described in subsection (b)(1), the types of modernization, renovation, and repair 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.

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) TITLE I.—To carry out title I, there are authorized to be appropriated $6,400,000,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013.

(b) TITLE II.—To carry out title II, there are authorized to be appropriated $100,000,000 for each of fiscal years 2009 through 2013.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–678. 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. KILDEE

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–678.

Mr. KILDEE. Madam Chairman, as the designee of the chairman of the committee, I offer a manager's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KILDEE:

Page 5, after line 5, insert the following:

(9) The term ''public school facilities'' includes charter schools.

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

Page 5, line 8, insert ''**PUBLIC**'' before ''**SCHOOL**''.

Page 5, beginning on line 12, strike ''kindergarten'' and all that follows through ''that are'' and insert ''school facilities, based on their need for such improvements, to be''.

Page 8, line 9, strike ''may'' and insert ''shall''.

Page 8, line 11, insert ''including extensive, intensive or semi-intensive green roofs,'' after ''roofs,''.

Page 8, line 14, before the semicolon insert '', including security doors.''

Page 8, strike lines 19 through 22, and insert the following:

(3) bringing public schools into compliance with fire, health, 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;

Page 9, line 4, insert ''or polychlorinated biphenyls'' after ''asbestos''.

Page 9, after line 9, insert the following:

(7) implementation of measures designed to reduce or eliminate human exposure to mold or mildew.

Page 9, line 10, strike ''(7)'' and insert ''(8)''.

Page 9, after line 12, insert the following:

(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;

Page 9, line 13, strike ''(8)'' and insert ''(10)''.

Page 9, line 20, strike ''(9)'' and insert ''(11)''.

Page 9, line 21, insert ''public'' before ''school''.

Page 9, line 22, strike ''(8).'' and insert ''(10).''.

Page 10, beginning on line 6, strike ''kindergarten'' and all that follows through ''that are'' and insert ''school facilities, based on their need for such improvements, to be''.

Page 10, beginning on line 9, strike ''in order'' and all that follows through ''Rita'' on line 10.

Page 11, line 16, strike ''may use the grant for any'' and insert ''shall use the grant for one or more''.

Page 11, line 19, strike ''kindergarten, elementary, and secondary''.

Page 12, beginning on line 9, strike ''and repair'' and all that follows through ''educational'' and insert ''repair, and construction of public school''.

Page 12, after line 10, insert the following (and amend the table of contents accordingly):

SEC. 302A. 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.

Page 12, line 12, insert ''(a) IN GENERAL.—'' before ''A local''.

Page 12, after line 19, insert the following:

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

(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) of this section 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) of this section 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.

Page 12, line 23, strike ''or repair'' and insert ''repair, or construction''.

Page 13, beginning on line 12, strike ''or repairs'' and insert ''repairs, or construction''.

Page 13, line 13, insert ''certified, verified, or consistent with any applicable provisions of'' after ''are''.

Page 13, strike lines 14 through 24 and insert the following:

(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.

Page 14, line 13, strike ''and repair,'' and insert ''repair, and construction,''.

Page 14, line 21, before the semicolon insert '', including the number of charter schools''

Page 14, after line 21, insert the following:

(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;

Page 14, line 22, strike ''(2)'' and insert ''(3)''.

Page 14, line 22, insert ''public'' before ''schools''.

Page 15, line 3, strike ''(3)'' and insert ''(4)''.

Page 15, line 3, insert ''public'' before ''schools''.

Page 15, line 9, strike ''(4)'' and insert ''(5)''.

Page 15, line 8, strike ''and''.

Page 15, line 22, strike the period at the end and insert ''; and''.

Page 15, after line 22, insert the following:

(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.

Page 16, beginning on line 13, strike ''and repair'' and insert ''repair, and construction''.

Page 16, after line 25, insert the following (and amend the table of contents accordingly):

SEC. 309. 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.

Page 17, strike the title amendment and insert the following:

Amend the title so as to read: ''A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.''.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. KILDEE. I thank Chairwoman SLAUGHTER and the Rules Committee for their work and for making this amendment in order.

Madam Chairman, this bill would address three critical issues facing our country: closing the achievement gap, boosting the economy by creating thousands of construction jobs, and reducing school energy costs and protecting the environment. This bill provides long overdue investment in public school facilities around the country. And this amendment would improve the bill by ensuring that schools could use these funds for modernizations, renovations, and repairs including green roofs; abatement of polychlorinated biphenyls and mold and mildew; and various security measures.

Highlighting the need for improvements to science and engineering laboratories, libraries, career and technical education facilities, especially those related to energy efficiency and renewable energy, and to facilitate access to schools by different modes of transportation; strengthening language ensuring charter schools' eligibility for these funds, which was asked for from the other side; expanding local flexibility by adding ''Green Globes'' to the list of green rating systems; adding reporting requirements to ensure local accountability; and clarifying that no funds may be used to employ undocumented workers and requiring that school districts receiving these funds have a policy requiring a criminal background check on their employees.

I want to thank the many Members whose input is reflected in this amendment: Representatives ARCURI, BAIRD, CROWLEY, HASTINGS of Florida, HOOLEY, KLEIN of Florida, LEE, MATHESON, MCCARTHY, MITCHELL, PATRICK MURPHY, RICHARDSON, SUTTON, WELCH, and WU.

I encourage my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim time in opposition to the amendment.

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

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

I oppose this amendment, Madam Chairman, for the same reason I oppose the underlying bill.

This proposal radically shifts the Federal role in education. This new school construction program will compete for funding with other critical priorities like title I and IDEA. And no matter what the other side tries to tell you, every dollar spent under this legislation is a dollar that won't be spent improving academic achievement for disadvantaged children.

Here in Congress our job is to set priorities. Are we really saying that it's more important to fund bicycle racks, as this substitute would do, than it is to provide funds for schools to serve children with disabilities? I don't deny that schools can use bicycle racks, but I challenge anyone to explain why that's a priority for scarce Federal dollars when title I and IDEA continue to be funded below their authorized level.

I also think this entire debate is a distraction from the most immediate financial concern facing many school systems and every family in this Nation: That's the high price of gasoline. School districts are struggling just to fill the tanks on their school buses. They're scaling back field trips and activities. And some schools are even moving to a 4-day school week to save on energy costs. Just like the rest of the country, our schools need energy relief and they need it now.

But we're not here today to discuss how we can produce more American-made energy. We're not here to promote new clean and reliable sources of energy like advanced nuclear and next-generation coal. We're not even here to encourage greater energy efficiency by offering conservation tax incentives to Americans who make their home, car, and businesses more energy efficient. Instead, we are proposing a big government program to exert Federal control over how States and local communities build their schools. It's the classic Washington approach to problem solving: If we just kick in a little bit of money, we'll be able to wield our power and influence over the decisions that used to be made by individual citizens and local leaders. Surely Washington must know best when it comes to where our children learn.

Madam Chairman, I oppose this amendment, I oppose this legislation, and I oppose the fact that Congress has yet to do anything to address the skyrocketing cost of energy.

Madam Chairman, I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Madam Chairman, I rise in support of H.R. 3021, the 21st Century Green High-Performing Public Schools Facilities Act.

I was proud to work with the chairman and Mr. BLUMENAUER to authorize the use of funds to improve building infrastructure to facilitate bike and pedestrian access. This could include bike storage facilities, safety lighting, lockers, safe travel routes on school grounds for bicyclists and pedestrians, and more.

Alternative modes of transportation and storage facilities for bicycles are recognized by the U.S. Green Building Council as criteria for obtaining certification as a green school and are critical to reducing emissions and the carbon footprint of our Nation's schools.

With skyrocketing gas prices, American families are feeling the pain at the pump. It's my hope that this amendment will help ease that burden by encouraging students, just as we did, to walk and bike to school rather than catch a ride with their parents or drive themselves. I would like to thank my friend Representative BLUMENAUER for working with me on this important provision and commend him for his tireless work on this issue.

Additionally, I would like to thank the distinguished chairman of the Education and Labor Committee, along with his staff, for their work to bring this legislation to the floor today.

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

Mr. KILDEE. Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Chairman, I want to thank Chairman MILLER for putting this important legislation together, and I applaud his resourcefulness for including my provision within this amendment that solidifies the eligibility for grants to be used in the construction of green roofs at public schools.

Throughout the past decade, green roofs have proven to be a cost-effective and an environmentally conscious way of lowering utility costs by insulating buildings from extreme temperatures and reducing the sewer system and wastewater treatment costs. In addition, green roofs diminish air pollution by using plants to collect airborne particles and produce oxygen through photosynthesis. Green roofs also decrease costs associated with roofing maintenance by lengthening the lifespan and durability of the roofs. And, also, more importantly, it gives young people an opportunity to see real learning experiences work.

I ask my colleagues to seriously evaluate this legislation and pass this amendment and pass H.R. 3021.

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

We have been kind of talking about supply and demand in energy. Today we are also talking supply and demand of money. There's unlimited demand for resources, but there is somewhat limited supply. And what we're talking about in this bill is that the demand is for the Federal Government to get involved in local school construction.

I served on a local school board, and I met with a lot of other people that served on local school boards, and I know what they're going to want to do. They are going to want to turn to the Federal Government and take all the money that's available, and then they will use that to build the schools, and then they'll find other ways to spend the money that they've been spending on schools for other things. That's how supply and demand works. You kind of take what's available and fill up the gap.

I was home last week, as most of us were, for the break, and I hadn't been home for a couple of weeks. I was shocked at what the gas prices were, and they went up about 20 cents during the week while I was home. And it's all based on supply and demand.

We have had several votes over the last 16 years that I have been here in Congress. We voted to explore for more oil in the ANWR. House Republicans, 91 percent supported increasing supply; House Democrats, 86 percent opposed increasing supply.

Coal to liquid is another thing that should increase the supply, which would then meet the demand and help lower gasoline prices. House Republicans voted 97 percent to support coal to liquid; House Democrats, 78 percent opposed that.

Oil shale exploration, which again would increase supply and meet the demand and lower prices. House Republicans, 90 percent supported it; House Democrats, 86 percent opposed.

This goes on and on and on. What we are saying on our side is we will support exploration, conservation, renewable, all sources of increasing supply to get energy independent. The other side says we can't do this, we can't do this, we can't do this; let's keep buying oil from Iraq and Iran and Saudi Arabia and Venezuela and not become independent.

□ 1815

I urge a ''no'' vote on this amendment.

Mr. KILDEE. The gentleman from California suggested that this bill would impose Federal control over local decisions. But, again, representatives of local parents, teachers, principals and superintendents are in strong support of this bill. The Counsel of Great City Schools says it gets these funds to schools with a minimum of red tape. Now they are the ones that are really on the front line. We have our level of expertise here in this Congress on education, but the groups I have mentioned are really on the front lines every day and they see the need out there, and they feel that this bill would distribute these funds for this purpose with a minimum of red tape. I believe that to be the case.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

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

Mr. KILDEE. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MR. EHLERS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–678.

Mr. EHLERS. I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. EHLERS:

Page 11, line 25, strike ''or''.

Page 12, line 3, strike the period at the end and insert ''; or''.

Page 12, after line 3, insert the following new paragraph:

(3) purchasing carbon offsets.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Michigan (Mr. EHLERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. One part about this bill that is probably worthwhile is the effort to reduce energy use, and in particular to reduce the carbon footprint, as it has come to be called, although I have always joked that I prefer ''carbon tire tracks'' because we produce a lot more carbon dioxide with our cars than from other common sources. Nevertheless, this bill allows schools to use funds to reduce the carbon footprint of their schools.

As I perused this bill, I realized that it was entirely possible that the schools might decide to use the Federal funds to purchase carbon offsets or carbon credits. To me, that would make absolutely no sense whatsoever. Because schools are small, they do not emit huge amounts of carbon dioxide, and the money that they might want to use for that can much better be used to improve insulation in the schools, improve the insulation in the walls, improve the type of windows so that there's less energy escaping. There are many modifications that can be made that would reduce energy use, and by reducing energy use, you reduce the carbon footprint.

I would also maintain that it is much more effective to reduce the energy use, whether it's by better insulation or by sealing the windows, or putting in the appropriate type of glass. It's much more cost-effective in reducing the carbon footprint than it would be to buy carbon offsets. So it seems to me that we should make certain that no school would ever attempt to use Federal funds, if this bill passes, for the purpose of buying carbon credits.

This is not because I oppose carbon credits. I think this is something that in fact we will be facing shortly because the Senate is working on a bill on that issue, but I am simply for efficiency, not wasting money, making certain that the money that is in this bill, if this bill passes, will be used wisely and will be used to conserve energy, not to purchase carbon offsets.

With that in mind, I offer this bill to make certain that money is not improperly used and to make sure that we use the funds efficiently.

With that, I reserve the balance of my time.

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

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

There was no objection.

Mr. KILDEE. We have looked at the amendment and we feel we can accept it on this side. I would urge a ''yes'' vote.

I yield back the balance of my time.

Mr. EHLERS. I just wish to state that I appreciate the gentleman from Michigan, the other gentleman from Michigan accepting this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

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

Mr. MCKEON. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–678.

Mr. WELCH of Vermont. As the designee of Ms. SHEA-PORTER of New Hampshire, I call up an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WELCH of Vermont:

Page 9, after line 12, insert the following:

(8) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems;

Page 9, line 13, strike ''(8)'' and insert ''(9)''.

Page 9, line 20, strike ''(9)'' and insert ''(10)''.

Page 9, line 22, strike ''(8).'' and insert ''(9).''.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. At this time I recognize the principal author of this amendment, Congresswoman CAROL SHEA-PORTER of New Hampshire.

Ms. SHEA-PORTER. I am proud to offer this amendment alongside my colleagues, Representatives WELCH, ARCURI, and HODES, and I thank them for their hard work on this amendment. I would also like to thank Chairman MILLER, Subcommittee Chairman KILDEE, and Representatives CHANDLER and LOEBSACK for their hard work on this legislation.

Madam Chairman, energy and heating costs are on the rise and communities across the country are feeling the pinch. Now more than ever, it's important to focus on sustainable forms of energy and heating production. Going green is not only the right thing to do for our environment and for national security reasons, but it's the financially responsible thing to do as well.

The Shea-Porter/Welch/Acuri/Hodes amendment builds on the positive steps taken in H.R. 3021 by specifying that the funds authorized by this act may be used to invest in sustainable solutions that meet the energy and heating needs of our Nation's school facilities. Sustainable solutions such as geothermal, solar, wind, and biomass technologies will help to mitigate the costs of the increasing traditional energy sources on our schools by reducing the schools' dependence on traditional sources. This amendment makes a simple change, but it is an important one, as it serves to provide school districts with greater flexibility in the use of these dollars.

Madam Chairman, 82 percent of the 475 public schools in my home State of New Hampshire were built prior to 1981, and 36 were built prior to 1951. Just think of all the advances that have been made in heating and energy efficiency technologies since then. The underlying legislation will certainly help modernize these schools, and with our amendment, H.R. 3021, will do even more by allowing school districts to make critical investments in sustainable heating and energy solutions.

Madam Chairman, the Shea-Porter/Welch/Arcuri/Hodes amendment is supported by the National Education Association, and it deserves the support of our colleagues as well. I urge a ''yea'' vote on this amendment and the underlying legislation. Let's invest in our school infrastructure in an environmentally and economically sound way.

Mr. MCKEON. Madam Chairman, I claim time in opposition to the amendment, although I don't expect to oppose its passage.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 15 minutes.

There was no objection.

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

This amendment allows funding under the massive new program to be used for renewable energy generation and heating systems in schools. Clearly, this amendment recognizes that schools are grappling with the high cost of energy, and they need help. I couldn't agree more. But we are acknowledging that schools, like the rest of the country, are being burdened by the skyrocketing costs of gasoline, diesel fuel, and other energy sources. I'd like to know why we are not having a real debate about energy solutions.

Giving schools a little bit of money for renewable energy generation and heating systems, while ignoring the problem of rising gasoline, diesel, and other energy costs, will not solve the problems our schools are facing. In the Northeast, for instance, we know that many schools rely on home heating oil during the winter months. Clearly, a one-size-fits-all approach isn't going to work.

What we need are comprehensive energy solutions. We need to expand production here at home, something my friends on the other side of the aisle have historically opposed 86 percent of the time. We need to encourage innovation and invest in new fuel alternatives, and we need to promote conservation. Only by embracing meaningful energy reforms will we finally be

able to move toward energy independence and provide our schools, especially those impacted by the skyrocketing costs of heating oil, much needed relief. That is why I am so disappointed in this legislation. It's quite simply the wrong solution to the wrong problem.

If the question is how should the Federal Government help our schools, the answer is by funding programs that promote academic achievement for disadvantaged children. If the question is how should the Federal Government help schools burdened by high energy costs, the answer is by taking decisive action to increase energy production here at home, and red tape and regulations encourage next generation energy sources and promote conservation.

The bill achieves none of these goals. I won't oppose passage of this amendment, but I strongly oppose passage of this legislation.

I reserve the balance of my time.

Mr. WELCH of Vermont. I yield 4 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my colleague from Vermont for yielding. I would like to also thank the chairman, Chairman MILLER, and Subcommittee Chairman KILDEE for this wonderful piece of legislation.

Madam Chairman, I rise today in strong support of this amendment, which would allow schools to purchase and install renewable energy generation systems. Our amendment would allow schools to choose from a diverse selection of renewable energy sources. But I would like to specifically highlight two that pose significant potential: Geothermal and biomass wood pellet systems.

Just last week during the Memorial Day District Work Period, I had an opportunity to tour the Cayuga-Onondaga BOCES in Auburn, New York, and received a firsthand look at a geothermal heating and cooling system in action. The Cayuga-Onondaga BOCES completed installation last July of a closed-loop geothermal system. The system includes 200 wells around the campus, 330 feet deep, that tap into the earth's constant ground temperature at a level of 55 degrees. The system circulates that 55-degree air temperature year round throughout the buildings on the campus.

□ 1830

In the winter, the system relies on a boiler to slightly increase the air temperature on the campus to a comfortable level of 68 degrees, requiring substantially less energy than normal, and in the warm summer months, the system needs no additional energy whatsoever to cool the buildings on campus.

The New York State Energy Research Development Authority recently conducted a study that found the system to be a remarkable 43 percent more energy efficient than a building built to standard code. While it might be too soon to qualify the actual monthly cost savings, I think it is safe to say that a building 43 percent more energy efficient will realize significant cost savings in the future and allow a school district to spend resources where they are most needed, on better educating our students, hiring more teachers, and to fund underfunded programs like the IDEA.

The second component of this amendment I wish to highlight is wood pellet energy. Wood has the potential to meet our Nation's energy needs in a safe and environmentally responsible way. Studies show that commodities can save significant taxpayer funds by switching to wood energy for heating schools. For example, communities can save as much as 50 percent over natural gas, 80 percent over propane, 80 percent over electric heat and 50 percent over oil by switching to wood energy.

Especially in the upstate New York district that I represent, with its bountiful forest resources, wood energy such as biomass offers an array of economic environmental benefits compared to traditional fossil fuels. Both geothermal and wood energy systems can be fueled by renewable local resources. This keeps energy dollars circulating in the local and regional economy, instead of flowing to other nations. These systems also aid local budgets by providing lower and more stable fuel costs for our schools. Investments like this benefit the whole community by relieving pressure on local budgets and associated tax rates, leading to healthier communities. Unlike some other renewable energy systems, both geothermal and biomass systems can run continuously and provide a constant level of power throughout the day.

Beyond the amendment my colleagues and I are offering today, it is also worth noting the overall benefits of the underlying legislation. Everyone in this Chamber, Republican and Democrat, understands the importance of lowering energy prices.

The 21st Century Green High-Performing Public School Facilities Act represents a trifecta of sound public policy. It improves the education system for our children, it does so in an environmentally friendly way that decreases our dependence on finite fossil fuels, and it creates jobs for hard-working middle class families. I urge my colleagues to support this amendment and the underlying legislation.

Mr. WELCH of Vermont. Madam Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Madam Chairman, I thank the gentleman for yielding.

I want to first thank my colleagues, Ms. SHEA-PORTER, Mr. WELCH and Mr. ARCURI, for their work on this important amendment. This amendment will help schools in my district in New Hampshire to power their classrooms with alternative energy sources, including wood pellets and wood biomass, sources that are plentiful throughout New Hampshire. For example, under this new program, the program would help invest more than half a million dollars for Concord, New Hampshire's school district, and almost $1.5 million for Nashua, New Hampshire's schools. These dollars will allow our schools to reinvest in cost-effective and clean alternative energy.

Schools throughout New Hampshire are already investing to a limited extent in renewable energy and saving money. For example, Merrimack Valley High School and Middle School recently switched to wood biomass to heat their school facilities. In just one winter, the school district saved $80,000 in heating costs, and that was before the recent steep rise in the price of a barrel of oil. From March to March, that is $1.50 a gallon for heating oil that the costs have gone up, so we can only imagine what they will save in the coming winter.

As you can see, the alternative energies we promote here will help save money for our Nation's school districts in power and heating costs. That means schools will have more dollars to invest in improving our children's education. It means our school districts can afford more teachers in the classroom, more computers for our students and smaller class sizes to give our kids more individual attention. It means that our wise investments in this bill will pay huge dividends.

Energy efficiency, conservation and renewable energy are the key to a secure energy future for the United States of America. We can't drill our way out of the energy crisis we face. Green is the new red, white and blue.

To create a 21st century energy policy, we must all collectively make changes in how we power our buildings in both the private and public sector. This amendment will help our schools become leaders in an energy plan for the 21st century and give our school districts more resources to invest in our children's education. I am proud to support this amendment. I urge its passage.

Mr. MCKEON. Madam Chairman, I yield myself 1 minute.

As the gentleman that just spoke said, we cannot drill our way into energy independence. I agree, because over the past 12 years, every time we have had a vote to give us an opportunity to explore and find more oil to get us past the gap to where all these other things that they are talking about will work, 91 percent of House Republicans have historically supported the increase of production of American-made oil and gas, while 86 percent of House Democrats have historically voted against increasing the production of American-made oil and gas.

Ten years ago when we passed an energy bill that would let us drill in the ANWR which would reduce gas prices now 70 cents to $1.60 a gallon, and that would be in production now and we

would be receiving that benefit, President Clinton vetoed that bill.

So, yes, we can't drill our way out of it. We have to sit here and buy oil from countries around the globe that want to see us destroyed, and I don't see how we possibly can continue to go on putting ourselves in that position. We need to find new energy, and we need to do it now.

Madam Chairman, as I said, I will not oppose this amendment. I oppose the underlying bill for many, many reasons.

I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Chairman, I yield myself such time as I may consume to just briefly close.

Madam Chairman, there are two issues that have been debated during the course of this proposed amendment. One is what is the proper way to try to provide new supplies of oil.

There is a debate here, as Mr. MCKEON has outlined it, and it has been carried on in many other bills relating to energy, about the possibility of the United States drilling and capturing more oil and natural gas here in our own territorial boundaries. The premise, of course, is if we did that, we would be able significantly to address the problem, and it also has as a premise that the obstacles to drilling are what is causing us not to drill.

In fact, that simply is not true. There are tens of millions of acres of federally owned land that are leased to the oil and gas companies, and only 28 percent of acres on shore and only 20 percent of the acres offshore where there actually are leases left are producing oil and gas. So there is an enormous capacity already that is out there for oil and gas companies to do the drilling. Why they don't, I guess we would have to ask them. But it is hard to imagine that there is a disincentive for them to take these leases that they have, giving them the opportunity to drill, when we have got oil that hovers around $130 a barrel. So the suggestion that that is the problem I think is incorrect.

Secondly, the United States, and we have got to face this, we have 2 percent of the world's oil supply. That is it. Yet we consume 24 percent of the oil. So if we think that it is going to be a long-term approach to dealing with the increasing cost of oil when we are using 24 percent and we only have 2 percent of the known reserves, I think that is going to fall on its own weight.

The second issue really is putting aside that debate about what is the long-term, shall we be drilling or not, it begs the question of whether shouldn't we be doing everything that is within our capacity right now to give tools to local communities to save money on their energy costs and don't make the policy argument about whether we should or shouldn't be drilling be an impediment to taking the concrete step that this bill proposes to give our schools the tools they need to save money.

Let me just give you a couple of examples in Vermont. We have 32 schools that have transitioned to wood biomass. These are small schools, but they have saved over 1 million gallons of home heating oil. Home heating oil now in Vermont, the last bill I paid was $4.30 a gallon. That is over $4 million. That also, as my colleague Mr. ARCURI said, is a trifecta, because it reduced carbon emissions by 11,000 tons. It also provided jobs to local Vermonters who are providing the basic material that provided the energy to these schools.

So this is an extraordinary incentive for our local schools to try to save money. That is a burden that is immense on the property taxpayers, and this is a practical piece of legislation that allows our communities and our schools to take positive steps to reduce the bottom line.

I urge, along with my colleagues who have offered this amendment, led by Congresswoman CAROL SHEA-PORTER, a ''yes'' vote on this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

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

Mr. WELCH of Vermont. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–678.

Mr. DAVIS of Virginia. Madam Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DAVIS of Virginia:

Page 8, after line 6, insert the following:

(3) DISTRIBUTIONS BY LOCAL EDUCATIONAL AGENCIES.—A local educational agency receiving a grant under this title may give priority, in using the grant, to projects to be carried out in a public secondary school recognized as a Science and Technology High School or as a secondary school with a science and technology program.

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Virginia (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. DAVIS of Virginia. Madam Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to H.R. 3021 that would allow local education priority consideration for science and technology schools once grant funds reach their State's local educational agencies.

I have traditionally opposed the concept of the Federal Government directly funding school construction and renovation. However, I believe the legislation today provides an excellent opportunity to advance what should be an increasingly prominent component of Federal education policy, active promotion and assistance for rigorous science, math and technology programs at the secondary level.

Science, math and technology schools throughout the country enable students to cultivate a spirit of discovery and innovation. More importantly, they give some of our best and our very brightest the ability to compete with similarly talented students from other countries around the world.

In my district, Thomas Jefferson High School for Science and Technology is a perfect example of the type of institution we should be promoting nationwide. TJ, as we call it, is part of the Fairfax County public school system, but draws applicants from across five counties and two cities in Northern Virginia, selecting 500 students from a pool of several thousand applicants. While TJ tops the list of U.S. News and World Report's list of America's best high schools, its building and infrastructure is deteriorating and in need of repair. It also needs access to increasingly advanced laboratory facilities to provide cutting edge programs and study.

I appreciate the concerns of my colleagues regarding an expanded Federal role in school construction. I want to note, however, that there can be a role for Congress to play.

□ 1845

One of our congressional accomplishments was closing the Lorton Prison and putting some of that land into the public school system in Fairfax County in which South County High School was built, a public-private partnership.

As we debate added Federal participation in school construction maintenance, I am ready to set aside preexisting qualms to make sure that schools focused on science, math, and technology receive the focus they merit. Make no mistake, these individuals and skills that these students possess will be the foundation of our economy in the coming years. It is in our interest to give them the foundation they will need to excel in a world that is quickly catching up with us.

In closing, I want to thank Chairman MILLER and his staff for their willingness to work with me on this issue. I look forward to continuing this effort as this legislation moves forward, and I urge my colleagues to support the amendment.

I reserve the balance of my time.

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

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

There was no objection.

Mr. KILDEE. First of all, I want to thank the gentleman from Virginia (Mr. DAVIS) for his work on this bill and for all his work here in the Congress. He has been a distinguished Member of this Congress, one who loves this institution. And as he goes off in other pursuits, I certainly wish him well.

I look around this Congress, and you see on both sides of the aisle people for whom you have great respect, and he certainly has my respect. His interest in science and technology makes him the natural one to have the expertise in this and apply that to our K–12 schools.

I yield back the balance of my time.

Mr. DAVIS of Virginia. I just want to thank the gentleman for making this amendment in order. I appreciate his support as the legislation moves forward.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. VISCLOSKY

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–678.

Mr. VISCLOSKY. Madam Chairman, I rise as the designee for Mr. STUPAK to claim time in support of the amendment offered.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. VISCLOSKY:

Page 6, line 3, strike ''308(a)'' and insert ''309(a)''.

Page 10, line 14, strike ''308(b)'' and insert ''309(b)''.

Page 13, after line 2, insert the following (and redesignate provisions and conform the table of contents accordingly):

SEC. 305. SPECIAL RULE ON USE OF IRON AND STEEL PRODUCED IN THE UNITED STATES.

(a) IN GENERAL.—A local educational agency shall not obligate or expend funds received under this Act for a project for the modernization, renovation, or repair of public school facility unless all of the iron and steel used in such project is produced in the United States.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply in any case in which the local educational agency finds that—

(1) their application would be inconsistent with the public interest;

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

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

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. VISCLOSKY. Madam Chairman, I first of all would like to express my appreciation to Mr. STUPAK for all of his hard work on this initiative, but also would like to thank the chairman of the full committee as well as the ranking member for their work on this important bill, as well as the chairwoman of the Rules Committee for making this amendment in order.

The amendment would require all iron and steel purchased with funds authorized by this act to use only American-made steel. This stems from a Steel Caucus hearing that was held in April, where we learned that the government does not have an established process to monitor the safety of steel imports. We also learned that foreign imports from China, for example, do not adhere to international standards and guidelines when they manufacture steel.

If the school construction projects provided under this act are to be truly safe for our children, then we must ensure that the steel used is American. If we buy only American steel for our schools, we will know that it adheres to our safety and quality standards, and would encourage my colleagues to support the Stupak-Visclosky amendment to keep our schools safe and to vote for passage of the underlying measure.

Madam Chairman, I recognize the gentleman from Ohio (Mr. WILSON) for 1½ minutes.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of the Stupak-Visclosky amendment, calling for all iron and steel used under this act to be produced here in our United States.

Since 1892, my home State of Ohio has been a leading steel producer, and today remains among the top three steel producing States in our country.

In April, I had the opportunity to attend a hearing held by the Congressional Steel Caucus examining the dangers of standardized substandard Chinese steel. What I learned was that these products are not being inspected in China and the products are not being inspected at our ports when they enter our country. And again, today, the steel is not inspected as it is used to build some of our Nation's most critical infrastructure, like our children's schools.

In the last year we have seen China's iron and steel production increase by more than 50 percent. Today, Chinese steel is being used to make everything from our schools to our hospitals to our bridges, and I have serious concerns about whether or not this Chinese steel is strong enough to keep our families and our Nation safe.

This amendment will ensure that the steel used is from American companies that will follow the proper safety and quality standards in our products. Our children deserve safe schools. A strong and viable U.S. steel industry is critical to America's infrastructure and the national economic security and homeland security.

In conclusion, I urge my colleagues to join me and to support the Stupak-Visclosky amendment, and encourage my fellow Members to vote for final passage of this important bill.

Mr. ENGLISH of Pennsylvania. Madam Chairman, I rise the claim the time on this side in favor of this amendment.

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

There was no objection.

Mr. ENGLISH of Pennsylvania. Madam Chairman, I rise today in strong support of this amendment, which would require local education agencies to use American steel and iron for modernization, renovation, or repair projects, such as at a public school facility. As the past chairman of the Congressional Steel Caucus and as the current vice chairman of that body, I have been working for some time on a bipartisan basis to promote policies to provide for the use of American steel precisely in these sorts of settings.

Madam Chairman, you may recall one of my favorite books which was Robert Penn Warren's remarkable novel, All the King's Men, in which the anti-hero Willie Stark is thrust into prominence because he takes on the local political machine, the local political machine which is building a schoolhouse with cheap materials at risk to students. He raises this issue; he is ignored, but in the end he is vindicated because once the schoolhouse is built, because of cheap steel ultimately many children are hurt and killed in a terrible accident.

Today, we are contemplating a similar set of circumstances and the same risk. Just a few months ago, our Steel Caucus held a hearing to examine the dangers with imported Chinese steel products. What we discovered is that there are serious and legitimate concerns regarding the quality of these imports and whether they are adequately monitored. We currently have no mechanism for evaluating or for stopping steel that does not meet specifications at the border. And once it is inside our market, this steel is used on bridges, buildings, power plants, and even schools. In fact, in the fall of 2007, the California Department of General Services posted an alert on Chinese steel tubing fabricated for school construction projects that had been found to be defective.

Through independent tests and studies we know that there are frequently deficiencies in Chinese steel, yet we also know that American steel consistently has met the highest standards.

Madam Chairman, if the goal of the 21st Century Green High-Performing Public Schools Facilities Act is to provide a safe and healthy learning environment for children, we should be insisting that we are using steel of a clearly determined quality; and, we would be doing a disservice to the parents and to the children of our country by not ensuring that the school's infrastructure is built with steel of a guaranteed quality. The difference between

steel that makes the grade and steel that doesn't meet required standards could very well be a matter of life and death.

The use of deficient or structurally inefficient steel for renovations or repair projects is a clear public safety hazard. Such a blunder could increase the overall cost of projects and increase construction time. If the school construction projects provided under this legislation are truly going to meet the high standards that we expect of any structure for our children, we must ensure that the steel used is from American companies that will follow the proper safety and quality standards in its products.

Madam Chairman, this is a commonsense amendment that mirrors legislation that I have introduced with the gentleman from Indiana (Mr. VISCLOSKY) earlier this year. I am delighted that the author has seen fit to offer it as part of this legislation. I would strongly urge all of my colleagues on both sides of the aisle to support this amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Madam Chairman, it is my privilege to recognize Mr. STUPAK, the principal author of the amendment, for 1½ minutes. He is the leader on this issue.

Mr. STUPAK. I thank the gentleman. I thank him for his assistance and for pinch hitting for me tonight until I could get here.

Madam Chairman, the Stupak-Visclosky amendment would require that all steel and iron used under the 21st Century Green High-Performing Public Schools Facilities Act be produced in the United States. Cheap imported steel is a danger to our children and is compromising their safety.

In April, during the Congressional Steel Caucus hearing, U.S. Customs and Border Protection Assistant Commissioner David Baldwin testified that Customs and Border Protection does not conduct compliance tests to monitor the strength, durability, or hardness of the steel imported into the United States.

Until the Federal Government can make sure imported steel from China and other countries meet safety and quality standards, we should not let any of it be used in our schools, or in any other buildings, as a matter of fact.

We must make sure that the steel used in these projects meets the proper standards in the first place. The Stupak-Visclosky amendment would require educational agencies to use American steel and iron for modernization, renovation, or repair projects at a public school facility.

The amendment also includes a provision that will ensure that schools can comply with these standards. If steel and iron produced in the U.S. will increase the cost of a project by more than 25 percent, and iron and steel from elsewhere is proven safe, then agencies can use steel and iron from other sources as long as it is safe.

To protect our children, we must ensure that the steel used in our schools is from American companies that meet proper safety and quality standards. I urge a ''yes'' vote on the Stupak-Visclosky amendment.

□ 1900

Mr. ENGLISH of Pennsylvania. Madam Chairman, at this time, if the gentleman has no other speakers, we would be delighted to yield back.

Mr. VISCLOSKY. I believe, Madam Chairman, I have 1 minute left. I would yield that to Mr. KUCINICH, the gentleman from Ohio.

Mr. KUCINICH. The Visclosky/Stupak amendment will boost our steel industry and protect American jobs by requiring that steel and iron used in school buildings funded by this act be made in the USA.

Concerns about substandard steel imports are well taken. At a recent hearing sponsored by the Congressional Steel Caucus, it was revealed that independent testing of imported Chinese steel found a 60 percent failure rate for steel rods used for such applications as securing bridges.

This amendment will ensure that the substandard steel will not be used to construct vital infrastructure or schools for those of us who are truly concerned about the safety of our children. China's going to have to go a way to be able to develop quality testing standards to assure that the products that are sent here are going to be up to the standards that we expect should be obtained for infrastructure and for schools.

This initiative maintains our commitment to securing a strong domestic steel industry, and I ask for the Members to support it.

Mr. CARSON of Indiana. Madam Chairman, I rise in strong support of the Stupak/Visclosky amendment.

Madam Chairman, in order to build state of the art schools, you need sound state of the art materials. This amendment ensures that our schools will be constructed with strong and durable resources by mandating that our schools be built with American steel.

I would like to thank Congressman STUPAK and Congressman VISCLOSKY for offering this worthwhile amendment. There is nothing more important than ensuring that our children have safe and productive environments in which to learn.

I encourage my colleagues to support the Stupak/Visclosky amendment and the underlining bill.

The CHAIRMAN. All time for debate has expired.

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

The amendment was agreed to.

The CHAIRMAN. The Chair understands that amendment No. 6 will not be offered at this time.

AMENDMENT NO. 7 OFFERED BY MR. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–678.

Mr. MATHESON. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MATHESON:

Page 15, line 18, strike ''and''.

Page 15, after line 18, insert the following (and redesignate provisions accordingly):

(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

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Madam Chairman, this amendment is an effort to refine the reporting of requirements in the legislation for schools that receive grants under this program relative to the flooring that is installed in these schools.

Schools and local educational agencies receiving grants under this bill would report if they install flooring, whether it was low or no volatile organic compounds flooring; whether it was made from sustainable materials, and report on the cost effective nature of that decision to install that type of flooring.

I just want to be clear though. This amendment is not a mandate. It doesn't require schools to install any particular type of flooring. It really is a purpose just to gather information to find out if or not this material has been used in the installation process.

One of the motivations behind this amendment is to ensure that we raise this issue about the opportunity for both children and teachers who are in schools, that they are put in the best learning and teaching environment possible. The reason for that is because materials such as flooring in some schools can contain potentially unhealthy levels of volatile organic compounds that can lead to unsafe indoor air quality for both students and teachers.

Again, I think this is a relatively straightforward amendment just to increase the reporting requirements to say what happened in terms of how the flooring was required. It does not require any particular type of flooring to be installed, but it helps us gather information and raise awareness about the benefits of using low or no volatile organic compound flooring.

I reserve the balance of my time.

Mr. MCKEON. I claim time in opposition to the amendment.

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

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

The purpose of this amendment is to gather information about the types of

floors that schools may be installing with funds provided under this massive new federally funded school construction program. Like the rest of the bill, it simply misses the point.

If our goal today is to address the problems facing our Nation's schools, we shouldn't be talking about floors or bicycle racks. We should be talking about how to bring down the price of gas.

High gas prices are hitting schools hard. They're driving up costs for nearly every aspect of a school's budget, from transportation to school lunches and from utilities to supplies.

What we should be debating is how to address the skyrocketing cost of energy. Instead, we're talking about creating a $20 billion program that allows bureaucrats in Washington to tell our communities how to build their schools.

The Federal Government has had a history of investing in our Nation's schools, but it's not the floors and the walls and the plumbing and the light bulbs where we focus our investment. Rather, it's the students themselves. Our role, the role of the Federal Government, is to support programs that help improve student academic achievement.

We know that disadvantaged children, children with disabilities, English language learners and our vulnerable populations have too often been left behind by our educational system. Our job is to ensure all children are given the opportunity to receive a high quality education. That means learning from a highly qualified teacher and being held to the same high academic standards.

I know how important safe and healthy schools are, and that's why States are spending some $20 billion each year on the building and modernization of schools facilities.

If we really want to meet the needs of our schools, we should be doing two things: We should be maintaining the Federal focus on student achievement, and we should be talking about how to bring down the cost of energy to help schools, families, businesses and our economy.

I reserve the balance of my time.

Mr. MATHESON. Just very briefly, Madam Chairman.

Last week, I had the opportunity to visit Daybreak Elementary School in West Jordan, Utah, the first LEED-certified school in our State. In that location this school used low VOC paint and carpet.

I think that there are a number of issues we need to be talking about in this Congress today. But I do think the notion of having a safe indoor environment for teachers and students has merit, and actually collecting data and reporting what type of materials are used in school construction makes sense.

I urge adoption of my amendment.

I yield back the balance of my time.

Mr. McKEON. I agree with the gentleman. I just don't think it should be the Federal Government's responsibility to go into the local communities and tell them what type and how to build their schools, who should build their schools and how much they should spend.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

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

Mr. MATHESON. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 8 OFFERED BY MR. REICHERT

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–678.

Mr. REICHERT. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. REICHERT:

Page 9, line 18, strike ''or''.

Page 9, line 19, strike ''and'' and insert ''or''.

Page 9, after line 19, insert the following new subparagraph:

(D) reduce class size; and

The CHAIRMAN. Pursuant to House Resolution 1234, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Madam Chairman, today we are considering legislation to improve the conditions of our elementary and secondary schools. Yet nothing in this bill addresses the issue of class size and the overcrowding that plagues our schools and hinders the learning environment of our children.

There are 50 million students in our public elementary and secondary schools, and enrollment is expected to continue to increase. By the year 2100, our public and private institutions, from pre-kindergarten, through college, will accommodate an estimated 94 million American children and young adults, an increase of over 40 million over the current school population.

Our schools are already severely overcrowded, with many forced to accept twice their capacity and open portable classrooms. According to a 2000 report from the National Center for Educational Statistics, 36 percent of schools had to use portable classrooms to accommodate growing student populations.

I've also heard reports that some schools are requiring and asking students to actually sit on desks and on teachers desks due to the overcrowding in classrooms. This is not an environment for learning for our children, and they deserve much better.

Since students in overcrowded classrooms lack quality one-on-one time with their teachers, their academic skills suffer. Research shows that smaller class sizes significantly increase the amount of learning that takes place, reducing disciplinary problems and improving teacher productivity.

Smaller classes also particularly benefit students from low-income or disadvantaged backgrounds. For example, lowering class sizes in Tennessee closed the achievement gap between black students and white students by 38 percent.

According to the U.S. Department of Education, ''A growing body of research demonstrates that students attending small classes in early grades make more rapid educational progress than students in larger classes, and that these achievement gains persist well after the students move on to larger classes in later grades.''

One of the most well known conclusive studies on class size is Project STAR, the only large-scale controlled study of the effects of reduced class size that was conducted in 79 elementary schools in the State of Tennessee. According to the results from this study, 72 percent of students graduate on time in smaller class sizes, versus 66 percent from regular class sizes. Children in smaller class sizes complete more advanced math and English courses, and the drop-out rate is at least 4 percent lower in schools with smaller classes.

Our children deserve the individualized attention and instruction afforded by small class sizes. As we consider legislation today to usher our schools into the 21st Century, we should, at the very least, consider how new technologies and building designs can accommodate smaller class sizes, which is what my amendment would do.

My amendment is very simple. It provides that local education agencies may use a grant for modernization, renovation or repair of public school facilities to help reduce class sizes. Students and teachers deserve better than shared and portable classrooms. It's time we do something to help ensure our students receive the individualized attention they need, to help teachers in maintaining an orderly classroom.

In addition to building new modern schools with minimal environmental impact, we should build schools for the 21st Century equipped with technology and modern equipment that accommodates small class sizes that are safe for teaching and encourage learning.

Madam Chairman, this amendment is simple. It is straightforward, and has been endorsed by the National Education Association. I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. KILDEE. Madam Chairman, I claim time in opposition, but I do not intend to oppose the amendment.

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

There was no objection.

Mr. KILDEE. We've looked over the Reichert amendment and we accept the amendment.

I yield back the balance of my time.

Mr. REICHERT. I thank the gentleman for his support, and I yield back my time.

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

The amendment was agreed to.

□ 1915

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–678 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. KILDEE of Michigan.

Amendment No. 2 by Mr. EHLERS of Michigan.

Amendment No. 3 by Mr. WELCH of Vermont.

Amendment No. 7 by Mr. MATHESON of Utah.

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

AMENDMENT NO. 1 OFFERED BY MR. KILDEE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. KILDEE) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 151, not voting 27, as follows:

[Roll No. 374]

AYES—260

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fortenberry
Fortuño
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—151

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Aderholt
Andrews
Bishop (UT)
Boucher
Campbell (CA)
Carney
Chabot
Cummings
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Hunter
Jackson-Lee (TX)
Kilpatrick
Larson (CT)
Lewis (GA)
McCrery
Moran (VA)
Norton
Pomeroy
Pryce (OH)
Rush
Shuler
Van Hollen

□ 1941

Messrs. DAVIS of Illinois, ENGLISH of Pennsylvania, LINCOLN DIAZ-BALART of Florida, MARIO DIAZ-BALART of Florida, SHIMKUS and Mrs. CAPITO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 374, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. EHLERS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. EHLERS) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 17, not voting 24, as follows:

[Roll No. 375]

AYES—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux

Chandler
Childers
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—17

Baldwin
Blumenauer
Clay
Emanuel
Gonzalez
Jackson (IL)
Johnson, E. B.
Kirk
Lipinski
Moore (WI)
Ros-Lehtinen
Schakowsky
Sherman
Speier
Stark
Weiner
Woolsey

NOT VOTING—24

Andrews
Boucher
Campbell (CA)
Carney
Chabot
Clarke
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Gutierrez
Hunter
Jackson-Lee (TX)
Lewis (GA)
McCrery
Meeks (NY)
Moran (VA)
Norton
Pryce (OH)
Rangel
Rush
Shuler
Van Hollen

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes remain on this vote.

□ 1949

Ms. BALDWIN changed her vote from ''aye'' to ''no.''

Mr. BARROW changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 375, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 5, not voting 24, as follows:

[Roll No. 376]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky

Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—5

Flake
Linder
Marchant
Paul
Young (AK)

NOT VOTING—24

Andrews
Bishop (UT)
Boucher
Campbell (CA)
Carney
Chabot
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Hunter
Jackson-Lee (TX)
Lewis (GA)
McCarthy (NY)
McCrery
Norton
Pryce (OH)
Rush
Shuler
Van Hollen
Velázquez
Waters

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1957

Messrs. ROYCE and WELDON of Florida changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 376, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. MATHESON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. MATHESON) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 266, noes 153, not voting 19, as follows:

[Roll No. 377]

AYES—266

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fortenberry
Fortuño
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHenry
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—153

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Boucher
Campbell (CA)
Carney
Chabot
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Hunter
Jackson-Lee (TX)
Lewis (GA)
McCrery
Norton
Pryce (OH)
Rush
Shuler
Van Hollen

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes left in this vote.

□ 2004

Mrs. CAPITO and Mr. CULBERSON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chairman, on rollcall 377, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "aye."

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POMEROY) having assumed the chair, Ms. BORDALLO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes, pursuant to House Resolution 1234, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MRS. MC MORRIS RODGERS

Mrs. MCMORRIS RODGERS. Mr. Speaker, I offer a motion to recommit.

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

Mrs. MCMORRIS RODGERS. I am, in its present form, sir.

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

The Clerk read as follows:

Mrs. McMorris Rodgers of Washington moves to recommit the bill H.R. 3021 to the Committee on Education and Labor with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

Page 11, line 25, before the semicolon, insert the following: '', except that a local educational agency whose energy expenditures have increased by at least 50 percent since January 4, 2007, may pay maintenance costs for any of the activities described in section 103''.

The SPEAKER pro tempore. The gentlewoman from Washington is recognized for 5 minutes.

Mrs. MCMORRIS RODGERS. Ladies and gentlemen of the House, schools, like everyone in America, are facing an immediate financial crunch, not because schools don't have enough funding for green maintenance, but, rather, they can't afford the rising cost of energy.

The high cost of energy is affecting schools in many ways. Some schools are moving to a 4-day school week to save fuel and energy costs. Busing service is being cut back because it's so costly to fuel school buses. Field trips, sporting events, and after-school activities are being limited. School lunches cost more. School supplies cost more.

Yet the bill before us does nothing to reduce the cost of gasoline, diesel, heating oil, electricity, or any other energy cost. That's because the Democrats refuse to unveil their ''commonsense plan'' for bringing down energy costs.

What the motion to recommit proposes is simple: We want to let schools use these funds where they are needed. For many schools they need help with their energy costs.

Currently, schools are prohibited from using funds under this bill for ''maintenance.'' Instead, these taxpayer dollars are supposed to go exclusively for renovation and modernization.

The motion to recommit says that any school whose energy costs have risen by 50 percent since the 110th Congress gaveled into session, these funds can be used for school maintenance in addition to other initiatives.

At the start of this school year, the Reardan-Edwall School District, in Eastern Washington, was paying $2.88 per gallon for diesel. They are now paying almost double, $4.93 per gallon. So what are they doing? They are trying to decide between additional teachers, textbooks, and supplies or the diesel needed to get the kids to school.

School budgets are being squeezed and stretched like never before. Instead of reducing flexibility for schools to use this money as they see fit, this bill imposes a heavy-handed big government approach that limits local control.

Schools, like all of us, need energy relief. Americans are concerned about energy costs, and they want us to unleash American ingenuity. The vast majority, 70 percent now, say we should develop gas and oil in America.

In addition, the United States is rich in oil shale with deposits located in Colorado, Utah, New Mexico, and Wyoming. These reserves contain energy equivalent to 2 to 3 trillion barrels of oil. To put this into perspective, the world has used 1 trillion barrels of oil since the first well was successfully drilled in Pennsylvania in 1859.

Developing our energy resources is an important step in the long-term strategy of reducing our dependence on foreign oil. We can and we must start meeting America's energy needs with American resources.

Join me in giving schools energy relief. The motion to recommit will ensure this bill gives it to them.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, all day long we have had an interesting double argument here from my colleagues on the other side. All day long they have insisted that school districts are in trouble because of increased energy costs, because of the increased cost of electricity, natural gas, air conditioning, heating, fuel for the buses, and all the rest of it. And they have spent all day long arguing against a bill that's designed exactly to deal with the energy costs of those schools, by helping those districts to refurbish, to rebuild, to remodel, to reconstruct old facilities that do not use energy efficiently, that do not have state-of-the-art facilities for the conservation of energy, for the better use of energy.

We are giving out tax cuts and have for many years in a very sensible program to help businesses come into the modern age in energy. Businesses, homeowners, and others are reaping huge savings. But schools aren't.

So this bill simply says that the Federal Government will join in a partnership with local districts who have already set out their priorities to provide for energy efficiency, to provide for new technologies so that they can provide the best learning environment for the children in those school districts. And when they do that, what we're seeing across the country is those schools that are fortunate enough to have the money are dramatically reducing the amount of their budgets that go to energy and they can use that on curriculum or extracurricular activities or teacher pay or whatever else it is.

□ 2015

But most schools can't afford to do that. And so what we are saying is we will simply partner up with those districts most in need and see if we can help them reduce their energy budgets over the years so they can put it into education. That is the bill that Mr. CHANDLER introduced. That is the bill that is designed and has been voted on on this floor today, because that is the need of the school districts. That is why the school districts, the State Superintendents of Schools, local school districts, are supporting this legislation, because it meets the need they have.

Now somehow after arguing all day long that this is too heavy of a hand, we now see an amendment that we've never see in committee, we didn't see on the floor, we didn't see in Rules Committee, that is suggesting somehow we just pay the ongoing maintenance cost of the districts. I don't know if that is what you wanted to sign up for. We thought we'd sign up to be a partner in district priorities to refurbish and rehab schools and improve the energy efficiency of those based upon the district policies. I didn't know we were going to sign up for a long-term grant for the maintenance of school districts.

I would like to yield now to the author of the bill, the gentleman from Kentucky (Mr. CHANDLER).

Mr. CHANDLER. Thank you, Mr. Chairman.

This motion to recommit has absolutely nothing to do with this bill, nothing at all to do with this bill. This bill is about school construction. This bill allows our children to compete in a global economy. It helps them to compete. It is about energy efficiency. But it's about energy efficiency in our schools. It's about ''green'' schools. It's a very, very good bill. Plus, in addition to that, it creates at least 100,000 jobs, and they are jobs that will not and cannot be exported, like so many of our jobs have seen happen.

This bill is supported by almost every education body in the country. It's supported by the National School Board Association, it's supported by the PTA, it's supported by the NEA, the Principals' Associations throughout this country, it's supported by the

American Federation of Teachers, and the National School Administrators.

If the minority were really serious about this motion to recommit and about improving this bill, if they were serious about the cost of gasoline, if they were serious about doing something for the American people, and if they wanted to help the kids of this country, they wouldn't have made it a bill that would be reported back promptly. That is what they have done. They intend to kill the bill.

Please vote against the motion to recommit.

Mr. GEORGE MILLER of California. I thank my colleague.

All day long in this Chamber we have had amendment after amendment saying that if we weren't putting money into school construction to refurbish these schools in need, they would put it in IDEA, they would put it in title I, they would put it in after-school care, they would put it in monitoring. You know what? When they had the money and they were in control, they didn't put it anywhere.

They inherited a $5 trillion surplus, a $5 trillion surplus, and when they had the money, they didn't put it anywhere. Now we have a $9 trillion debt and they still can't fund education. That is why we have got to stop it. We should reject this motion to recommit. This is enough to kill the bill. What we need is in fact more money for our schools.

The SPEAKER pro tempore. The gentleman's time has expired.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. State your parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, isn't it true if this motion were to pass, that this House could put the bill back into the committee from which it came and it could be brought out the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mrs. MCMORRIS RODGERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This 15-minute vote will be followed by a 5-minute vote on passage, if ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 230, not voting 16, as follows:

[Roll No. 378]

AYES—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fortenberry
Foster
Frank (MA)
Garrett (NJ)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Andrews
Boucher
Campbell (CA)
Chabot
Doolittle
Filner
Gallegly
Gilchrest
Gillibrand
Jackson-Lee (TX)
Lewis (GA)
McCrery
Pryce (OH)
Rush
Shuler
Van Hollen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2037

Mr. ISRAEL changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 378, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "no."

(By unanimous consent, Mr. BRALEY of Iowa was allowed to speak out of order.)

MOMENT OF SILENCE FOR VICTIMS OF IOWA TORNADOES

Mr. BRALEY of Iowa. Mr. Speaker, on Sunday, May 25, when many of us were enjoying the Memorial Day holiday, my district was hit with an F5 tornado that left a path of death and devastation in its wake. The cities of Parkersburg, New Hartford, Dunkerton, Hazleton and Lamont were the cities that were hit hardest. Eight people were killed, 350 people lost their homes, thousands more had their

homes severely damaged, and 50 businesses were destroyed, including 21 in the small town of Parkersburg alone.

I would ask at this time for a moment of silence for those who lost their lives and to remember the sacrifice that is being made right now.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

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

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 164, not voting 19, as follows:

[Roll No. 379]

YEAS—250

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Boucher
Braley (IA)
Campbell (CA)
Chabot
Doolittle
Ellison
Filner
Gallegly
Gilchrest
Gillibrand
Jackson-Lee (TX)
Lewis (GA)
Marchant
McCrery
Pryce (OH)
Rush
Shuler
Van Hollen

□ 2046

Mrs. MUSGRAVE changed her vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 379, I was unable to vote because of delays in my air travel. Had I been present, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3021, 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3021, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

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

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow.

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

There was no objection.

HONORING THE NATIONAL CHAMPIONS FROM LEWIS CLARK STATE COLLEGE IN LEWISTON, IDAHO

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

Mr. SALI. Mr. Speaker, I rise today in honor of the national champions from Lewis Clark State College in Lewiston, Idaho.

Last week, the LCSC Warriors won the 52nd annual National Association of Intercollegiate Athletics championship World Series baseball game. It was LCSC's third straight win, and 16th since 1982, all under the leadership of Coach Ed Cheff. Lewis Clark State College can be proud of these men for an extraordinary win and the national recognition they are once again receiving. In fact, I was proud to recognize the fine athletes at LCSC by wearing their red, white, and blue uniform during the congressional baseball game last year.