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Amendments to H.R. 2187 – 21st Century Green High-Performing Public School Facilities Act

H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act (sponsored by *Rep. Chandler, D-KY*), is being considered on May 13, 2009, subject to a structured rule ([H.Res. 427](#)) that waives all points of order against consideration of the bill except for clause 9 (earmarks) or 10 (PAYGO) of Rule XXI, making in order the 14 amendments listed below. All amendments are debatable for 10 minutes.

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AMENDMENTS MADE IN ORDER UNDER THE RULE

1. **Miller (D-CA).** The amendment amends the section on Charter Schools by requiring excess funds used for Charter Schools to revert back to the local educational agency for use on other projects. The amendment would also expand the allowable uses of funds to include repairing, replacing, and installing water supply and building envelopes. It would add a new section giving priority consideration to schools that would use funding to remove asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, or a proven carcinogen and would increase the set-aside for tribal and outlying schools from 1% to 2%.
2. **McKeon (R-CA).** The amendment requires states to be in compliance with the public school choice, supplemental education services, private school participation, and military recruiters provisions of the Elementary and Secondary Education Act to be eligible to receive funding under the bill.
3. **Titus (D-NV)/Markey (D-MA).** The amendment establishes a new Advisory Council on green schools. The Council will advise the Secretary on the impact of green, high-performing schools on teaching and learning, health energy costs and environmental impact; work to increase the number of green, high-performing schools; provide technical assistance to states; and identify Federal policies that are barriers to helping states make schools green and high-performing. The Council will consult with the Chair of the Council on Environmental Quality, the

Commerce Secretary, Energy Secretary, Health and Human Services Secretary, Labor Secretary, EPA Administrator, and the GSA Administrator.

Some conservatives may be concerned that this is another way to enforce the green standards mandated in this bill, which are overreaching and costly.

4. **Roe (R-TN)/Cuellar (D-TX).** The amendment adds a new section requiring the Education Secretary to enter into an agreement with the Department's Institute of Educational Sciences to evaluate the impact of projects funded under the bill on student academic achievement, including a comparison of students attending public schools receiving funding under the bill with students attending public schools that are not receiving such funding.
5. **Ellsworth (D-IN).** The amendment amends section 309 (green schools) to provide that nothing in the bill shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber for public school modernization, renovation, repairs, or construction. It also would amend section 310 (reporting) to require agencies receiving grant funds under the bill to disclose whether any flooring installed was from renewable sources.
6. **Flake (R-AZ).** The amendment prohibits any funds in the bill from being used for earmarks.
7. **Giffords (D-AZ)/Cleaver (D-MO).** The amendment specifies that local educational agencies may encourage schools receiving funds for projects to educate students about those projects, including how they function, and their environmental, energy, sustainability, and other benefits.

Many conservatives might be concerned that this amendment encourages schools to spend time educating their students on green projects which will take time away from subjects like reading and math. It is likely that many schools receiving funding in this bill are already underperforming in those areas.

8. **Reichert, (R-WA).** The amendment allows funds to be used to install or upgrade technology to ensure schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters.
9. **Maffei (D-NY)/Schwartz (D-PA).** The amendment requires the Education Secretary, in consultation with the Labor Secretary, to work with funding recipients to promote opportunities for individuals enrolled in Job Corps to gain employment experience on modernization, repair, and construction projects funded under the Act. It would also require the above Secretaries to work with recipients of funds to promote opportunities for individuals enrolled in a junior or community college.

10. **Bright (D-AL)/Green (D-TX).** The amendments requires the Secretary to reserve 5 percent of funds used for modernization, renovating, or repairs for grants to local educational agencies serving geographic areas with significant economic distress or recovering from a natural disaster.
11. **Griffith (D-AL)/Teague (D-NM).** The amendment would add to the voluntary guidelines for high performing school building the following: “reducing the incidence and effects of asthma and other respiratory illnesses in children.” It also would add “reducing the incidence and effects of asthma and other respiratory illnesses” to the list of demonstrable and expected benefits. The amendment also includes the reduction and elimination of human exposure to airborne particles such as dust, sand, and pollens among the approved uses for grant funds used by local educational agencies.
12. **Heinrich (D-NM).** The amendment would allow funds to be used to install and upgrade recreational structures and physical education facilities. This amendment further expands the green school requirements to other facilities not listed in the bill already.
13. **Lujan (D-NM)/Schwartz (D-PA).** The amendment permits funds to be used for constructing greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings. This amendment further expands the federal government’s role in local educational programs.

Many conservatives might question whether it is the role of the federal government to build greenhouses and plant gardens with federal taxpayer dollars.

14. **Schrader (D-OR).** The amendment requires the GAO to conduct a study within one year of enactment on the extent and types of projects authorized in the bill, the geographic distribution of green, high-performing schools, and the relative access to such schools of certain demographic groups. These groups include: economically-disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.