

## HR 2187

### 21st Century Green High-Performing Public School Facilities Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Education

**Introduced:** Apr 30, 2009

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (May 18, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/2187>

#### Sponsor

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**Name:** Rep. Chandler, Ben [D-KY-6]

**Party:** Democratic • **State:** KY • **Chamber:** House

## Cosponsors (25 total)

Cosponsor	Party / State	Role	Date Joined
Del. Sablan, Gregorio Kilili Camacho [D-MP-At Large]	D · MP		Apr 30, 2009
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Apr 30, 2009
Rep. Courtney, Joe [D-CT-2]	D · CT		Apr 30, 2009
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Apr 30, 2009
Rep. Hare, Phil [D-IL-17]	D · IL		Apr 30, 2009
Rep. Hirono, Mazie K. [D-HI-2]	D · HI		Apr 30, 2009
Rep. Holt, Rush [D-NJ-12]	D · NJ		Apr 30, 2009
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Apr 30, 2009
Rep. Loebsack, David [D-IA-2]	D · IA		Apr 30, 2009
Rep. Miller, George [D-CA-7]	D · CA		Apr 30, 2009
Rep. Polis, Jared [D-CO-2]	D · CO		Apr 30, 2009
Rep. Tierney, John F. [D-MA-6]	D · MA		Apr 30, 2009
Rep. Tonko, Paul [D-NY-21]	D · NY		Apr 30, 2009
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Apr 30, 2009
Rep. Wu, David [D-OR-1]	D · OR		Apr 30, 2009
Resident Commissioner Pierluisi, Pedro R. [D-PR-At Large]	D · PR		Apr 30, 2009
Rep. Carnahan, Russ [D-MO-3]	D · MO		May 7, 2009
Rep. Davis, Susan A. [D-CA-53]	D · CA		May 7, 2009
Rep. Dingell, John D. [D-MI-15]	D · MI		May 7, 2009
Rep. Green, Al [D-TX-9]	D · TX		May 7, 2009
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		May 7, 2009
Rep. Sestak, Joe [D-PA-7]	D · PA		May 7, 2009
Rep. Shea-Porter, Carol [D-NH-1]	D · NH		May 7, 2009
Rep. Van Hollen, Chris [D-MD-8]	D · MD		May 7, 2009
Rep. Cuellar, Henry [D-TX-28]	D · TX		May 11, 2009

## Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Reported By	May 11, 2009
Health, Education, Labor, and Pensions Committee	Senate	Referred To	May 18, 2009

## Subjects & Policy Tags

### Policy Area:

Education

## Related Bills

Bill	Relationship	Last Action
111 HRES 427	Procedurally related	May 13, 2009: Motion to reconsider laid on the table Agreed to without objection.

21st Century Green High-Performing Public School Facilities Act - **Title I: Grants for Modernization, Renovation, or Repair of Public School Facilities** - (Sec. 102) Requires the Secretary of Education to make grants to states for the modernization, renovation, or repair of public schools, including early learning facilities and charter schools, to make them safe, healthy, high-performing, and technologically up-to-date.

Allocates grant funds among states on the basis of the relative portion of school improvement funds provided to local educational agencies (LEAs) in each state under the Elementary and Secondary Education Act of 1965.

Reserves 2% of the grant funds for assistance to outlying areas and Indian schools.

Reserves 5% of the grant funds for LEAs serving geographic areas with significant economic distress and those serving geographic areas recovering from a natural disaster.

Requires states to reallocate such grant funds to LEAs on the basis of each LEA's share of school improvement funds received by LEAs in the state for the previous fiscal year.

(Sec. 104) Allows LEAs to give priority to projects involving the abatement, removal, or interim control of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, or a proven carcinogen.

**Title II: Supplemental Grants for Louisiana, Mississippi, and Alabama** - (Sec. 202) Requires the Secretary to make grants to LEAs in Louisiana, Mississippi, and Alabama for the construction, modernization, renovation, or repair of public schools, including early learning facilities and charter schools, to make them safe, healthy, high-performing, and technologically up-to-date.

Allocates grant funds among such LEAs on the basis of each LEA's share of infrastructure damage inflicted on public school facilities in such states by Hurricane Katrina or Hurricane Rita in 2005.

**Title III: General Provisions** - (Sec. 301) Prohibits LEAs from using this Act's grants: (1) for maintenance costs; (2) for facilities used primarily for events for which the public is charged admission or for which the purpose is not the education of children; (3) to supplant funds otherwise available for school modernization, renovation, repair, and construction efforts; or (4) to purchase carbon offsets.

(Sec. 303) Prohibits States from considering LEAs' receipt of this Act's grants in determining their eligibility for state aid or the amount of state aid they receive.

(Sec. 304) Conditions LEA grant eligibility on LEA and state spending for free public education remaining above specified levels. Requires states to reduce the amount of grant funds available to an LEA by the proportion by which the LEA's spending falls below such levels. Directs the Secretary to waive such maintenance of effort requirements if such waiver is justified by exceptional or uncontrollable circumstances, or the precipitous decline in an LEA's financial resources.

(Sec. 305) Requires grantees' contracting procedures for school modernization, renovation, repair, and construction to ensure the maximum number of qualified bidders through full and open competition.

(Sec. 306) Requires the iron and steel used in projects funded under this Act to have been produced in this country, subject to specified exceptions.

(Sec. 307) Requires all laborers and mechanics employed by contractors or subcontractors in the performance of work assisted under this Act to be paid wages at rates not less than those prevailing on similar work in the locality.

(Sec. 309) Directs LEA grantees to use a percentage of their grant, rising in 10% increments from 50% in FY2010 to 100% in FY2015, for public school modernization, renovation, repairs, or construction that meet Leadership in Energy and Environmental Design (LEED) green building rating standards, Energy Star standards, Collaborative for High Performance Schools (CHPS) criteria, Green Building Initiative environmental design and rating standards (Green Globes), or equivalent standards adopted by the entities that have jurisdiction over such LEAs.

Requires the Secretary to provide outreach and technical assistance to states and LEAs concerning the best practices in school modernization, renovation, repair, and construction.

(Sec. 310) Directs: (1) LEAs to report annually to their states, and the public, on their use of such grant funds; (2) states to submit annually to the Secretary a compilation of the information received from their LEAs; and (3) the Secretary to report to Congress annually on grants made under this Act.

(Sec. 311) Authorizes appropriations for this Act's grant programs for FY2010-FY2015.

Prohibits the use of such funds for Congressional earmarks.

(Sec. 312) Prohibits the use of this Act's grants: (1) to employ workers who are illegal aliens or whose status has not been ascertained using the employment verification system; or (2) by LEAs that do not require a criminal background check on all their employees.

(Sec. 313) Requires the Secretary to work with grant recipients to promote appropriate opportunities for participants in a YouthBuild program to gain employment experience on projects funded under this Act. (YouthBuild programs provide education and employment skills to disadvantaged youth.)

(Sec. 314) Requires the Department of Education to evaluate the effect this Act's projects have on student academic achievement and to report its findings to Congress.

(Sec. 315) Directs the Secretary to establish an Advisory Council on Green, High-Performing Schools to provide the Secretary with advice on the academic, health, energy, and environmental impact of such schools and assistance in facilitating their creation.

(Sec. 316) Requires the Secretary to work with grant recipients to promote appropriate opportunities for individuals enrolled in the Job Corps program or a community or junior college to gain employment experience on projects funded under this Act.

(Sec. 318) Directs the Comptroller General to study and report to Congress on the extent and type of green, high-performing school projects being undertaken at schools around the country, the geographic distribution of green, high-performing schools, and their availability to disadvantaged, disabled, or limited English proficient students and students from major racial and ethnic groups.

(Sec. 319) Allows LEAs to encourage schools at which this Act's projects are being implemented to educate students about the project and its benefits.

## Actions Timeline

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- **May 18, 2009:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **May 14, 2009:** Considered as unfinished business. (consideration: CR H5588-5594)
- **May 14, 2009:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **May 14, 2009: UNFINISHED BUSINESS** - The Chair announced that the unfinished business was the question of adoption of amendments to H.R. 2187 which had been debated earlier and on which further proceedings had been postponed.
- **May 14, 2009:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2187.
- **May 14, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H5591)
- **May 14, 2009:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text: CR 5/13/2009 H5507-5509)
- **May 14, 2009:** Mr. Thompson (PA) moved to recommit with instructions to Education and Labor. (consideration: CR H5591-5593; text: CR H5591)
- **May 14, 2009: DEBATE** - The House proceeded with 10 minutes of debate on the Thompson(PA) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment adding at the end of section 311, the following: (c)LIMITATION.- (1) IN GENERAL.- Notwithstanding subsections (a) and (b) and any other provision of this Act, for any fiscal year for which funds are authorized to be appropriated under this Act that immediately follows a fiscal year in which the Federal Government has a deficit in excess of \$500,000,000,000, the amount authorized to be appropriated under this Act shall be \$0. ¢ (2) DEFINITION.- For the purpose of this subsection, the term "deficit" means a fiscal year during which outlays of the Federal Government exceed receipts of the Federal Government.
- **May 14, 2009:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H5592)
- **May 14, 2009:** On motion to recommit with instructions Failed by recorded vote: 182 - 247 (Roll no. 258).
- **May 14, 2009:** Passed/agreed to in House: On passage Passed by recorded vote: 275 - 155 (Roll no. 259).
- **May 14, 2009:** On passage Passed by recorded vote: 275 - 155 (Roll no. 259).
- **May 14, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **May 14, 2009:** Subsequent to final passage, Mr. Kline was recognized for the purpose of offering an amendment to amend the title.
- **May 14, 2009:** Pursuant to clause 6, rule XVI, the amendment not being debatable, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Kline demanded a recorded vote which was ordered.
- **May 14, 2009:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2187.
- **May 13, 2009:** Rule H. Res. 427 passed House.
- **May 13, 2009:** Considered under the provisions of rule H. Res. 427. (consideration: CR H5500-5524)
- **May 13, 2009:** Rule provides for consideration of H.R. 2187 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill.
- **May 13, 2009:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 427 and Rule XVIII.
- **May 13, 2009:** The Speaker designated the Honorable Tim Holden to act as Chairman of the Committee.
- **May 13, 2009: GENERAL DEBATE** - The Committee of the Whole proceeded with one hour of general debate on H.R. 2187.
- **May 13, 2009:** Pursuant to the provisions of H.Res. 427, an amendment in the nature of a substitute now printed in the bill, is considered as adopted as original text for the purpose of further amendment.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the George Miller (CA) amendment.

**May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Titus amendment.

- **May 13, 2009: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Titus amendment, the Chair put the question on the adoption of the amendment and by voice vote, announced the ayes had prevailed. Ms. Titus demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Roe amendment.
- **May 13, 2009: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Roe amendment, the Chair put the question on the adoption of the amendment and by voice vote, announced the ayes had prevailed. Mr. Kildee demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Ellsworth amendment.
- **May 13, 2009: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Ellsworth amendment, the Chair put the question on adoption of the amendment and by voice vote, announced the ayes had prevailed. Mr. Ellsworth demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the McKeon amendment.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Giffords amendment.
- **May 13, 2009: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Giffords amendment, the Chair put the question on adoption of the amendment and by voice vote announced the ayes had prevailed. Ms. Giffords demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Reichert amendment.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Maffei amendment.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Bright amendment.
- **May 13, 2009: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Bright amendment, the Chair put the question on adoption of the amendment and by voice vote announced the ayes had prevailed. Mr. Andrews demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Griffith amendment.
- **May 13, 2009: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Griffith amendment, the Chair put the question on adoption of the amendment and by voice vote announced the ayes had prevailed. Mr. Griffith demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Heinrich amendment.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Schwartz amendment.
- **May 13, 2009: DEBATE** - Pursuant to the provisions of H.Res. 427, the Committee of the Whole proceeded with 10 minutes of debate on the Schrader amendment.
- **May 13, 2009: UNFINISHED BUSINESS** - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **May 13, 2009:** Mr. Wu moved that the Committee now rise.
- **May 13, 2009:** On motion that the Committee now rise Agreed to by voice vote.
- **May 13, 2009:** Committee of the Whole House on the state of the Union rises leaving H.R. 2187 as unfinished business.
- **May 12, 2009:** Rules Committee Resolution H. Res. 427 Reported to House. Rule provides for consideration of H.R. 2187 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill.

**May 11, 2009:** Reported (Amended) by the Committee on Education and Labor. H. Rept. 111-100.

• **May 11, 2009:** Placed on the Union Calendar, Calendar No. 46.

• **May 6, 2009:** Committee Consideration and Mark-up Session Held.

• **May 6, 2009:** Ordered to be Reported (Amended) by the Yeas and Nays: 31 - 14.

• **Apr 30, 2009:** Introduced in House

• **Apr 30, 2009:** Referred to the House Committee on Education and Labor.