



**UNITED STATES HOUSE OF REPRESENTATIVES
OFFICE OF THE MAJORITY WHIP
THE HONORABLE JAMES E. CLYBURN (SC-06)**

THE WHIP PACK

WEEK OF JUNE 2, 2008

WWW.MAJORITYWHIP.GOV

Bill Text and Background for the Week of June 2, 2008

- H.R. 3021 - 21st Century Green High-Performing Public School Facilities Act
- H.R. 5540 - Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act
- Conference Report on S.Con.Res. 70 - The Concurrent Budget Resolution for 2009

H.R. 3021 - 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT (Rep. Chandler – Education and Labor) (Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, June 3, 2008 at 5:00 p.m. in H-313 the Capitol, [Special Announcement](#), [Meeting Time: 5pm Tuesday 6/3](#), [Amendment Deadline: 10am Tuesday 6/3](#)

Committee: [Committee on Education and Labor](#)

Committee Staff Contact: 5-3725

LEGISLATION AT A GLANCE:

THE 21ST CENTURY GREEN HIGH-PERFORMING PUBLIC SCHOOL FACILITIES ACT

Improving Education, Strengthening the Economy, Fighting Global Warming

School buildings should be safe and healthy learning environments for children. But according to recent estimates, America's schools are hundreds of billions of dollars short of the funding needed to bring them up to good condition. Meanwhile, research shows a correlation between school facility quality and student achievement. Despite the need to modernize school buildings, since 2001 the federal government has provided almost no direct aid to help states and schools pay for school construction and repair. Modernizing school buildings would also create jobs in the construction industry, one of the industries hit hardest by the recent economic downturn. And by modernizing school buildings to make them more energy efficient and more reliant on renewable sources of energy, modernized school buildings can help reduce the emissions that contribute to global warming.

The 21st Century High-Performing Public Schools Facilities Act (H.R. 3021) would:

Provide schools with access to funding for modernization, renovation and repair projects

- 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 that improve the teaching and learning climate, health and safety, and energy efficiency.
- Allocates the same percentage of funds to states and school districts that they receive under Part A of Title I of the Elementary and Secondary Education Act, except that it guarantees each such district a minimum of \$5,000.

Encourage energy efficiency and the use of renewable resources in schools

- Requires the majority of funds (90 percent by 2013) be used for projects that meet green building standards.

- Allows states to reserve one percent of funds to administer the program and to develop a plan to create a statewide database of schools' facilities, modernization and repair needs, energy uses, carbon footprints, and schools' energy efficiency quality plans.
- Requires school districts to publicly report the educational, energy and environmental benefits of projects, how they comply with the green building requirements, and the percentage of funds used for projects at low-income and rural schools.
- Requires the Secretary of Education, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to create a database of the best practices in school construction and to provide technical assistance to states and school districts regarding best practices.

Provide additional aid to Gulf Coast schools still recovering from Hurricanes Katrina and Rita

- Authorizes separate funds – half a billion dollars over five years – for public schools that were damaged by Hurricanes Katrina and Rita.

Ensure fair wages and benefits for workers by applying Davis-Bacon protections to all grants for school modernization, renovation, and repair projects

House Report 110-623:

[HTML Version](#), [PDF Version](#)

Full Committee Mark-up:

[Full Committee Markup of H.R.3021](#): "21st Century High-Performing Public School Facilities Act", April 30, 2008

- [National Journal Report](#): Despite GOP Opposition, House Education Clears School Construction Measure
- Opening Statement: [Chairman Miller](#)

Summary of Committee Votes:

- [Rep. J. Kline, R-Minn. Military Recruiters Amendment to the Substitute Amendment](#) — Would have given military recruiters access to students and student information. The Loeb sack substitute amendment would authorize \$4.6 billion for school construction projects for fiscal 2009. **Ruled not Germane.**
- [Rep. David Davis, R-Tenn. School Prayer Amendment to the Substitute Amendment](#) — Would have conditioned the receipt of program funds in the underlying bill on schools certifying in writing that they do not have a policy that prevents constitutionally protected prayer in schools. **Ruled not Germane.**
- [Rep. McKeon, R-Calif. Davis-Bacon Requirements Amendment to the Substitute Amendment](#) — Would have removed from the amendment the Davis-Bacon requirements that would apply to all grants for school modernization, renovation and repair projects. The Davis-Bacon labor standard requires contractors on federally funded projects to offer prevailing local wages and benefits. **Rejected 16-27: R 16-4; D 0-23; I 0-0.**

- Rep. Castle, R-Del. Funding Contingency Amendment to the Substitute Amendment — Would have required that the new programs set up in the substitute amendment apply only when the government is able to adequately fund Title I schools under the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act. **Rejected 20-24: R 20-0; D 0-24; I 0-0.**
- Rep. R. Bishop, R-Utah Charter Schools Amendment to the Substitute Amendment — Would have made charter schools eligible for grants under the measure on the same basis as other public schools. **Rejected 19-25: R 19-1; D 0-24; I 0-0.**
- Rep. J. Kline, R-Minn. Ruling of the Chair — Appeal a ruling by Chairman George Miller, D-Calif., that the John Kline, R-Minn., amendment to the Dave Loebsack, D-Iowa, substitute amendment was not germane. The Kline amendment would give military recruiters access to students and student information. **Rejected 20-25: R 20-0; D 0-25; I 0-0.**
- Rep. T. Price, R-Ga. Audit Requirement Amendment to the Substitute Amendment — Would have required that schools complete audits and prove that they need to upgrade their facilities before they could receive funds under the programs set up in the underlying bill. **Rejected 18-26: R 18-1; D 0-25; I 0-0.**
- Rep. T. Price, R-Ga. Earmarks Amendment to the Substitute Amendment — Would have added to the measure a provision to bar the use of funds in the underlying bill for congressional earmarks. **Rejected 21-25: R 21-0; D 0-25; I 0-0.**
- Rep. Ehlers, R-Mich. Carbon Offsets Amendment to the Substitute Amendment — Would have included in the underlying bill a provision stating that no federal funds authorized in the bill be used to purchase carbon offsets. **Rejected 21-25: R 21-0; D 0-25; I 0-0.**
- Rep. David Davis, R-Tenn. Ruling of the Chair — Appeal the ruling of George Miller, D-Calif., that the David Davis, R-Tenn., amendment to the Dave Loebsack, D-Iowa, substitute amendment was not germane. The Davis amendment would condition the receipt of program funds in the underlying bill on schools certifying in writing that they do not have a policy that prevents constitutionally-protected prayer in schools. **Rejected 21-26: R 21-0; D 0-26; I 0-0.**

- [Rep. Loebsack, D-Iowa Substitute Amendment](#) — Authorizes \$4.6 billion for school construction projects for fiscal 2009. The amendment also would: Authorize separate funds of \$500 million over five years to rebuild public schools damaged by hurricanes Katrina and Rita. Authorize the allocation of the same percentage of funds to states and school districts that they receive under Title I of the Elementary and Secondary Education Act, with every Title I district receiving at least \$5,000. Require that funds be used for projects that meet one of three widely recognized green building standards: the Leadership in Energy and Environmental Design standard, the Energy Star standard or the Collaborative for High Performance Schools standard – or equivalent state or local standards. Allow states to reserve 1 percent of the authorized funds under the amendment to administer the green schools program and develop a plan to create a statewide database of school facilities, modernization and repair needs, energy uses, carbon footprints and schools' energy efficiency quality plans. Allow school districts to waive the green building requirements in certain cases where circumstances make the requirements impractical. The amendment would still require that at least 90 percent of the funds under the amendment be used for green projects by 2013. Require school districts to report the educational, energy and environmental benefits of building projects funded under the measure, how the projects comply with green building requirements under the amendment and the percentage of funds used for projects at low-income and rural schools. Require the Education secretary, in consultation with the Energy secretary and the EPA administrator, to create a database of the best practices in school construction and to provide technical assistance to states and school districts in creating best practices for green school building. Apply Davis-Bacon requirements to all grants for school modernization, renovation and repair projects. The Davis-Bacon labor standard requires contractors on federally funded projects to offer prevailing local wages and benefits. **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **28-19; R 2-19; D 26-0; I 0-0** ([Roll Call No. 9](#)).

CRS Reports:

(TBA)

GAO Reports:

(TBA)

CBO Report:

[Cost Estimate](#): Ordered Reported by the Committee on Education and Labor

Full Committee Hearing:

["Modern Public School Facilities: Investing in the Future">>](#)

February 13, 2008 Hearing — Full Committee on Education and Labor

- Opening Statement: [Chairman Miller](#)
- [Archived Webcast](#)

Witness Testimony:

- [The Honorable Charles W. Boustany, Jr.](#), U.S. Representative, Seventh District of Louisiana
- [The Honorable Michael N. Castle](#), U.S. Representative from Delaware
- [The Honorable Ben Chandler](#), U.S. Representative, Sixth District of Kentucky
- [The Honorable Bob Etheridge](#), U.S. Representative, Second District of North Carolina
- [The Honorable Rush Holt](#), U.S. Representative, Twelfth District of New Jersey
- [The Honorable Darlene Hooley](#), U.S. Representative, Fifth District of Oregon
- [The Honorable Steve King](#), U.S. Representative, Fifth District of Iowa
- [The Honorable Dave Loebsack](#), U.S. Representative, Second District of Iowa
- [Kathleen J. Moore](#), Director, School Facilities Planning Division, California Department of Education
- [Judi Caddick](#), Teacher, Memorial Junior High School, Illinois Education Association
- [Mary Cullinane](#), Director, Innovation and Business Development Team, Microsoft Corporation
- [Dr. Paula Vincent](#), Superintendent, Clear Creek Amana School District
- [Paul Vallas](#), Superintendent, Louisiana Recovery School District
- [Jim Waters](#), Director, Policy and Communications, Bluegrass Institute for Public Policy Solutions
- [Neal McCluskey](#), Associate Director, Center for Educational Freedom, CATO Institute

Organization Statements:

- [AFL-CIO](#)
- [American Federation of Teachers](#)
- [American Association of School Administrators](#)
- [Building and Construction Trades Department, AFL-CIO](#)
- [California Small School Districts Association](#)
- [Californians for School Facilities](#)
- [Council of the Great City Schools](#)
- [International Union of Painters and Allied Trades](#)
- [Mason Contractors Association of America](#)
- [National Association of Secondary School Principals](#)
- [National Education Association](#)
- [National School Boards Association](#)
- [United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada](#)
- [Parent Teacher Association](#)
- [Rebuild America's Schools](#)
- [U.S. Green Building Council](#)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[H.R. 3021 Background Information](#) — Committee on Education and Labor

[HR 3021 Fact Sheet](#) — Committee on Education and Labor

Press Releases, News Articles & Related Information:

[House Education Committee Approves Legislation to Modernize America's Public School Buildings Bill Would Help Improve Education, Revive Struggling Construction Industry, and Fight Global Warming](#), Committee on Education and Labor, April 30, 2008

Other Resources:

[Cosponsors of H.R. 3021](#)

H.R. 5540 - CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT *(Rep. Sarbanes – Natural Resources) (Subject to a Rule)*

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, June 3, 2008 at 5:00 p.m. in H-313 the Capitol, [Special Announcement](#), [Amendment Deadline:10am Tuesday 6/3](#), [Text of Bill as Reported](#), [Natural Resources Committee Report 110-667](#)

Committee: [Committee on Natural Resources](#)

Committee Staff Contact: 5-6065

LEGISLATION AT A GLANCE:

H.R. 5540: CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK CONTINUING AUTHORIZATION ACT

H.R. 5540, introduced by Representative John Sarbanes on March 5, 2008, would reauthorize the Chesapeake Bay Gateways Network, which is set to expire at the end of this fiscal year.

The Chesapeake Bay Gateways and Watertrails Network was established in 1998 (Title V of P.L. 105-312) to identify, conserve, restore, and interpret the natural, historical, cultural, and recreational resources within the Chesapeake Bay watershed. In the ten years since its creation, the Network has grown to include 156 gateway sites over 64,000 square miles – including parks, wildlife refuges, historic communities, maritime museums and waterways – in six states and the District of Columbia, with over 1,500 miles of established and developing water trails.

Over 10 million visitors a year explore the Chesapeake through these sites. According to the National Park Service, the system is a key element in the overall Bay restoration effort involving Virginia, Maryland, Pennsylvania, Washington D.C. and the federal government.

Matching grants from the program have gone to communities, non-profit organizations and other groups throughout the watershed for projects including over 1500 miles of new water trails with access points to the Bay such as kayak and canoe launches, wildlife observation boardwalks, interpretive signs, exhibits and kiosks. Other projects that have enhanced people's connection to the Bay have included activities related to the Jamestown 400 celebration.

P.L. 105-312 authorized \$3 million for fiscal years 1999 through 2003; in 2002, Congress reauthorized the program through 2008 (P.L. 107-308). H.R. 5540 would provide a permanent authorization for the program.

House Report 110-667:
[HTML Version](#), [PDF Version](#)

Full Committee Mark-up:

[Full Committee Markup of HR 5540:](#) "Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act", April 30, 2008

- [National Journal Report:](#) Natural Resources Passes Grants for Chesapeake Bay Region

Summary of Committee Votes:

- [Rep. Sali, R-Idaho Authorization Cap Amendment](#) — Would have capped the bill's reauthorization at five fiscal years, specifically between 2009-13. **Rejected by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House by **Voice Vote.**

CRS Reports:

(TBA)

GAO Reports:

(TBA)

CBO Report:

[Cost Estimate](#): Ordered Reported by the Committee on Natural Resources

Subcommittee Hearing:

[Legislative Hearing on H.R. 859, H.R. 3227, H.R. 3667, H.R. 3930, H.R. 3981, and H.R. 5540>>](#)

April 24, 2008 Hearing — Subcommittee On National Parks, Forests And Public Lands

Witness Testimony:

- [Mitch Butler](#), Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

(TBA)

Press Releases, News Articles & Related Information:

(TBA)

Other Resources:

[Cosponsors of H.R. 5540](#)

CONFERENCE REPORT ON S.CON.RES. 70 - THE CONCURRENT BUDGET RESOLUTION FOR 2009 *(Rep. Spratt – Budget)*

[Bill Summary and Status](#)

[Statement of Managers](#)

Committee: [Committee on the Budget](#)

Committee Staff Contact: 6-7200

LEGISLATION AT A GLANCE:

KEY FEATURES OF THE FY 2009 BUDGET RESOLUTION CONFERENCE REPORT
A Fiscally Responsible Budget that Funds Critical Priorities

Fiscal Responsibility

- Reaches balance in 2012 and remains in balance in 2013 using realistic CBO estimates
- Posts smaller deficits than the President's in 2009 and over the 5 years 2009 to 2013
- Continues House emphasis on fiscal discipline by following pay-as-you-go rule
- Includes program integrity funding to root out wasteful spending

Discretionary Funding Highlights

- Substantially increases veterans' funding above current services
- Invests in renewable energy and energy efficiency initiatives
- Includes increased funding for natural resources and environment programs, including a variety of programs at the EPA; and provides funding for green collar jobs
- Boosts funding to make college more affordable, improve student achievement, and reverse the Bush Administration's underfunding of education. Includes significant increases over the President's budget in discretionary funding for the Department of Education and Head Start in 2009.
- Takes important steps to strengthen the safety net for those families most in need, including boosting funding for home energy assistance (LIHEAP) to help millions of low-income families and funding housing assistance for low-income families, the elderly, and the disabled
- Provides additional resources to address other long-standing domestic priorities within a fiscally responsible framework, including increased funding for scientific innovation
- Rejects the Administration's proposed cuts to other priorities, including first responders, Community Development Block Grants, and other high-priority services
- Funds defense, while targeting resources toward our most pressing security needs

Mandatory Programs

- Accommodates initiatives including the following:
 - expansion of children's health insurance coverage
 - reforms to improve Medicare for beneficiaries and protect access to care
 - creation of an affordable housing fund
 - reforms of the Higher Education Act to make college more affordable and accessible
- Rejects Administration cuts to Medicare and Medicaid

Revenues

- Accommodates immediate and long-term AMT fix, consistent with pay-as-you-go
- Accommodates additional middle-class tax relief and enhanced economic equity through tax policies, consistent with pay-as-you-go

Scope of the budget resolution

- Establishes a framework to guide budgetary decisions for the year

- Leaves specific spending, revenue initiatives, and offset decisions to authorizing and appropriations committees

Conference Report 110-659:

[HTML Version](#), [PDF Version](#)

CRS Reports:

[RL34382](#): The Alternative Minimum Tax For Individuals: Legislative Activity in the 110th Congress

[RL30149](#): The Alternative Minimum Tax for Individuals

[RL34419](#): The Budget for Fiscal Year 2009

[RL31967](#): The Debt Limit: History and Recent Increases

[RL34425](#): Expiration and Extension of the Individual Income Tax Cuts Enacted in 2001 Through 2007

[RL33818](#): Federal Budget Process Reform in the 110th Congress: A Brief Overview

[RL34448](#): Federal Research and Development Funding: FY2009

[RL34357](#): Medicaid and the State Children's Health Insurance Program (SCHIP): FY2009 Budget Issues

[RS22849](#): Medicaid Financing

[RL34432](#): Medicaid Rehabilitation Services

[RL34426](#): Medicaid Targeted Case Management (TCM) Benefits

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[Overview of Conference Agreement](#) – Budget Committee

[Budget Conference Agreement Background](#) – Budget Committee

[FY 2009 Budget Clearinghouse](#) – Office of the Majority Leader

Press Releases, News Articles & Related Information:

[Senate and House Reach Budget Agreement Fiscal Plan Invests in Energy, Education, and Infrastructure; Cuts Taxes on Middle Class; Returns Budget to Surplus](#), May 20, 2008

[Spratt Opening Statement – FY09 Budget Conference](#), May 20, 2008