

moved quickly into permanent, adoptive homes.

I also wish to recognize the many talented and hardworking staff at the Department of Health and Human Services for their outstanding work in this area. More than 6,000 children have been placed in adoptive homes since the launch of www.adoptuskids.org, a website which connects families with waiting children. We must do more to help connect would-be adoptive parents with these children to ensure every child grows up in a safe, loving family.

Again, I wish to thank the gentleman from Michigan for introducing this resolution. I'd like to personally thank the many child welfare professionals and most importantly all the adoptive families across America who have made a permanent commitment to improve the lives of these vulnerable children. They are the real heroes behind the many improvements we have seen in recent years.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 959 recognizing and supporting the success of the Adoption and Safe Families Act of 1997 in increasing adoption and the efforts the Act has spurred including National Adoption Day, National Adoption Month, and encouraging adoption throughout the year.

As the Chair of the Congressional Children's Caucus, I especially understand the importance of providing a stable, safe, loving home for all of our children. Under the Adoption and Safe Families Act of 1997, the number of children adopted from foster care has increased significantly, with approximately 51,000 children from foster care in fiscal year 2004 alone.

This progress must be recognized, yet we know that there is much more work to be done to ensure that every child has a safe, permanent and loving home. On a daily basis, in America, children enter the foster care system as victims of abuse, neglect or abandonment. Most of them will wait at least five years before being adopted. Siblings will be separated from each other and most will have moved at least three times before being adopted. It is currently an unfortunate fact that one in five children will never be adopted, and will be forced out of the foster care system at the age of 18 with little or no family support.

Modeling the successes of the Adoption and Safe Families Act and National Adoption Day, states have significantly increased adoptions from foster care. National Adoption Day inspires a collective national effort to raise awareness to the 119,000 children in foster care awaiting permanent, loving families. For the last six years, National Adoption Day has seen the dreams of thousands of children come true by working with courts, judges, and attorneys to finalize adoptions and find permanent, loving homes for foster care children.

Let me add that I hope that before we recess, we may have the opportunity to make a further statement with H.R. 1704, Second Chance Act. This important legislation reauthorizes, rewrites, and expands crucial provisions regarding adult and juvenile offender reentry demonstration projects, in order to address issues of recidivism and the effects of the criminal justice system and child welfare services on families.

The welfare of children must continue to be a priority for all Americans. Every child deserves a warm, safe, stable home environ-

ment. It is imperative that we support and recognize the success of the Adoption and Safe Families Act of 1997 of increasing adoption of foster care children. Because children are the future, we must support them in the present.

I urge my colleagues to support this important resolution.

Mr. POMEROY. Mr. Speaker, seeing no other speakers, I yield back the balance of our time.

Mr. CAMP of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and agree to the resolution, H. Res. 959.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STUDENT AND TEACHER SAFETY ACT OF 2006

Mr. KUHLMAN of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5295) to protect students and teachers, as amended.

The Clerk read as follows:

H.R. 5295

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student and Teacher Safety Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States Department of Education's National Center for Education Statistics reported in the 2005 Indicators of School Crime and Safety that in 2003 seventeen percent of students in grades 9-12 reported they carried a weapon. Six percent reported having carried a weapon on school grounds.

(2) The same survey reported that 29 percent of all students in grades 9-12 reported that someone offered, sold, or gave them an illegal drug on school property within the last 12 months.

(3) The United States Constitution's Fourth Amendment guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures".

(4) That while the Supreme Court affirmed the Fourth Amendment's application to students in public schools in *New Jersey vs. TLO* (1985), the Court held that searches of students by school officials do not require warrants issued by judges showing probable cause. The Court will ordinarily hold that such a search is permissible if—

(A) there are reasonable grounds for suspecting the search will reveal evidence that the student violated the law or school rules; and

(B) the measures used to conduct the search are reasonably related to the search's objectives, without being excessively intrusive in light of the student's age, sex, and nature of the offense.

(5) The Supreme Court held in *Board of Education of Independent Sch. Dist. 92 of Pottawatomie County vs. Earls* (2002) that random drug testing of students who were participating in extracurricular activities was reasonable and did not violate the

Fourth Amendment. The Court stated that such search policies effectively serve the School Districts interest in protecting its students' health and safety.

SEC. 3. SEARCHES BASED ON REASONABLE SUSPICION.

(a) IN GENERAL.—Each local educational agency shall have in effect throughout the jurisdiction of the agency policies that ensure that a search described in subsection (b) is deemed reasonable and permissible.

(b) SEARCHES COVERED.—A search referred to in subsection (a) is a search by a full-time teacher or school official, acting on any reasonable suspicion based on professional experience and judgment, of any minor student on the grounds of any public school, if the search is conducted to ensure that classrooms, school buildings, school property and students remain free from the threat of all weapons, dangerous materials, or illegal narcotics. The measures used to conduct any search must be reasonably related to the search's objectives, without being excessively intrusive in light of the student's age, sex, and the nature of the offense.

SEC. 4. ENCOURAGEMENT TO PROTECT STUDENTS AND TEACHERS.

(a) IN GENERAL.—A local educational agency that fails to comply with section 3 shall not, during the period of noncompliance, receive any Safe and Drug Free School funds after fiscal year 2008.

(b) DEFINITION.—In this section, the term "Safe and Drug Free School funds" includes any funds under Part A of Title IV of the Elementary and Secondary Education Act of 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KUHLMAN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHLMAN of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 5295.

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

There was no objection.

Mr. KUHLMAN of New York. Mr. Speaker, I yield myself such time as I may consume.

It gives me great pleasure to rise in support of H.R. 5295, the Student and Teacher Safety Act of 2006, of which I am a cosponsor. This bill is designed to help schools take actions to keep students and property safe from harm and destruction.

We have an obligation to make the learning environment in which our children attend free from weapons and drugs. By allowing school officials the ability to use their experience and intuition, we are eliminating these threats of violence before they have an opportunity to occur.

Specifically, this bill encourages local school agencies to establish policies that put parents and students on notice that weapons and drugs will not be tolerated within school bounds, and gives power to school officials and full-time teachers to enforce such policies. We all know that the threat of weapons

and drugs in school can create an intimidating and threatening environment making teaching and learning difficult.

The Supreme Court has ruled, and here today we should agree, that “apart from education, the school has the obligation to protect pupils from mistreatment by other children, and also to protect teachers themselves from violence by the few students whose conduct in recent years has prompted national concern.”

Mr. Speaker, violence in our schools is simply not acceptable. Nothing is more important than the safety and the well-being of our children. Parents should feel secure that when children go to school, they will be completely safe. I say that again, completely safe. This bill provides some assurance that we are doing all that we can as parents, as educators and as leaders of this Nation to protect our children.

If we do not take a stand to keep our schools safe, to keep our children safe, and to allow our teachers to feel that they are in an environment where they are protected, then how can we achieve this goal?

Unless addressed by Congress, public school children will continue to be unnecessarily exposed to unacceptable levels of crime and school violence.

Lastly, Mr. Speaker, I want to thank my colleague, the gentleman from Kentucky (Mr. DAVIS), for introducing this important legislation, and I urge my colleagues to join me in support of H.R. 5295, the Student and Teacher Safety Act of 2006. A vote for this bill is a vote in support of school officials and teachers who fight to keep weapons and drugs out of our public schools every day and a vote to allow our children to have a safe learning environment.

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

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

Mr. Speaker, as one of the original cosponsors of the Zero Tolerance for Guns and Weapons in Schools, I have long supported the effort to make our schools safer, and, in fact, schools are among the safest places in our entire society for children, but this legislation, I do not quite understand what it is trying to do.

The suggestion here is that if we just pass this law, that somehow schools will become safer. The fact of the matter is every school district, every State has a policy with respect to the bringing onto campus of drugs, which it is illegal to have on campus, off campus, in your own home or anywhere else, and the use in bringing on weapons, which we have a very strong zero tolerance policy against the bringing of any guns or weapons onto school sites.

It seems to me that this legislation is somehow founded in the idea that if the Congress just votes, this will, in fact, happen.

Tragically, what we have seen is while people are asking us to vote on

this policy, which is already in place in most school districts, or all school districts in all of the States in accordance with the State court decisions and in accordance with the Supreme Court decisions, what we have is that the Republicans are masking the fact that what they do is they keep gutting the Safe and Drug-Free School Grants to the States. They cut those grants from \$437 million in 2005 to \$346 million in 2006, and the House Republicans want to cut them even further to \$310 million next year.

So the very funds that this Congress has determined and we worked in partnership with States and school districts over the last several years to make our schools safer, to help educate children about the dangers not only of the drugs and of weapons and various kinds of social behavior, they are now in the process of cutting those, but they want to pass a law that says to do what we have as a matter of existing policy, except that this law, in fact, exposes the district to much more litigation now because now, under the guise of this law, they have to go back through, and if a student is searched under this law, the questions are raised all over again which many districts have tried to settle under State law, under State court interpretations, so that they can have a policy that works, that the schools are on notice of, and the students are on notice of, and that the parents are on notice of. The fact of the matter is that the policy appears to be working across this country.

So, when we get all done with this, I think what we have with this legislation is an effort to try and cover what are the more serious votes taken by this Congress to slash the funding for the Safe and Drug-Free Schools legislation.

Also, this legislation, if it were to be passed into law, fails to take into account additional legal standards that have been imposed by State courts. A uniform search policy can cause difficulties for school districts and would require it to establish policies to address requirements of H.R. 5295, as well as legal standards that apply to respective jurisdictions.

The Congressional Research Service adds that enacting Federal legislation with respect to school-based searches could, therefore, interfere with areas of traditional State and local responsibility, of which there is no showing that the States and local school authorities are not meeting their responsibilities to their students, to the teachers, to the staff in the schools, to the parents and to the communities.

The question is, I guess, just a question of whether or not you think you trust the Congress more simply to pass a law, of which there have been no hearings and no discussion with local officials about how to do this, or whether you trust the people who are running the schools—the school boards, the school administrators, the principals, the district superintendents—

who, in fact, have the responsibility for the safety of the children of their districts and of their schools.

It is not much more complicated than that, and you do not have to take it from me, because the fact is that the National School Boards Association, the American Association of School Administrators, the American Federation of Teachers, the National PTA and the Great City Council Schools all oppose this legislation.

Why do they oppose this legislation? Because this legislation only makes it a very difficult job that they have been working at and policies for the safety of our students that they have been refining over the last decade.

□ 1745

This legislation just throws all of that open to new interpretations, to new exposure to liability on the questions of their actions that they take on a daily basis to keep our schools safe, to keep our children safe.

They understand this policy. They have developed these policies they have done in conjunction with the communities that they represent. Now Congress wants to fly over on suspension without hearings and drop down a new policy, one size sort of fits all, for all of these school districts, for all of the schools, when in fact the people we represent in our communities have been working on these policies a long time before this legislation was ever suggested. They have been working on them successfully, they have been working on them within the intricacies of State and Federal law, and they have developed the policies in cooperation with the communities and with the parents.

And I would hope that we would reject this legislation, and we would let those who have to take the responsibility, those who absorb the liability for their actions, and those who have local cooperation within their communities on engaging these policies, that they would in fact be allowed to go forward and continue those policies, and we would heed the concerns of the Congressional Research Service that we now have a Federal policy that, if it was to pass, requires this kind of reaction by all of the States to see whether or not they comply with this Federal law when in fact they are already complying with the efforts in their communities to keep their schools safe.

I reserve the balance of my time.

Mr. KUHLMAN of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today with tremendous pride to support the Student and Teachers Safety Act. Drugs and violence simply do not belong in our schools. Our teachers and children are entitled to a safe learning environment, free from weapons and illicit narcotics.

Time and again at the Columbine High School in Colorado; in Jonesboro, Arkansas; and in my home State, at

Heath High School in Paducah, Kentucky, shocking acts of violence have been planned and unfortunately executed in our schools.

Last week in Green Bay, Wisconsin, the situation turned out differently. Local law enforcement reacting to information gathered by school officials were able to thwart an attack being planned by high school students and save lives.

The National Center for Education statistics found in 2003, the last year for which we have statistics, 17 percent of students in grades 9 through 12 reported having carried a weapon; 9 percent of students reported having been threatened or injured with a weapon, such as a gun, knife, or club, on school property. During the same period, 29 percent of students have been offered drugs on school grounds within the previous 12 months.

My friends, these numbers are simply unacceptable. The presence of drugs or weapons in a classroom is not conducive to a productive learning environment. Metal detectors have become a fact of life in many of our schools. Despite that fact, weapons are still appearing in our classrooms.

When I was a child in school, no one doubted who had control of the classroom. Teachers were clear in their ability to control their learning environment. Today, we have the opportunity to restore some of that clarity.

I am a firm believer in our Constitution and our Bill of Rights, and I take my oath of office to defend those rights very seriously. This legislation is simple. This act does not issue a blank check to anyone to conduct random, unfounded, or mass searches. It does not change the fourth amendment standards on search and seizure. In fact, it is the parents and school officials who are empowered by this legislation. These men and women will work together in individual communities across the Nation to develop school safety policies that suit the unique needs of their teachers and students and are based on the constitutional standards set by the Supreme Court. Nothing more, nothing less.

H.R. 5295 requires local education agencies to have policies in place that adopt a standard articulated by the Supreme Court in *New Jersey v. T.L.O.* This standard allows teachers and school officials to use their experience and judgments to make decisions that will help control their classrooms and protect the students.

Our schools and classrooms should be safe places, free from drugs and weapons; and safety should not be a luxury. Parents should be confident in the safety of their children at school. Children should be able to focus on their studies without fear; teachers and school officials should be confident in their judgment and ability to control school property.

I am very proud of the work that we have done with the National Education Association to improve the language of

H.R. 5295 since its original introduction, and I am even more pleased that the National Education Association has endorsed this legislation as a positive step toward a safer learning environment for teachers and students throughout our schools.

A special thank you is due to Chairman MCKEON and his staff for their assistance. I would especially like to recognize the work of three staffers, Joanna Glaze, Taylor Hansen and James Bergeron. I urge all my colleagues to support this simple, commonsense legislation to provide our students and teachers with a safer, more productive learning environment.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the ranking member for yielding.

I rise in strong support of the expressed intent and expressed purpose of this legislation. But as one who taught for 6 years in probably one of the toughest schools and one of the toughest communities in the country, I have some serious reservations about what this legislation actually does. And I guess my reservations are not unfounded, because I find that the American Association of School Administrators, the National School Boards Association, the Council of Great City Schools, Parent Teachers Association, American Civil Liberties Union, the American Federation of Teachers, and of course my own school district, one of the largest in the Nation, the City of Chicago School System, has some concerns. And many of the concerns expressed is that the legislation is unnecessary, because many school districts already have policies on search that take into consideration State laws and State court decisions. They are concerned that it overrides local and State policies on school searches, and that it establishes one-size-fits-all, although all of us know that circumstances in different locations and locales are very different.

It sends a confusing message to schools on what legal standards are, and it establishes a policy that gives teachers authority to conduct searches when authority for determining who could search should rest with the school board. And, of course, it penalizes schools inappropriately for non-compliance by withholding safe and drug free funds, even though not all school districts receive these funds.

So, Mr. Speaker, while the intent is good, and while all of us want to see our schools be the safe and secure places we know that they need to be, I find this legislation to be duplicative, unnecessary, and that it takes away in some instances rights that should be reserved certainly for local communities to make determinations about. For that reason, I oppose this legislation.

Mr. KUHL of New Jersey. Mr. Speaker, I yield 3 minutes at this time to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman. Columbine High School, Colorado. East High School, Green Bay. Hubbard Wood School in Winnetka. Each of these schools bore witness to an attack or an attempted attack using a gun in school. I served as a teacher, and I remember the kids who were the brightest lights of our country's future, and I also remember those who bore scrutiny as people who might bring a gun to class. Americans have the right to send their kids to safe, gun-free classrooms. Just last week, alert school officials foiled a Columbine-style attack on a Green Bay school. In my district, we were not so lucky in Winnetka. There, an attacker shot and killed a child and wounded five others in class. Jeffrey Phillips of my own staff was a first grader in that school on that day.

I spoke with a number of fellow teachers who say they hesitate before searching a child. Dan Larsen and Andrew Conneen, teachers at Stevenson High School in Lincolnshire, told me that teachers many times hesitate before searching a book bag for a gun. They worry about being punished; they worried about being sued. This bill reassures teachers that they have the power to search any minor child to make sure that their classroom remains gun free. And the Nation's largest teachers union, the National Education Association, strongly endorsed this bill.

Like all other American workers, teachers deserve to work in a safe, drug-free, and gun-free workplace. Diane Shust and Randall Moody of the NEA wrote: "On behalf of the 3.2 million members of the NEA, we would like to commend you for introducing the Student and Teacher Safety Act. H.R. 5295 will help promote a safe school environment."

The National Education Association knows that there is nothing more important than the safety of children and teachers who have dedicated their lives to education. Let common sense prevail. This bill puts teachers back in charge and makes classrooms safer. If this bill helps one teacher stop one Columbine massacre, then Congress today will have served the Nation well and protected its children. I urge Members to support this bill so strongly backed by the National Education Association.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I oppose the so-called Student and Teacher Safety Act. This bill would impose a one-size-fits-all policy on student searches on every school district in the country.

You know, in my experience with children and youth, it is a mistake to assume that every student is as guilty as a few troubled persons, making all youth feel guilty because a few actually are.

Mr. Speaker, this bill would strip Safe and Drug-Free School Acts funding from any school district that decides that local parents, that teachers,

and administrators know better than Congress how to make their schools safe. In fact, the President and the Republican Congress have cut Safe and Drug-Free funding every year since the year 2002.

This bill's proponents argue that it will clarify student search rules for school administrators and teachers, but the American Association of School Administrators has said that the bill simply will create unnecessary new Federal mandates. The American Federation of Teachers has said that the bill will complicate school districts' efforts to develop student search policies. And the National Parent Teacher Association, the PTA, has said that the bill fails to improve the safety of students and school personnel.

Mr. Speaker, if we are serious about school safety, we will reject this bill, we will reject the President's and this Congress's continuing cuts to the Safe and Drug-Free Schools program, and we will stop any new program that would label all youth as guilty.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, today I rise in support of H.R. 5295, the Student and Teachers Safety Act of 2006, and I commend my friend and colleague GEOFF DAVIS for introducing this important legislation.

According to a 2004 study by the National Center for Education Statistics, one in 10 students reported being threatened or injured with a weapon such as a gun, knife, or club on school property; three out of 10 students in grades nine through 12 reported that someone had offered, sold, or given them an illegal drug on school property. Moreover, more than seven out of 10 public schools experienced one or more violent incidents in 1999 and 2000, amounting to over 1.5 million violent incidents.

Louisiana families are demanding safe schools for their children, and H.R. 5295 would codify the guidelines established by the U.S. Supreme Court in *New Jersey v. T.L.O.*, which held that reasonable searches by school officials do not require a warrant signed by a judge if the search would reveal that the student violated the law or school rules.

□ 1800

The bill would also require that any searches be conducted in a manner appropriate to the age, gender and nature of the offense.

This is just codifying what the Supreme Court already has ruled upon, and it simplifies this matter as opposed to confusing it as is suggested by my colleagues on the other side of the aisle.

This legislation is supported by the National Education Association, and it will help promote a safe school environment for both students and teachers.

I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Education and Workforce Committee, the gentleman from California (Mr. MCKEON).

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

Mr. MCKEON. Mr. Speaker, I rise today in support of H.R. 5295, the Student and Teacher Safety Act. This legislation builds upon the past efforts of this Congress to bolster school safety, and I commend Mr. GEOFF DAVIS of Kentucky for leading the charge on this legislation.

Enhancing school safety is not a new priority for this House. Earlier this year, we sent to President Bush legislation that included a proposal of my committee colleague Mr. PORTER to provide schools with criminal history records for individuals seeking to work with or around children.

Today we have the opportunity to take another step towards safer classrooms. The Student and Teacher Safety Act simply asks schools to adopt policies that put them in compliance with the legal standard established by the U.S. Supreme Court pertaining to the reasonable nature of student searches. As such, the bill enjoys a tremendous consensus of support, including leading teacher unions and school safety advocates. These groups support the commonsense steps that this bill will take, and I include a letter from the National Education Association for the RECORD at this point.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 8, 2006.
Representative GEOFF DAVIS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the National Education Association's (NEA) 3.2 million members, we would like to commend you for introducing the Student and Teacher Safety Act (H.R. 5295), which will help ensure a safe teaching and learning environment in all public schools. We thank you and our staff for your willingness to engage in a constructive dialogue and to make changes to your original draft based on our suggestions. With these changes, we are pleased to offer our support for H.R. 5295.

NEA believes that a safe and effective learning climate is necessary for promoting educational excellence in public schools. All students and education employees must be safe from violence, and procedures must be in place to prevent and eliminate all types of disruption or harassment that might occur.

H.R. 5295 will help promote a safe school environment by requiring districts to have in place policies addressing reasonable student searches. Specifically, required policies under your bill must allow education employees or school officials to conduct student searches when acting on reasonable suspicion based on professional experience and judgment. We believe that such policies will help ensure that classrooms, school buildings, school property, and students remain free from the threat of weapons and other dangerous materials.

We believe your bill strikes a proper balance between ensuring the safety of students and educators and protecting student rights.

We thank you for your efforts on this important issue and we look forward to continuing to work with you to ensure great public schools for every student.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Policy and Politics.

Mr. MCKEON. Mr. Speaker, this legislation empowers full-time teachers or school officials, when acting on suspicion based on professional experience and judgment, to search students on public school grounds, and allows States and school districts to conduct reasonable searches to ensure that the schools remain free of all weapons, dangerous materials or illegal narcotics.

I cannot imagine anyone that would oppose this kind of legislation based on the fact that we all, working together, want to make schools safer for our students and teachers.

In order for our Nation's students to get the most out of their education, it is imperative that they feel safe inside the classroom. Last week's report of two Wisconsin teens plotting a school shooting spree only served to underscore the need to ensure that our teachers, administrators and parents have the necessary tools to keep the classrooms safe and focused on what they are meant for, learning. Parents should be at ease when sending their children to school. Teachers and administrators should know that we are empowering them with resources to make sure that we are keeping their workplaces safe. And most of all, students deserve to learn in as safe an environment as possible.

I urge my colleagues to join me in supporting this important measure to bolster school safety.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise tonight to thank my friends and colleagues, Mr. DAVIS and Mr. KUHL, for introducing this outstanding legislation, and I am proud to join them in strong support of the Student and Teacher Safety Act.

As a father, I am very concerned about my children's safety during the school day. Every morning, my wife and I, we send our children off to school to prepare them for a better and brighter future. I expect them to learn in a safe, secure and nurturing environment, an environment incompatible with weapons and violence. Unfortunately, statistics show that this may not be the case.

I am shocked by the statistics that describe the threat drugs and guns pose in our schools. According to a national survey of high school students in 2003, 29 percent of students in grades 9-12 reported having been offered drugs on school grounds; 9 percent of students reported having been threatened or injured by a weapon such as a gun or

knife on school property; and almost 7 percent of students in these same grades said they had missed at least one school day because they felt unsafe at or traveling to or from school.

Statistics show America has a problem. It is up to Congress to provide the tools our educators need to combat this threat. Back when I was a student in high school, if a teacher asked me to show them the contents of my locker, I would have complied. It was a simpler time. Today our teachers' hands are tied with incoherent regulations and the constant threat of litigation that prevents them from confidently acting on perceived threats to their students. That is why this act is so important.

H.R. 5295 will provide much-needed clarity for school districts in setting policies for school searches. Specifically, this legislation will require school districts and other local education agencies to create a policy that is firmly founded upon the fourth amendment protections and follows the controlling Supreme Court decision on school searches, *New Jersey v. TLO*.

I am proud to be listed as a cosponsor of this legislation, and I call on my colleagues in Congress to support its passage here today.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. KUHLMAN of New York. Mr. Speaker, we have no additional speakers other than myself to close, so if the gentleman from California would like to close at this time.

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

It is rather interesting that this legislation comes up with no hearings, no discussion with the school districts, no discussion with local authorities who have the obligations to meet the demands that we cavalierly talk about here. This Court decision I believe is 1985. That is what school districts have been struggling with is to try to put in a policy that meets the test of reasonableness and also protects them in terms of liability and the teacher in terms of liabilities.

We cited Columbine here. I can't believe there is a school district in Colorado that doesn't have a policy dealing with guns on campus in compliance with Federal law where there is zero tolerance for guns on campus or you can lose your funding.

Paducah, Kentucky, and the tragedy there, I can't believe there is a school district in Kentucky that has not responded in the years since those tragedies.

The fact of the matter is every school district in the country has a policy like this because they can, in fact, be sued for not having a policy, for not taking reasonable steps to protect their students and faculty and staff.

Here we have the United States Congress apparently read a report of statistics and studies of all of the activities which is illegal under State and

Federal law. They have read that now and have decided 10, 20 years later that the school districts are not doing anything, are not taking action, and the Federal Government has to tell them to take this action. It is incredibly arrogant and an insult to people who every day live on the front lines for the protection of those students and those faculty members and those staff members and for those children whose charge they have to think that somehow they have not developed the best policy they possibly can within the confines of the fourth amendment, within the confines of their State interpretation of State laws.

That is what school districts struggle with all of the time. That is what they do for a living. Those are the measures they can take. This idea that somehow if you codify this Supreme Court decision, the TLO decision, that somehow if you codify this and they are immune from liability, no, they are not. Someone would go to the court and decide it was an unreasonable search, and you will be right back with liability, just as is done all of the time under the fourth amendment.

What school districts have tried to do is to build a policy over a period of years to try to make it the most effective policy and also make sure that they are not exposing the district and others to all kinds of different liabilities, but to have an effective policy.

Does anybody here suggest that is not their purpose? Does anybody suggest that they have not done this since Columbine, they have not done this since Paducah, or they have not done this since the shootings in Oregon? Of course they have.

And you know what, they would probably be in a much better standing if you would keep cutting the Safe and Drug-Free Schools Act, if you quit cutting the money that is available to them in education so they could make these policies even more effective, and they could spend even more time with the students working on why these behavior patterns should not be allowed, why schools should be a safe place, why schools should not be allowed to be the street. There should be bright lines between the schools and streets. That is what schools are seeking to do all the time.

But here is the Federal Government 10, 20 years later after the policy was announced saying, I guess you are not doing anything, and we are going to tell you to do it. We are going to tell you to do it this way or the highway.

It just doesn't make any sense. It just doesn't comport with what all of us know is going on in the districts that we represent. Either that, or you have never visited a school, you have never talked to a school administrator, or never talked to a superintendent or a teacher. The fact of the matter is that they struggle with this all of the time, and they do it within the confines of the decision that you say is controlling. They know that. That is

why they hire attorneys. That is why the policy parties that are responsible for coming up with this, that is why they oppose this.

But this will be the Congress who tells them, do it our way, that is the only way; and now we will have to go back through all of these policies and start over from ground zero. It just doesn't make any sense. It denies what we all know is, in fact, taking place in school districts and schools all over this country every day as those individuals struggle to keep those educational institutions safe for the students who are attending them. I urge my colleagues to vote against this legislation.

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

Mr. KUHLMAN of New York. Mr. Speaker, I yield myself the balance of my time to close on this bill.

It seems as though there is a long distance between this side of the aisle and the other side of the aisle, because my friend Mr. MILLER fails to recognize the statistics that the honorable gentleman from Kentucky mentioned. Regardless of the fact that there are school districts who are attempting to make changes in their disciplinary policies protecting students, the fact is that violence remains a very, very big issue in our schools. It needs to be resolved.

People, like the teachers on the front lines combating this violence and protecting our students, are not necessarily afforded the opportunities to do that. That is what this bill does. I applaud Mr. DAVIS for bringing it forward.

The bill simply asks, and while my friend Mr. MILLER would try to distort what the bill actually does, the bill asks school districts, each and every one of them separately, to develop and implement a policy on school safety. Nowhere in this legislation is language requiring what the policy should look like or how strict or relaxed it should be. The legislation merely allows each and every individual school district to craft unique policies with guidance established by the Supreme Court decision. That Supreme Court decision, and I will quote again, simply says apart from education, the school, and I underline the school, has the obligation to protect pupils from mistreatments by other children and also to protect teachers themselves from violence by the few students whose conduct in recent years has promoted national concern.

Now let's go to the actual language. I don't know whether Mr. MILLER has had an opportunity to read the bill, but the bill itself specifically says each local educational agency shall have in effect throughout the jurisdiction of the agency policies that ensure that a search described in subsection (b) is deemed reasonable and permissible. No question about it.

Some people might concern themselves with the fact that this might be

an overextension of personal rights, but the Supreme Court has defined what is permissible. In no way does this bill give permission for school officials to perform mass or strip searches of students. No way.

Also, Mr. MILLER, let me assure you that while you can make castigations about this side of the aisle trying to balance the budget, nobody on this side of the aisle has suggested that funding for the implementation of this program is to be deleted. As a matter of fact, we openly support increased funding to implement this policy.

Mr. STARK. Mr. Speaker, I rise today in opposition to the Student and Teacher Safety Act of 2006, H.R. 5295. Although this bill seeks a noble end, protecting our children and their teachers, it gives me pause because it authorizes school systems to strip away student's constitutional rights.

All children should feel safe at school. All teachers should be secure while carrying out their mission of teaching our children. We all agree on this. However laudable these goals of safety and security may be, they should not be sought at the expense of the rights of our children.

School is not only a place where children learn math, reading, and writing. School is also a place where children learn how to be citizens in a free society. Being a citizen of this country means living free from the fear of unnecessary searches and government harassment. My fear is that when we expose our children to constant violations of their privacy through limitless drug tests and unreasonable searches during their school years, they will grow up to believe that violations of their constitutional rights are the norm in our country. The future generations that we will depend on to defend the Bill of the Rights may no longer know what those rights are. They may be all too willing to accept ever-increasing government intrusion into their private lives. In an age of warrant-less wiretaps and secret surveillance, this is not a risk I am willing to take.

In addition, this bill does not adequately protect the privacy interests of our students. In 1969, the Supreme Court said that children do not leave their constitutional rights at the schoolhouse door. Yet this bill is so vaguely and broadly worded that it potentially opens a "Pandora's Box" of 4th Amendment violations in our schools. This bill does not require that school officials actually suspect an individual of wrongdoing before searching them. Rather, it allows for searches if a school official thinks that his or her actions will help the school remain drug free.

I am worried that this bill will lead to instances similar to what happened in Goose Creek, South Carolina in November of 2003. School officials in Goose Creek suspected that a student was dealing drugs in the high school.

They then subjected 150 students to a police raid, and drug dogs going through student's backpacks. The searches occurred despite the fact that the suspected drug dealer was absent from school on that day. Not surprisingly, no drugs were found. Unfortunately, 150 students were humiliated by the school officials that are supposed to guide them on their journey to adulthood.

School safety is a vitally important issue. Children must be able to learn in an environ-

ment free from fear and violence. Providing students and teachers with safe schools does not require students to check their civil liberties at the door. The Bill of Rights envisions a balance between individual freedoms and law enforcement. That balance has served our country well for more than two centuries. There is no reason that such a balance cannot be struck in our school system. If we want safe schools we should invest in afterschool and mentoring programs. We should invest in programs that teach children how to resolve conflicts in non-violent ways. We should teach our children that they have privacy rights that follow them wherever they go, including to school. I urge my colleagues to vote against this bill.

Mr. KUHL of New York. Mr. Speaker, I urge my colleagues to support H.R. 5295, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KUHL) that the House suspend the rules and pass the bill, H.R. 5295, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1815

RECOGNIZING AND HONORING AMERICA'S SENIORS

Mr. KUHL of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 874) recognizing and honoring America's seniors, as amended.

The Clerk read as follows:

H. RES. 874

Whereas older Americans have made countless contributions to the strength of the United States;

Whereas older Americans include members of the "Greatest Generation" who fought in World War I, World War II, the Korean War, and other military conflicts, and have sacrificed at home and abroad to keep America free;

Whereas in the United States and much of the world, older individuals throughout history have been viewed with respect, honor, and dignity as sources of wisdom and experience;

Whereas this year the first of the "baby boom" generation turn age 60, adding to the 49 million Americans who are age 60 or older, including over 5 million who are older than age 85; and

Whereas the talent and experience of older Americans can be utilized to meet community needs in critical areas such as education, health, community-based and faith-based social services, and homeland security: Now, therefore, be it

Resolved, That the House of Representatives—
(1) *recognizes the importance of older Americans to the Nation's past and future;*

(2) *encourages multigenerational activities providing opportunities for children and students to listen and learn from older Americans; and*

(3) *urges all Americans to honor and respect older Americans, and to offer appreciation for their contributions to the strength of the United States.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. KUHL) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KUHL of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Resolution 874.

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

There was no objection.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Resolution 874, a bipartisan resolution to honor older Americans.

Today, supporting the needs of older Americans is more important than ever. More than 49 million people in the United States are over the age of 60, making it the fastest-growing group in the country. By the year 2050, just a short time away, that number will reach nearly 90 million people and comprise almost a quarter of our population.

This resolution recognizes the countless contributions that older Americans have made to the strength of our Nation. They include members of the Greatest Generation, who fought in World War I and in World War II and the Korean War and other military conflicts. They have sacrificed at home and abroad to keep America free.

Mr. Speaker, with an increasing number of Americans as they retire, our Nation can continue to benefit from the rich talent and experience of these citizens. In communities across the United States, older Americans work and volunteer through community-based and faith-based organizations to support education, health services for the poor and other vital community needs. In June the Education and Workforce Committee approved bipartisan legislation to strengthen and reform the Older Americans Act. The Senior Independence Act, as it is called, transforms and modernizes the law to meet the needs of today's seniors and the needs of the Nation as the population ages. Final enactment will help older Americans to identify home- and community-based long-term care options, including consumer-directed care models as well as other supportive services that can help prevent or delay the need for expensive institutional care. These reforms will help millions of Americans stay healthy and remain in their homes and communities and could yield significant savings. I say that again: and could yield significant savings to taxpayers.

Mr. Speaker, I am pleased this body is taking this time today to honor older Americans for their many contributions to the strength of our great Nation, and I urge my colleagues to support this resolution.

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