The SPEAKER pro tempore. The gentleman is stating a hypothetical. The Chair will not comment.

Mr. CARTER. Final parliamentary inquiry, under House rule X, clause 5, does Mr. STARK assume the chairmanship of the Committee on Ways and Means immediately and without any further vote or ratification of the House of Representatives?

The SPEAKER pro tempore. Mr. STARK is acting chair. As the Chair stated before, clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution, which typically is produced by direction of the majority party caucus.

PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1126, I call up the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the bill is considered read. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

H.R. 4247

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 ''Preventing Harmful Restraint and Seclusion in Schools Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Physical restraint and seclusion have resulted in physical injury, psychological trauma, and death to children in public and private schools. National research shows students have been subjected to physical restraint and seclusion in schools as a means of discipline, to force compliance, or as a substitute for appropriate educational support.

(2) Behavioral interventions for children must promote the right of all children to be treated with dignity. All children have the right to be free from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any physical restraint or seclusion imposed solely for purposes of discipline or convenience.

(3) Safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings. Staff training focused on the dangers of physical restraint and seclusion as well as training in evidence-based positive behavior supports, de-escalation techniques, and physical restraint and seclusion prevention, can reduce the incidence of injury, trauma, and death.

(4) School personnel have the right to work in a safe environment and should be provided training and support to prevent injury and trauma to themselves and others.

(5) Despite the widely recognized risks of physical restraint and seclusion, a substantial disparity exists among many States and localities with regard to the protection and oversight of the rights of children and school personnel to a safe learning environment.

(6) Children are subjected to physical restraint and seclusion at higher rates than adults. Physical restraint which restricts breathing or causes other body trauma, as well as seclusion in the absence of continuous face-to-face monitoring, have resulted in the deaths of children in schools.

(7) Children are protected from inappropriate physical restraint and seclusion in other settings, such as hospitals, health facilities, and non-medical community-based facilities. Similar protections are needed in schools, yet such protections must acknowledge the differences of the school environment.

(8) Research confirms that physical restraint and seclusion are not therapeutic, nor are these practices effective means to calm or teach children, and may have an opposite effect while simultaneously decreasing a child's ability to learn.

(9) The effective implementation of schoolwide positive behavior supports is linked to greater academic achievement, significantly fewer disciplinary problems, increased instruction time, and staff perception of a safer teaching environment.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) prevent and reduce the use of physical restraint and seclusion in schools;

(2) ensure the safety of all students and school personnel in schools and promote a positive school culture and climate;

(3) protect students from—

(A) physical or mental abuse;

(B) aversive behavioral interventions that compromise health and safety; and

(C) any physical restraint or seclusion imposed solely for purposes of discipline or convenience;

(4) ensure that physical restraint and seclusion are imposed in school only when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; and

(5) assist States, local educational agencies, and schools in—

(A) establishing policies and procedures to keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe;

(B) providing school personnel with the necessary tools, training, and support to ensure the safety of all students and school personnel;

(C) collecting and analyzing data on physical restraint and seclusion in schools; and

(D) identifying and implementing effective evidence-based models to prevent and reduce physical restraint and seclusion in schools.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHEMICAL RESTRAINT.—The term ''chemical restraint'' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician for the standard treatment of a student's medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician.

(2) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' has the meaning given such term in section 9101(17) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(17)).

(3) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18)).

(4) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

(5) MECHANICAL RESTRAINT.—The term ''mechanical restraint'' has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting ''student's'' for ''resident's''.

(6) PARENT.—The term ''parent'' has the meaning given the term in section 9101(31) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(31)).

(7) PHYSICAL ESCORT.—The term ''physical escort'' has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting ''student'' for ''resident''.

(8) PHYSICAL RESTRAINT.—The term ''physical restraint'' has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

(9) POSITIVE BEHAVIOR SUPPORTS.—The term ''positive behavior supports'' means a systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs.

(10) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(11) SCHOOL.—The term ''school'' means an entity—

(A) that—

(i) is a public or private—

(I) day or residential elementary school or secondary school; or

(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, educational service agency, or other educational institution or program; and

(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education; or

(B) that is a school funded or operated by the Department of the Interior.

(12) SCHOOL PERSONNEL.—The term ''school personnel'' has the meaning—

(A) given the term in section 4151(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(10)); and

(B) given the term ''school resource officer'' in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)).

(13) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given the term in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

(14) SECLUSION.—The term ''seclusion'' has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(16) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term ''State-approved crisis intervention training program'' means a training program approved by a State and the Secretary that, at a minimum, provides—

(A) evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

(B) evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

(D) first aid and cardiopulmonary resuscitation;

(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 5(a); and

(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

(17) STATE.—The term ''State'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(18) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101(41) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(41)).

(19) STUDENT.—The term ''student'' means a student enrolled in a school defined in section 11, except that in the case of a private school or private program, such term means a student enrolled in such school or program who receives support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(20) TIME OUT.—The term ''time out'' has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting ''student'' for ''resident''.

SEC. 5. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

(a) MINIMUM STANDARDS.—Not later than 180 days after the date of the enactment of this Act, in order to protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this Act, the Secretary shall promulgate regulations establishing the following minimum standards:

(1) School personnel shall be prohibited from imposing on any student the following:

(A) Mechanical restraints.

(B) Chemical restraints.

(C) Physical restraint or physical escort that restricts breathing.

(D) Aversive behavioral interventions that compromise health and safety.

(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

(A) the student's behavior poses an imminent danger of physical injury to the student, school personnel, or others;

(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

(C) such physical restraint or seclusion is imposed by school personnel who—

(i) continuously monitor the student face-to-face; or

(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

(D) such physical restraint or seclusion is imposed by—

(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 4(16)); or

(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

(E) such physical restraint or seclusion end immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

(3) States and local educational agencies shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 4(16)) to meet the needs of the specific student population in each school.

(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student's education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

(A) procedures to provide to the parent of the student, with respect to each such incident—

(i) an immediate verbal or electronic communication on the same day as each such incident; and

(ii) within 24 hours of each such incident, written notification; and

(B) any other procedures the Secretary determines appropriate.

(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

(1) time out (as defined in section 4(20)); or

(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(A) restraints for medical immobilization;

(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

(A) in the—

(i) case when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

(ii) lawful exercise of law enforcement duties; and

(B) less restrictive interventions would be ineffective.

SEC. 6. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.

(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 5(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

(1) assurances to the Secretary that the State has in effect—

(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 5(a); and

(B) a State mechanism to effectively monitor and enforce the minimum standards;

(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

(b) REPORTING.—

(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 5(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency that includes the information described in paragraph (2).

(2) INFORMATION REQUIREMENTS.—

(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

(B) DISAGGREGATION.—

(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

(aa) that resulted in injury;

(bb) that resulted in death; and

(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 5(a)(2)(D)(i); and

(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

(bb) age; and

(cc) disability status (which has the meaning given the term ''individual with a disability'' in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

(I) be carried out in a manner to ensure an unduplicated count of the—

(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

(c) ENFORCEMENT.—

(1) IN GENERAL.—

(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that

a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

SEC. 7. GRANT AUTHORITY.

(a) IN GENERAL.—From the amount appropriated under section 12, the Secretary may award grants to State educational agencies to assist the agencies in—

(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a);

(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

(d) AUTHORITY TO MAKE SUBGRANTS.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(e) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a).

(2) Providing professional development, training, and certification for school personnel to meet such standards.

(3) Carrying out the reporting requirements under section 6(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decision-making related to behavioral supports and interventions in the classroom.

(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

(1) evaluate the State's progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a); and

(2) submit to the Secretary a report on such progress.

(i) DEPARTMENT OF THE INTERIOR.—From the amount appropriated under section 12, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

SEC. 8. NATIONAL ASSESSMENT.

(a) NATIONAL ASSESSMENT.—The Secretary shall carry out a national assessment to determine the effectiveness of this Act, which shall include—

(1) analyzing data related to physical restraint and seclusion incidents;

(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

(b) REPORT.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

(1) an interim report that summarizes the preliminary findings of the assessment described in subsection (a) not later than 3 years after the date of enactment of this Act; and

(2) a final report of the findings of the assessment not later than 5 years after the date of the enactment of this Act.

SEC. 9. PROTECTION AND ADVOCACY SYSTEMS.

Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this Act.

SEC. 10. HEAD START PROGRAMS.

(a) REGULATIONS.—The Secretary of Health and Human Services, in consultation with the Secretary, shall promulgate regulations with respect to Head Start agencies administering Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.) that establish requirements consistent with—

(1) the requirements established by regulations promulgated pursuant to section 5(a); and

(2) the reporting and enforcement requirements described in subsections (b) and (c) of section 6.

(b) GRANT AUTHORITY.—From the amount appropriated under section 12, the Secretary may allocate funds to the Secretary of Health and Human Services to assist the Head Start agencies in establishing, implementing, and enforcing policies and procedures to meet the requirements established by regulations promulgated pursuant to subsection (a).

SEC. 11. LIMITATION OF AUTHORITY.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

(b) APPLICABILITY.—

(1) PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(2) HOME SCHOOLS.—Nothing in this Act shall be construed to—

(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

(B) consider parents who are schooling a child at home as school personnel.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2011 and each of the 4 succeeding fiscal years.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in part A of House Report 111–425, if offered by the gentleman from California (Mr. GEORGE MILLER) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The amendment printed in part B of House Report 111–425, if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4247.

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

There was no objection.

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

Mr. Speaker and Members of the House, I rise today in strong support of this bipartisan legislation that will make our classrooms safer for our children and our teachers. But first I would like to tell the story of Cedric. This is a picture of Cedric, who was a young man from Killeen, Texas, who died in his classroom when he was just 14 years of age.

Cedric was living with a foster family after an early childhood filled with abuse. Among other things, his biological family had neglected him by denying him food. Despite knowing this, on the morning he died, Cedric's teacher punished him for refusing to do his work by delaying his lunch for hours. When Cedric tried to leave his classroom to find food, his teacher put him face down in restraint and sat on him in front of his classmates. He repeatedly cried out that he could not breathe. He died minutes later on the classroom floor.

Now I would like to tell you the story of Paige. Paige was a bright, energetic, and happy young girl who started a new school in Cupertino, California. But Paige, who has Asperger's Syndrome, came home from her school the first week with bruises complaining that her teacher hurt her.

Paige's parents confronted the teacher, who denied causing the bruising. She did admit to restraining Paige for simply wiggling a loose tooth. Her parents were shocked to learn later that the teacher had lied and that she had actually held Paige face down and sat on her. Sitting on a 7-year-old for wiggling a loose tooth. Paige barely weighed 40 pounds.

Over the course of many months, Paige was repeatedly abused and injured during restraint incidents until her parents finally pulled her out of the school. She survived, but she still bears the emotional scars of this abuse.

Cedric's and Paige's stories are not isolated incidents in America's schools today. Last May, the Government Accountability Office told our committee about the shocking wave of abuse of children in our public and private schools. This abuse was happening at the hands of untrained school staff who were misusing restraint and seclusion.

Hundreds of students across the U.S. have been victims of this abuse. These victims include students with disabilities and students without disabilities. Many of these victims were children as young as 3 and 4 years of age. In some cases, children died.

Restraint and seclusion are complicated practices. They are emergency interventions that should be used only as a last resort and only by trained professionals. But GAO found that too often these techniques are being used in schools under the guise of discipline or convenience.

Last year, in my home State of California, there were more than 14,300 cases of seclusion, restraint, and other ''emergency interventions.'' We don't know how many of these cases were actual emergencies.

We have Federal laws in place to prevent these types of abuses from happening in hospitals and other community-based facilities that receive Federal funding, but currently there are no Federal laws on the books to protect children from these abuses in the schools, where they spend most of their time.

Without a Federal standard, State policies and oversight, they vary widely, leaving children vulnerable. Of the 31 States that have established some law or regulation, many are not comprehensive in approach and several only address restraint or address seclusion, not necessarily both.

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For example, in one State there are rules only for children enrolled in pre-K. In another, only children with autism are protected. In yet another example, only residential schools are covered. Many States allow restraints or seclusion in nonemergency situations, simply to protect property or to maintain order. No child should be subject to these extreme interventions for simple noncompliance, like the 7-year-old who died after being restrained for blowing bubbles in her milk.

Mr. Speaker, when these abuses occur, it isn't just the individual victim who suffers. It hurts their classmates who witness these traumatizing events. It undermines the vast majority of teachers and staff who are trying to give students a quality education. It's a nightmare for everyone involved. We are here today to try and end this nightmare. We are here today to make sure that no other children suffer the same fate as Cedric and Paige. The Keeping All Students Safe Act will ensure that all children are safe and protected in schools.

This bill takes a balanced approach to addressing a very serious problem. For the first time, it will establish minimum safety standards for schools, similar to Federal protections in place for children in other facilities. Under this legislation, physical restraint and seclusion can only be used to stop imminent danger of injury. The bill prohibits mechanical restraints, such as strapping children to their chairs or duct-taping parts of their bodies, and any restraint that restricts their breathing. It also prohibits chemical restraints, using medication to control behavior without a doctor's prescription. The bill also will require students to notify parents after a restraint or seclusion incident so that parents don't learn about these abuses from whistleblowing teachers or from their own children's bruises.

Mr. Speaker, we all agree that teachers play the single most important role in helping students grow, thrive, and succeed. Teachers support this bill because it focuses on keeping both students and staff safe, giving teachers the support they need do their jobs. It asks States to ensure that enough personnel are properly trained to keep both students and staff safe and encourages the schools to implement positive approaches to managing these behavioral issues.

Mr. Speaker, I'm very proud that we worked on this legislation in a bipartisan way. I want to thank Congresswoman CATHY MCMORRIS RODGERS for her leadership, her diligence, her persuasion, and her hard work in fashioning this legislation. I would also like to thank the National Disability Rights Network for bringing this abuse to our attention; the National School Boards Association; and more than a hundred other organizations for their support.

Everyone in this Chamber can agree that nothing is more important than keeping our children safe. It's time to try to end this abuse. I believe that this legislation will go a long way in setting the standard and showing States the way, and hopefully in the next 2 years the States will develop their own standards that at least meet these minimum standards of not depriving these children of the cushion of safety that they are entitled to and that their parents and family expect when they go to school on a daily basis.

So I would like to once again remind us of what happened to Cedric and to Paige at their age; their vulnerabilities, their history, and what happened to them one day when they went to school.

I reserve the balance of my time.

Mr. KLINE of Minnesota. I rise today in opposition to H.R. 4247, and I yield myself such time as I may consume.

Let me begin by stating unequivocally that the incidents uncovered by the GAO are unacceptable. No child should be put in physical danger by the use of seclusion or restraints in school. The tragic stories just related by the chairman of Cedric and Paige are unacceptable everywhere.

In each of the cases reviewed by the GAO, there was a criminal conviction, a finding of civil or administrative liability, or a large financial settlement. In other words, everyone agrees that what happened is simply wrong. We do not need a change in Federal law for such behavior to be condemned. Sometimes the most powerful tool we have as elected officials is the bully pulpit, and Chairman MILLER and Mrs. MCMORRIS RODGERS have certainly availed themselves of it. They have worked hard to call national attention to the misuse of seclusion and restraints in our schools.

States clearly recognize the need to proactively limit the use of these disciplinary tools. Today, 31 States have policies and procedures in place to govern when and how seclusion or restraint techniques may or may not be used. Another 15 States will have such protections in place in the near future. Many, many independent school districts and school boards have such procedures in place.

The question today is: Who is best equipped to create and enforce those

policies? To answer that question, I would point to a letter from the Council of the Great City Schools, which States, ''Every injury to a student in school is a matter of serious concern, but all such incidents are not necessarily matters of Federal law.'' In fact, until recently, the U.S. Department of Education was not even collecting data on the use of seclusion and restraint tactics in schools. The Department has no experience or expertise regulating in this area. Yet, H.R. 4247 would establish a new, one-size-fits-all Federal framework that overrules the work of these States.

I will include the letter from the Council of the Great City Schools in the RECORD, along with letters from the U.S. Conference of Catholic Bishops, the American Association of School Administrators, the Council for American Private Education, the American Association of Christian Schools, the Association of Christian Schools International, and the National Conference of State Legislatures.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
Arlington, VA, March 2, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The American Association of School Administrators, representing more than 13,000 school administrators and local educational leaders, would like to express serious concerns with HR 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, which is expected to be considered in the next few days. We ask that the voices of rank-and-file teachers, principals, superintendents and school board members be heard and that HR 4247, as reported from Committee, be defeated.

The need to establish these particular federal regulations for seclusion and restraint has not been established by objective, carefully gathered and analyzed data. For example, the report by the National Disability Rights Network upon which HR 4247 partially relies mixes data from regular public schools with data from schools for children with serious behavioral disorders and institutions for students who are regularly violent. Further, the incidents took place over an unknown period of time—perhaps a decade or more. It seems to us that most of those cases took place in settings serving either the small percentage of students with serious behavior disorders or the even smaller percentage of students who are a violent danger to themselves or others. Finally, the NDN report counts incidents of seclusion and restraint without noting whether those events took place over a decade or some other time period.

The Office of Civil Rights within the U.S. Department of Education is preparing to gather more objective information this coming school year. We urge the House to await objective, uniformly reported and analyzed data from OCR before acting. Based on experience, we are sure that a student in a regular public school is extremely unlikely to be physically harmed, secluded in a windowless room, taped to a chair or handcuffed to a fence by a teacher or administrator. Just how unlikely such events are is unknown because objective, uniformly gathered and analyzed data simply are not available.

In addition, the report recently released by the U.S. Department of Education states that 31 states currently have policies in place to oversee the use of seclusion and restraint and 15 states are in the process of adopting policies and protections. Given this massive state action, AASA questions the need for federal involvement on this issue.

Reviews of HR 4247 by state-based teacher, administrator and school board associations have identified a number of serious flaws, which they have raised to their congressional delegations, but so far their voices have not been included in the discussions.

HR 4247 includes a prohibition against including seclusion and restraint in the Individualized Education Plan (IEP) or behavioral plan. The IEP and behavioral plans are the communication platform for parents and school staff to discuss the students' needs and corresponding school interventions. Prohibiting the inclusion of seclusion and restraint in the IEP or behavioral plans where past behavior clearly indicates a need will only lead to further conflicts and misunderstandings between parents and school staff.

The Protection and Advocacy agencies are given broad undefined authority to enforce the new law. P&A agencies have long monitored and investigated on behalf of disabled students, but enforcement is new. Enforcement of federal law has been the sole responsibility of state or federal agencies. A bigger problem for school systems is that the meaning of enforcement is undefined. For example, does the enforcement authority permit P&A staff to enter schools without checking in with appropriate school personnel? Arrest authority? Authority to change school policy on the spot?

HR 4247's prohibition against mechanical restraints is too broad and could prevent appropriate use of restraints in emergency situations where students must be restrained to protect themselves and others.

This legislation applies to both the special education and regular education populations, and thus raises mandate training and reporting costs for school districts. These increased fiscal and operational burdens are accompanied by minuscule authorization and few prospects for an appropriation. A huge, new, unfunded mandate is difficult to justify at a time when schools are cutting teaching staff and stretching resources to balance budgets.

HR 4247 also prescribes a debriefing session for school personnel and parents within 72 hours of the use of seclusion or restraint, to address documentation of the antecedents to the restraint or seclusion and prevention planning (although it cannot involve the IEP). School staff are already over-committed in their daily schedules. Imposing short, mandatory timelines for extensive meetings will likely result in the cancellation of other instructional commitments or missed timelines and new litigation.

Finally, the tone of HR 4247 is relentlessly negative toward teachers and administrators. This tone indicting all teachers and administrators is unwarranted by plain observation, is unsupported by any credible data and should be eliminated. AASA is certain that every member of the House knows at least one teacher or administrator who has dedicated his or her professional life to the education and development of children and who has never restrained or secluded a single student, even if his or her career spanned over 40 years.

Thank you for your consideration. If there are any questions, please do not hesitate to contact me for further discussion of this important issue.

Yours truly,

DAN DOMENECH,
Executive Director.

COUNCIL OF THE GREAT CITY SCHOOLS,
Washington, DC, March 1, 2010.

HOUSE OF REPRESENTATIVES,
Washington DC.

Subject: HR 4247—Restraint and Seclusion bill.

DEAR REPRESENTATIVE: It is unusual that the Council of the Great City Schools, the coalition of the nation's largest central city school districts, cannot support an education-related bill pending before the House of Representatives, but H.R. 4247, the restraint and seclusion bill, is not supportable in its current form. The bill is overly broad and will override numerous state and local policies that already address this issue and will do so in ways that will be hard to predict.

Every injury to a student in school is a matter of serious concern, but all such incidents are not necessarily matters of federal law. Testimony before the Education and Labor Committee clearly points out that the extent of the use of inappropriate restraints and seclusion in schools could not be specifically determined. The Government Accountability Office (GAO) report provided only ten case studies—three of which involved incidents occurring between ten and fifteen years ago; two involved residential facilities that were not regular public schools; and one involved a school volunteer. The National Disability Rights Network study in January 2009 provided information on multiple incidents, but failed to cite either the year or the decade of the occurrence. In recognition of the limited data on the scope of inappropriate restraints and seclusion, the U.S. Department of Education has undertaken a formal data-collection initiative that may provide more up-to-date information on this issue. The Council suggests that it is premature for Congress to act until the Department's data collection effort is complete. At that time, depending on the results, the Council may revise its position.

Moreover, the requirements in the pending bill present serious concerns for the thousands of school districts and school officials, including school board members, charged with the responsibility of and subject to the potential liability of implementing the federally-crafted definitions and assurances. Section 9 of the bill will subject the nation's schools to an extraordinary outsourcing of investigations, monitoring, and enforcement actions to protection and advocacy attorneys under the Developmental Disabilities Act, in addition to oversight and enforcement by each state educational agency and the U.S. Department of Education—a new authority likely to result in additional disputes and litigation that may involve any student or employee, as well as contractors, service providers, other agencies, and potentially on-site community services and volunteers.

The Council also questions the assignment of policies, procedures, and requirements currently applicable to psychiatric hospitals, mental health programs, and medical facilities onto the nation's elementary, secondary and pre-schools, which are not designed, equipped, or staffed to implement these requirements, and are often excluded from the federal mental health funding or Medicaid reimbursements for related services that could assist in implementation. All current state and local restraint and seclusion laws, policies, guidelines, and procedures will have to be reviewed and aligned with this federal legislation.

In addition, H.R. 4247 mandates, without funding, a major training and certification program in order to comply with the proposed legislation. Again, the nation's schools

will have to train and state-certify an unspecified number of personnel and then periodically re-certify each one. Moreover, this bill requires that each of these individuals from every school receive first aid and CPR training—an entirely new federal requirement for schools and one not directly related to restraints and seclusion. School responsibilities for training and certification extend to school contractors as well.

The Council is unable to adequately project how many school employees and service providers would have to be trained and certified in restraint and seclusion techniques, conflict resolution, first aid, and CPR in schools serving thousands of students. This broad unfunded mandate would be questionable under the best of circumstances, but in the current economic environment, where schools are laying off thousands of teachers and other support staff and seeing class sizes rise, such new federal requirements are also untimely.

Congress could achieve the same basic objective by requiring local school districts and/or state educational agencies to adopt, implement and monitor policies for appropriate and restricted use of restraints and seclusion in disruptive, violent, and emergency circumstances—much like the federal gun-free schools policy or school prayer policy.

Appropriate restraint and seclusion policies, restrictions, and procedures are already in widespread use among the Great City Schools and a large number of states, though few if any as wide-ranging as H.R. 4247. The Council suggests that a bill requiring the limited number of states and/or other school districts without such policies to adopt and implement restraint and seclusion policies would likely garner broader support from school officials. We have offered to assist in developing such legislation that would be more workable. However, we cannot support H.R. 4247 as currently crafted.

Sincerely,

JEFFREY A. SIMERING,
Director of Legislative Services.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
March 3, 2010.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

The National Conference of States Legislatures (NCSL), representing state legislators in the nation's 50 states, commonwealths and territories, is deeply troubled by the federal preemption of state policy in the Preventing Harmful Restraint and Seclusion in Schools Act (HR 4247).

HR 4247 is a well intended effort by the U.S. House of Representatives that ignores the leadership and progress made by states to protect students from harm during seclusion and restraint. Furthermore, the need to establish the federal regulations identified in the legislation is not supported by objective or carefully analyzed research. The U.S. Department of Education is in the process of gathering such information in the coming school year, and we strongly urge the House to allow this process to be completed and to make an informed decision based on sound research to determine whether federal legislation is needed to address this issue.

According to the U.S. Department of Education, 31 states currently have policies in place to oversee the use of seclusion and restraint with another 15 in the process of adopting similar policies and protections. HR 4247 would preempt these efforts in favor of federal guidelines that have little basis in research and would require states to adopt them within two years irrespective of the varying conditions in the states and without any consideration given to the costs associated with compliance.

State legislators, who have the constitutional responsibility to establish and fund the nation's system of public education, are concerned about another unfunded mandate and continued federal overreach into the daily operations of schools. HR 4247 is the latest example of this approach. The National Conference of State Legislators urges members of the U.S. House of Representatives to vote against HR 4247.

Sincerely,

Representative LARRY M. BELL,
Chair, Education Committee, North Carolina General Assembly; Chair, NCSL Standing Committee on Education.

COUNCIL FOR AMERICAN PRIVATE EDUCATION,
February 17, 2010.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: The Council for American Private Education (CAPE), a coalition of 18 major national organizations (listed left) and 32 state affiliates that serve religious and independent PK–12 schools, writes to express strong concerns regarding H.R. 4247. At the start, we must be clear that as a matter of ethical principle, moral law, and basic human decency, the private school community is unreservedly committed to the safety and well-being of students. Parents willingly entrust the education and care of a child to a religious or independent school because they know the school will act to ensure the child's best interests. Thus, with respect to the bill's intent to protect children from harm, we stand in solidarity with the sponsors. Our disagreement is with specific provisions of the bill, not its overall purpose.

CAPE is deeply concerned about the possible adverse effects the bill could have on the welfare of students. The neighborhood and community schools we represent are likely to experience the reach of this legislation in ordinary and typical encounters: a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal. Under such circumstances, competent professionals instinctively apply physical restraint in order to protect a child from imminent danger—restraint that meets the definition referenced in the bill (i.e., ''a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely''). Yet the burden of this legislation, with its array of conditions and clauses (see section 5(a)) specifying when and under what circumstances and by whom such ordinary, protective action may lawfully be carried out could effectively serve to inhibit such instinctively shielding behavior by causing the adult to hesitate or second-guess herself out of fear she might be violating federal law. Hesitation in such circumstances could be dangerous.

Our read of this bill is that it was intended to address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy. But the schools we represent do not fall in that category and would be inadvertently affected by the bill's far-reaching provisions.

Another serious concern we have is that this legislation would impose an unprecedented degree of federal mandates on religious and independent schools.

The class of schools that would be affected by this bill is broad. Based on the definition of ''school'' found in section 4(11), a religious school with even a single student receiving math or reading instruction under Title I of the Elementary and Secondary Education Act (ESEA) would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title. The U.S. Department of Education reported in 2007 that a full 80 percent of Catholic schools across the country participate in one or more programs under ESEA.

What requirements would apply to affected schools? First, they would have to have one or more teachers trained and certified under a state-approved training program, as defined in section 4(16). The required number of trained teachers for each school would be determined by the state (see section 5(a)(3)). In the history of education legislation, the federal government has never imposed training or certification requirements on neighborhood religious and independent schools for any reason.

Second, they would have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint was imposed upon a student. (And keep in mind that the bill's cross-referenced definition of ''physical restraint'' encompasses the ordinary occurrences described above.) Although states are required to file the reports described in section 6(b), schools themselves would have to provide the data, since states are obligated to report on the number of instances ''for each local educational agency and each school not under the jurisdiction of a local educational agency.''

Third, and most important, they would have to comply with the school-related provisions of the law that, in our judgment, could have the unintended adverse effects on the health and safety of students described above.

We urge you to oppose this legislation unless it is amended to address these important concerns.

Sincerely,

JOE MCTIGHE,
Executive Director.

AMERICAN ASSOCIATION OF CHRISTIAN SCHOOLS,
March 2, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The American Association of Christian Schools writes to express concern over H.R. 4247, ''Preventing Harmful Restraint and Seclusion in Schools Act.'' The goal of the bill—to protect children from suffering abuse at the hands of the educators—is a point of strong agreement that we share with the sponsors. Our schools are committed to providing safe environments for their students, and as a national organization, AACS is supportive of efforts to ensure that children are protected and free from harm.

As the bill has moved through the Education and Labor Committee and to the House Floor, we have appreciated the opportunity for many discussions on how best to protect all students and still maintain protections for private schools against unwarranted federal intrusion. We appreciate the efforts to mitigate the effect of this bill on private education, and we are grateful for the inclusion of language that does specify protection for those private schools which do not receive federal funds.

However, we are concerned that there still may be unintended negative consequences for those private schools whose teachers or students may be benefiting from a federal education program. It seems that the language of the bill opens the door for these schools to become subject to training and reporting requirements of the government: For example, a school which receives instructional materials or professional development services under any ESEA title could be subject to the regulations set forth in this bill. Further, any school who serves a Title I student could also be required to adhere to the reporting and training requirements. While private school regulation may not be the intention of the bill, this could set a dangerous precedent for future federal regulation of private education.

Private schools, including our Christian schools, have enjoyed marked success in providing excellent education for students of all ages and abilities. Their freedom and ability to maintain their autonomy contributes greatly to this success, and the opportunities that thereby are provided for the students. The language of H.R. 4247 seems to set unwarranted intrusion of the federal government into this autonomy.

We believe the intent of the sponsors of this bill was not to establish federal intrusion on private schools; however, we are concerned that this will be an unintended consequence. For this reason, we cannot support the bill. We appreciate your consideration of our concerns.

Sincerely,

KEITH WIEBE,
President, American Association of Christian Schools.

COMMITTEE ON CATHOLIC EDUCATION,
February 25, 2010.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: As Chairman of the Committee on Catholic Education of the United States Conference of Catholic Bishops I wish to acknowledge the efforts of the Members of the House Education and Labor Committee to reduce the use of harmful and dangerous restraint and seclusion in schools. We agree completely with your desire to protect and enhance the safety and well-being of all students enrolled in both public and private schools.

However, we must urge you to vote against H. 4247 in its present form.

We believe it would be unprecedented and intrusive for the Federal government to involve itself in some of the activities that would be required by H.R.4247, such as:

Sec. 3(5)(C)—collecting and analyzing data from private schools;

Sec. 4(11)(A)(II)(ii)—extending the requirements of this legislation to every private school which has even one student or one teacher participating in a program administered by the U.S. Department of Education; and

Sec. 5(a)—requiring school personnel to be certified in crisis intervention, although federal education law has never before imposed certification requirements on private school educators.

It is clear from the language of ESEA and IDEA that it was Congress' intent, and properly so, to avoid federal involvement in the internal administration of private (nonpublic) schools. By ignoring that principle, H.R. 4247 in its present form crosses a dangerous line, without any demonstrated need to do so. The only private schools cited in the report of the U.S. Government Accountability Office (GAO–09–719T) that apparently led to the drafting of H.R. 4247 were either residential facilities or schools which served emotionally disturbed teens.

I urge you to alter the scope of this unnecessarily intrusive legislation so that it focuses directly on the dangerous types of situations referenced in the GAO report, rather than imposing intrusive and onerous data collection, coverage, and certification requirements on private schools.

Sincerely,

Most Reverend THOMAS J. CURRY,
Auxiliary Bishop of Los Angeles; Chairman, USCCB Committee on Catholic Education.

ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

Hon. MEMBERS OF THE HOUSE OF REPRESENTATIVES: The Association of Christian Schools International, an active member of the Council for American Private Education (CAPE), writes to express strong concerns regarding H.R. 4247. ACSI must be clear that as a matter of ethical principle, biblical mandates, and basic human decency, the Christian school community is unreservedly committed to the safety and well-being of our students. Parents willingly entrust the education and care of a child to our religious schools because they know the school will act to ensure the child's best interests. Thus, with respect to the bill's intent to protect children from harm, we stand in solidarity with the sponsors. Our disagreement is with specific provisions of the bill, not its overall purpose(s).

ACSI is deeply concerned about the possible adverse effects the bill could have on the welfare of students. The neighborhood and community schools we represent are likely to experience the reach of this legislation in ordinary and typical encounters: a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal. Under such circumstances, competent professionals instinctively apply physical restraint in order to protect a child from imminent danger—restraint that meets the definition referenced in the bill (i.e., ''a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely''). Yet the burden of this legislation, with its array of conditions and clauses (see section 5(a)) could lead an adult to hesitate or hold back out of fear of violating this federal law. Such hesitation could be dangerous.

We agree with CAPE's read of this bill, that it was intended to address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy. But the schools we represent do not fall in that category and would be inadvertently affected by the bill's far-reaching provisions. Another serious concern we have is that this legislation would impose an unprecedented degree of federal mandates on religious schools. The class of schools that would be affected by this bill is broad. Based on the definition of ''school'' found in section 4(11), a religious school with even a single student receiving math or reading instruction under Title I of the Elementary and Secondary Education Act (ESEA) would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title. The U.S. Department of Education reported in 2007 that a full 80 percent of Catholic schools across the country participate in one or more programs under ESEA, (aka: ''No Child Left Behind'').

What requirements would apply to affected schools? First, they would have to have one or more teachers trained and certified under a state-approved training program, as defined in section 4(16). The required number of trained teachers for each school would be determined by the state(see section 5(a)(3)). In the history of education legislation, the federal government has never imposed training or certification requirements on neighborhood religious or independent schools for any reason. Second, they would have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint or seclusion was imposed upon a student. (And keep in mind that the bill's cross-referenced definition of ''physical restraint'' encompasses the ordinary occurrences described above.) Although states are required to file the reports described in section 6(b), schools themselves would have to provide the data, since states are obligated to report on the number of instances ''for each local educational agency and each school not under the jurisdiction of a local educational agency.'' Third, and most important, they would have to comply with the school-related provisions of the law that, in our judgment, could have the unintended adverse effects on the health and safety of students described above. We urge you to oppose this legislation unless it is amended to address these important and draconian concerns.

Sincerely,

Rev. JOHN C. HOLMES,
ACSI Director of Government Affairs.

Taken together, the concerns raised by these groups paint a picture of premature legislating and Federal overreach, in essence, attempting to solve a problem we do not fully understand in a way that could actually make it more difficult for teachers to keep their classrooms safe.

I'm especially concerned that H.R. 4247 would extend its new system of mandates into private schools. Historically, independent schools have been free from the Federal mandates attached to Federal education dollars. Private school teachers are entitled to services, but no direct funding, under the Individuals with Disabilities Education Act and other laws. Yet, under H.R. 4247, schools whose students receive services would be subject to the same prescriptive rules on the use of seclusion and restraints, despite the fact that these private schools receive no Federal funding. This is a major departure from longstanding Federal education policy.

The Council for American Private Education explains it this way: ''A religious school with even a single student receiving math or reading instruction under title 1 of the Elementary and Secondary Education Act would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title.''

Another likely consequence of H.R. 4247 is increased litigation. The bill's vague and overly broad language is an invitation to trial lawyers who will eagerly take every opportunity to sue school districts who grapple with confusing and stringent new requirements. H.R. 4247 creates a climate of legal dispute by expanding the role of the protection and advocacy system of State-based trial lawyers, a clear recognition that seclusion and restraint are to become litigation magnets. In fact, there's a very real danger that schools will stop addressing safety issues entirely out of fear they could be sued. Instead, schools may resort to law enforcement to manage physically disruptive or threatening students. This will mean fewer students in the classroom and more students in police handcuffs.

Mr. Speaker, it is clear that teachers and school leaders need training and guidance on how to keep classrooms safe. Seclusion and restraint are never the first choice for promoting positive behavior, but if they must be used, they must be used safely. It is just as clear that States, and not the Federal Government, should take the lead on developing and implementing these policies.

H.R. 4247 is a bill with good intentions, but at the end of the day it is simply not the most direct and effective way to keep our classrooms safe.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to a member of the committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. First of all, I want to thank the chairman of the Education and Labor Committee, Mr. MILLER, for his leadership on this legislation.

The hearing which was held at the Education and Labor Committee was one of the most stunning, amazing, eye-opening events, I think, of this Congress. The bipartisanship which came together after that hearing to craft this legislation, again, I think is a testament to your leadership and the bipartisanship that you have created on that committee.

Mr. Speaker, back in 1998, The Hartford Courant won a Pulitzer Prize for a four-part investigation of seclusion and restraint all across the country. The name of the series was ''A Nationwide Pattern of Death,'' which I'd like to offer a copy of for the RECORD, and which, again, in chapter and verse, laid out the shocking, uneven application of this type of force against America's schoolchildren. In Connecticut, it actually resulted in action in terms of legislation which was put into place. Many of the minimum standards which are included in the legislation we're voting on today were incorporated into that measure. But, clearly, as a Nation, we have much more work to be done.

[From the Hartford Courant, Oct. 11, 1998]

A NATIONWIDE PATTERN OF DEATH

(By Eric Weiss)

Roshelle Clayborne pleaded for her life.

Slammed face-down on the floor, Clayborne's arms were yanked across her chest, her wrists gripped from behind by a mental health aide.

I can't breathe, the 16-year-old gasped.

Her last words were ignored.

A syringe delivered 50 milligrams of Thorazine into her body and, with eight staffers watching, Clayborne became, suddenly, still. Blood trickled from the corner of her mouth as she lost control of her bodily functions. Her limp body was rolled into a blanket and dumped in an 8-by-10-foot room used to seclude dangerous patients at the Laurel Ridge Residential Treatment Center in San Antonio, Texas.

The door clicked behind her.

No one watched her die.

But Roshelle Clayborne is not alone. Across the country, hundreds of patients have died after being restrained in psychiatric and mental retardation facilities, many of them in strikingly similar circumstances, a Courant investigation has found.

Those who died were disproportionately young. They entered our health care system as troubled children. They left in coffins.

All of them died at the hands of those who are supposed to protect, in places intended to give sanctuary.

If Roshelle Clayborne's death last summer was not an isolated incident, neither were the recent deaths of Connecticut's Andrew McClain or Robert Rollins.

A 50-state survey by The Courant, the first of its kind ever conducted, has confirmed 142 deaths during or shortly after restraint or seclusion in the past decade. The survey focused on mental health and mental retardation facilities and group homes nationwide.

But because many of these cases go unreported, the actual number of deaths during or after restraint is many times higher.

Between 50 and 150 such deaths occur every year across the country, according to a statistical estimate commissioned by The Courant and conducted by a research specialist at the Harvard Center for Risk Analysis.

That's one to three deaths every week, 500 to 1,500 in the past decade, the study shows.

''It's going on all around the country,'' said Dr. Jack Zusman, a psychiatrist and author of a book on restraint policy.

The nationwide trail of death leads from a 6-year-old boy in California to a 45-year-old mother of four in Utah, from a private treatment center in the deserts of Arizona to a public psychiatric hospital in the pastures of Wisconsin.

In some cases, patients died in ways and for reasons that defy common sense: a towel wrapped around the mouth of a 16-year-old boy; a 15-year-old girl wrestled to the ground after she wouldn't give up a family photograph.

Many of the actions would land a parent in jail, yet staffers and facilities were rarely punished.

''I raised my child for 17 years and I never had to restrain her, so I don't know what gave them the right to do it,'' said Barbara Young, whose daughter Kelly died in the Brisbane Child Treatment Center in New Jersey.

The pattern revealed by The Courant has gone either unobserved or willfully ignored by regulators, by health officials, by the legal system.

The federal government—which closely monitors the size of eggs—does not collect data on how many patients are killed by a procedure that is used every day in psychiatric and mental retardation facilities across the country.

Neither do state regulators, academics or accreditation agencies.

''Right now we don't have those numbers,'' said Ken August of the California Department of Health Services, ''and we don't have a way to get at them.''

The regulators don't ask, and the hospitals don't tell.

As more patients with mental disabilities are moved from public institutions into smaller, mostly private facilities, the need for stronger oversight and uniform standards is greater than ever.

''Patients increasingly are not in hospitals but in contract facilities where no one has the vaguest idea of what is going on,'' said Dr. E. Fuller Torrey, a nationally prominent psychiatrist, author and critic of the mental health care system.

Because nobody is tracking these tragedies, many restraint-related deaths go unreported not only to the government, but sometimes to the families themselves.

''There is always some reticence on reporting problems because of the litigious nature of society,'' acknowledged Dr. Donald M. Nielsen, a senior vice president of the American Hospital Association. ''I think the question is not one of reporting, but making sure there are systems in place to prevent these deaths.''

Typically, though, hospitals dismiss restraint-related deaths as unfortunate flukes, not as a systemic issue. After all, they say, these patients are troubled, ill and sometimes violent.

The facility where Roshelle Clayborne died insists her death had nothing to do with the restraint. Officials there say it was a heart condition that killed the 16-year-old on Aug. 18, 1997.

Bexar County Medical Examiner Vincent DiMaio ruled that Clayborne died of natural causes, saying that restraint use was a separate ''clinical issue.''

But that, too, is typical in restraint cases. Medical examiners rarely connect the circumstances of the restraint to the physical cause of death, making these cases impossible to track through death certificates.

The explanations don't wash with Clayborne's grandmother.

''I'll picture her lying on that floor until the day I die,'' Charlene Miles said. ''Roshelle had her share of problems, but good God, no one deserves to die like that.''

With nobody tracking, nobody telling, nobody watching, the same deadly errors are allowed to occur again and again.

Of the 142 restraint-related deaths confirmed by The Courant's investigation:

Twenty-three people died after being restrained in face-down floor holds.

Another 20 died after they were tied up in leather wrist and ankle cuffs or vests, and ignored for hours.

Causes of death could be confirmed in 125 cases. Of those patients, 33 percent died of asphyxia, another 26 percent died of cardiac-related causes.

Ages could be confirmed in 114 cases. More than 26 percent of those were children—nearly twice the proportion they constitute in mental health institutions.

Many of the victims were so mentally or physically impaired they could not fend for themselves. Others had to be restrained after they erupted violently, without warning and for little reason.

Caring for these patients is a difficult and dangerous job, even for the best-trained workers. Staffers can suddenly find themselves the target of a thrown chair, a punch, a bite from an HIV-positive patient.

Yet the great tragedy is that many of the deaths could have been prevented by setting

standards that are neither costly nor difficult: better training in restraint use; constant or frequent monitoring of patients in restraints; the banning of dangerous techniques such as face-down floor holds; CPR training for all direct-care workers.

''When you look at the statistics and realize there's a pattern, you need to start finding out why,'' said Dr. Rod Munoz, president of the American Psychiatric Association, when told of The Courant's findings. ''We have to take action.''

Mental health providers, who treat more than 9 million patients a year at an annual cost of more than $30 billion, judge themselves by the humanity of their care. So the misuse of restraints—and the contributing factors, such as poor training and staffing—offers a disturbing window into the overall quality of the nation's mental health system.

For their part, health care officials say restraints are used less frequently and more compassionately than ever before.

''When it comes to restraints, the public has a picture of medieval things, chains and dungeons,'' said Dr. Kenneth Marcus, psychiatrist in chief at Connecticut Valley Hospital in Middletown. ''But it really isn't. Restraints are used to physically stabilize patients, to prevent them from being assaultive or hurting themselves.''

But in case after case reviewed by The Courant, court and medical documents show that restraints are still used far too often and for all the wrong reasons: for discipline, for punishment, for the convenience of staff.

''As a nation we get all up in arms reading about human rights issues on the other side of the world, but there are some basic human rights issues that need attention right here at our back door,'' said Jean Allen, the adoptive mother of Tristan Sovern, a North Carolina teen who died after aides wrapped a towel and bed sheet around his head.

Others have a simple explanation for the lack of attention paid to deaths in mental health facilities.

''These are the most devalued, disenfranchised people that you can imagine,'' said Ron Honberg, director of legal affairs for the National Alliance of the Mentally Ill. ''They are so out of sight, so out of mind, so devoid of rights, really. Who cares about them anyway?''

Few seemed to care much about Roshelle Clayborne at Laurel Ridge, where she was known as a ''hell raiser.''

But Clayborne had made one close friendship—with her roommate, Lisa Allen. Allen remembers showing Clayborne how to throw a football during afternoon recess on that summer afternoon in 1997.

''She just couldn't seem to get it right and she was getting more and more frustrated. But I told her it was OK, we'd try again tomorrow,'' said Allen, who has since rejoined her family in Indiana.

Within three hours, Clayborne was dead.

She had attacked staff members with pencils. And staffers had a routine for hell raisers.

''This is the way we do it with Roshelle,'' a worker later told state regulators. ''Boom, boom, boom: [medications] and restraints and seclusion.''

After she was restrained, Roshelle Clayborne lay in her own waste and vomit for five minutes before anyone noticed she hadn't moved. Three staffers tried in vain to find a pulse. Two went looking for a ventilation mask and oxygen bag, emergency equipment they never found.

During all this time, no one started CPR.

''It wouldn't have worked anyway,'' Vanessa Lewis, the licensed vocational nurse on duty, later declared to state regulators.

By the time a registered nurse arrived and began CPR, it was too late. Clayborne never revived.

In their final report on Clayborne's death, Texas state regulators cited Laurel Ridge for five serious violations and found staff failed to protect her health and safety during the restraint. They recommended Laurel Ridge be closed.

Instead, the state placed Laurel Ridge on a one-year probation in February and the center remains open for business. In a prepared statement, Laurel Ridge said it has complied with the state's concerns—and it pointed out the difficulty in treating someone with Clayborne's background.

''Roshelle Clayborne, a ward of the state, had a very troubled and extensive psychiatric history, which is why Laurel Ridge was chosen to treat her,'' the statement said. ''Roshelle's death was a tragic event and we empathize with the family.''

With no criminal prosecution and little regulatory action, the Clayborne family is now suing in civil court. The Austin chapter of the NAACP and the private watchdog group Citizens Human Rights Commission of Texas are asking for a federal civil rights investigation into the death of Clayborne.

Medications and restraint and seclusion.

Clayborne's friend, Lisa Allen, knew the routine well, too.

For six years, Allen, now 18, lived in mental health facilities in Indiana and Texas, where her explosive personality would often boil over and land her in trouble.

By her own estimate, Allen was restrained ''thousands'' of times and she bears the scars to prove it: a mark on her knee from a rug burn when she was restrained on a carpet; the loss of part of a birthmark on her forehead when she was slammed against a concrete wall.

Exactly two weeks after Roshelle Clayborne's death, Lisa Allen found herself in the same position as her friend.

The same aide had pinned her arms across her chest. Thorazine was pumped into her system. She was deposited in the seclusion room.

''It felt like my lungs were being squished together,'' Allen said.

But Lisa Allen was one of the lucky ones. She survived.

The fact of the matter is that today, 19 States have no laws or regulations related to the use of seclusion or restraints in school. Seven States place some restrictions on restraint, but do not regulate seclusions. That's within the 31 that was referred to by Mr. KLINE. Seventeen States require that selected staff receive training before being permitted to restrain children. The rest do not. Thirteen States require schools to obtain consent prior to foreseeable or nonemergency physical restraints, while 19 require parents to be notified afterwards. Only two States require annual reporting on the use of restraints. Eight States specifically prohibit the use of prone restraints or restraints that impede a child's ability to breathe.

I would argue, Mr. Speaker, that as a government, as a Nation that provides massive amounts of education dollars across the country, we would never countenance racial discrimination or gender discrimination by any institutions that receive those funds.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman 1 additional minute.

Mr. COURTNEY. I don't think it's too much to say that we should not allow these types of practices which, in some instances, result in, as the chairman said, actual deaths and traumatic lifelong injuries, to be countenanced by the American taxpayer. This measure establishes minimum standards. It establishes transparency. It gives us as a country the opportunity to allow States to take leadership in terms of implementing their own rules and regulations. But it says as a Nation we are not going to tolerate this type of behavior, of which schools themselves are mandated reporters. If it was happening in a child's home, and as a teacher became aware of it, they would be required by law to report it to child protection agencies as a result of Federal law. We can do at least as much for the school environment which children go to every day in this country.

I urge a strong, powerful bipartisan vote in support of this legislation so that we can raise our children to a new level as they go to school every day.

□ 1500

Mr. KLINE of Minnesota. Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Children Safe Act, and I urge my colleagues to support it as well.

When is it appropriate to lock up or tie up a child, or handcuff a child to a desk? Common sense tells us these extreme measures should not ever be used against children with autism or Down syndrome or other learning disabilities. Yet the truth is there are thousands of incidents reported involving the inappropriate use of seclusion and restraint. Reports by the National Disability Rights Network, GAO, and others reveal that our children are at risk for serious injury and even death in the school setting.

The bill we are considering today outlines minimum standards that must be included in guidelines issued by the Department of Education. States then have the flexibility to determine how best to proceed. For the 10 States that already have comprehensive policies, all they need to do is show what they have already done. For the other States, the law will put in motion a review of current practices and a chance to put in place adequate guidelines. I would like to emphasize that these are guidelines. These are standards, like parents should be notified, that seclusion and restraints should only be used as a last resort, that training needs to be given to staff. I believe more often than not staff don't even know how to respond. And I would also like to emphasize that there is no private cause of action. This bill is not opening up all these lawsuits.

When we send our son Cole to school, my husband Brian and I send him with the expectation that he is safe from

danger. We entrust him to teachers, and principals, and aides. And I know that those school personnel have done an outstanding job to keep him safe. But this has not been the case for other children.

Students have been traumatized, injured, and even died in the classroom. Ignorance is not bliss for the children who have been harmed. And many times parents are not even aware of these practices. More than anything, I want teachers and school administrators to have the support for children who become anxious and unruly. If they better understand the situation, they will know that there are more positive choices to teach children rather than using harmful techniques such as restraint and seclusion.

Under the Children's Health Act, current law includes these kind of protections for children in public and private hospitals, medical and residential facilities. And this bill would add those same protections for our children in schools.

There are some that believe this is an unprecedented expansion of Federal authority, but I disagree. The Federal Government is involved in the schools. The Federal Government is the one that mandated that every child should have access to an education, including those with special needs. When we enacted the Individuals with Disabilities Education Act, we committed to ensuring that children with special needs have access to a free, appropriate public education. This bill ensures those children, as well as all students, are safe.

I urge my colleagues to protect our children by supporting the Keeping All Students Safe Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 10 seconds.

I thank the gentlewoman from Washington. I don't believe she was in the Chamber at that time, but I want to again thank her, while she is here, for all of her work and all of her effort to bring this bill to the floor. I enjoyed working with her.

At this time I would like to yield 2 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Students Safe Act. I would like to thank Chairman MILLER as well as the members and staff of the Education and Labor Committee for their leadership on this crucial piece of legislation.

Last year, Chairman MILLER requested that the GAO investigate allegations of abuse in schools. The GAO report revealed many cases of abuse and harmful restraint, and most of those cases involved children with disabilities. Additionally, the GAO report found that no Federal agency or other entity collects comprehensive information on these practices that occur in our schools. Without consistent data collection, it is impossible to calculate an accurate number of children, families, and schools that have been affected by these harmful practices.

Just one instance of harmful restraint of our children is one too many. Unfortunately, there have been hundreds of allegations, and some children have even died. Unlike federally funded institutions such as hospitals, schools have no Federal laws that address minimum safety standards in schools. Instead, State laws and regulations vary tremendously, which leave our children vulnerable. Indeed, New Jersey is one of the 19 States with no laws or regulations related to seclusion or restraint in schools. It is imperative that we protect our children and provide them with a safe place to grow and develop.

As a former teacher, I know that teachers and other school employees have the best interests of the children at heart. This legislation can address the problems of harmful restraints and ensure the safety of both children and school professionals. This bill will provide grants for professional development training and also give States and local districts the flexibility to determine training needs. Our children deserve to learn in a secure, protected environment, and a Federal solution to this problem is long overdue.

I urge my colleagues to support this legislation.

Mr. KLINE of Minnesota. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank my colleague for yielding time.

No one wants children to be in danger in this country, especially children who are in public institutions designed to serve them. Teachers, principals, and other school personnel have a responsibility to ensure the environment is maintained at all times. In many cases, it is vitally important, though, that teachers and classroom aides use interventions and supports that are both physically and emotionally safe for the child.

What the bill before us fails to recognize is that 31 States currently have laws and regulations in place that govern the use of seclusion and restraints in schools. An additional 11 have policies and guidelines in place, and in some cases school districts may also have their own guidelines governing the use of such practices in the classroom.

In addition, the Federal Government has no reliable data on the prevalent use of harmful seclusion and restraint techniques in public and private schools and whether they result in child abuse. It is my belief that State and local governments can identify student needs and determine the most appropriate regulations better and more efficiently than the Federal Government.

Our Founding Fathers knew what they were doing when they assembled the U.S. Constitution and the protections it guarantees, specifically the 10th amendment. The authors of this amendment, ratified in 1971, remembered what it was like to be under the thumb of a distant, all-powerful government and understood that a one-size-fits-all approach just doesn't work.

Since the U.S. Constitution was first ratified, the Federal Government has slowly, steadily, and insidiously eroded the notion of States' rights and our individual liberties. What we need to focus on, as the distinguished ranking member talked about earlier, is the strong punishment of those who do wrong, but not to create costs to the local units of government who must comply with Federal rules and regulations, and in addition giving the Federal Government authority it should not have.

This bill is not needed. The States and the localities can handle these situations. They will look after the children. They are the people closest to the children that they are serving. They will do it. If they don't do it, the community will be up in arms and will require them to do that.

I urge my colleagues to vote ''no'' on this legislation.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. I thank the chair.

Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Students Safe Act, and I am proud to be a cosponsor of this very important piece of legislation.

Mr. Speaker, I want to begin by acknowledging the sponsor of this bill, Chairman MILLER. Because of his commitment to protecting students from abuse, our schools are safe havens once again.

Mr. Speaker, restraint and seclusion in schools is often unregulated and is too frequently used for behaviors that do not pose danger to the children or others. These emergency interventions are also disproportionately used on some of our most vulnerable students, children with disabilities.

Today Fragile X advocates, including my constituent, Holly Roos, are here to lobby Congress to pass H.R. 4247. Holly's son Parker was diagnosed with Fragile X Syndrome, the most common known cause of inherited mental impairment in the world. I met with Holly today, and she is concerned that Parker, her son, was inappropriately restrained at school because he seemed to be exhibiting aggressive behavior after a possible seizure.

Mr. Speaker, Parker is a real life example that speaks to the importance of adopting minimum safety standards for the use of restraint and seclusion in our schools.

Mr. Speaker, I am pleased that this bill also makes an investment in positive behavior supports, an evidence-based approach designed to create a positive school climate that reinforces good behaviors and supports academic achievement. My State of Illinois has effectively reduced the majority of behaviors which resulted in the use of seclusion and restraint by implementing

this preventative approach throughout the school system.

This bill ensures our schools are safer and more effective learning environments. I urge all my colleagues to vote for H.R. 4247.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield now 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Minnesota for yielding, and I appreciate the stance that he is taking on this bill, H.R. 4247.

First, Mr. Speaker, I would say a couple of words about the 10th amendment and those rights that are reserved for the States or to the people respectively. What are the States doing wrong? How is it that the States, that now 31 of them have some type of controlling legislation, another 15 States are taking a look at this, that adds up to 46 States that could potentially have this resolved each in their own fashion, what is the crisis that requires Uncle Sam to step in and ignore the direct guidance in the 10th amendment of the Constitution itself?

So I am going to stand on the States' rights side. And if I were in one of these States, and if this legislation were to pass, my response would be to the Federal Government, Keep your money. We don't need these strings attached, because it is one thing after another after another after another. And pretty soon it is a national curriculum with Federal mandates and imposing cultural impositions at the school level in every accredited district in the country.

And one of the cases in point will be, if this is about keeping our students safe, if this is about the Keeping All Students Safe Act, which is the title of it, then we ought to take a look at the President's czar. The President has appointed a Safe and Drug-Free Schools czar. His name is Kevin Jennings. I don't know what Kevin Jennings says about this particular bill, but if he is appointed to this task, I would think he would have been the person that testified before the hearings. But I suspect that the President of the United States isn't interested in having Kevin Jennings come before the cameras here in the United States Congress because he has made a totality of his life about promoting homosexuality within the schools, and much of it at the elementary school level.

He has written a foreword in a book called Queering Elementary Education in a favorable fashion, which aims to indoctrinate elementary students with homosexuality. Additionally, Kevin Jennings has written several other books. One of them is Mama's Boy, Preacher's Son, where he describes his own use of illegal and illicit drugs, and written about it in a cavalier fashion. He has not retracted those statements.

If he is going to be about safe and drug-free schools, there should be something he had to offer about safety for kids and drug-free for kids. That could possibly be something that we could take up in here. But the czar of Safe and Drug-Free Schools has another agenda. It is the promotion of homosexuality within our schools.

Kevin Jennings has spoken in a favorable way about Harry Hay, who was on the cover of NAMBLA magazine, the North American Man/Boy Love Association magazine. Kevin Jennings said of Harry Hay that he is always inspired by Harry Hay. Additionally, some of these things, Mr. Speaker, I am just not going to say into the record. If I did so, I imagine somebody, at least on my side of the aisle, would move to take my words down. Some of it is that revolting. And this is the Safe and Drug-Free Schools czar, who has crossed the line over and over again, made a complete career about advocating for homosexuality in our schools, much of it in our elementary schools. This is the man that the President of the United States has appointed as the Safe and Drug-Free Schools czar.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Speaker, I rise in support of H.R. 4247, the Keeping All Students Safe Act. Children with autism, many of whom are nonverbal or have other communications challenges, are especially vulnerable to dangerous interventions at school by staff who can at times be ill-prepared to deal with unique behavioral issues.

I sat recently with a constituent from Greenwich, whose autistic daughter suffered terrible isolation and trauma in her school years, and who herself founded a group of volunteer advocates whose sole mission is to prevent other autistic children from suffering these same abuses.

The GAO study cited by my colleagues included stories which shock the conscience: a 7-year-old who died after being held face down for hours by school staff, and 5-year-olds allegedly being tied to chairs with bungee cords and duct tape by their teacher and suffering broken arms and bloody noses. These could have been your children or mine.

This legislation is an important step toward ending inhumane treatment of children with autism and other disabilities who, like all students, should be able to trust their educators and feel completely safe in their school environments.

There are, of course, rare and extreme emergencies where it may be necessary to physically intervene. But we affirm today, Mr. Speaker, that any behavioral intervention must be consistent with a child's right to be treated with dignity and to be free from abuse.

□ 1515

With the help of this bill, teachers and school personnel will be trained regularly, and parents will be kept informed on the policies which keep our schools orderly and safe and on the alternatives available to traditional forms of restraint and seclusion.

I'm grateful to my friends in the autism advocacy community, including Autism Speaks and the Greenwich-based Friends of Autistic People, for their tireless work on this issue. Children with autism deserve the same rights available to all children, a free and appropriate education, safety and dignity. This bill is a step in the right direction, and I urge my colleagues to support it.

Mr. KLINE of Minnesota. Mr. Speaker, before I yield to the gentleman from Texas, I would like to yield myself a minute.

My friend from Illinois was just here. I'm sorry that he left. He underscored for me one of the many problems with this legislation. It turns out that Illinois is one of those States that actually has a very strong seclusion and restraint law. They passed it in 2001. It went into effect in 2002; and in 2006, there was an incident, one of those reported by the GAO, where a teacher restricted a child inappropriately. The teacher was prosecuted, found guilty, and yet I find it interesting that even today, or the last look that we had at this, she still has a teacher's certificate to be a substitute teacher in Illinois, something which this bill doesn't address either. We need to get these teachers out of the teaching business.

It just makes a point that when you pass a law, it doesn't automatically keep kids safe. You have got to enforce that law. You've got to educate folks, and you've got to have people locally take an active interest.

At this time, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank the gentleman from Minnesota.

Truly, the examples that were given here today of children who have lost their lives, children who have suffered is untenable. There is nobody in this body that I can imagine who would think this is appropriate. Of course it is not. Our hearts go out to the families, all of us who have raised children, had children go through school. I have a great fear of something like that.

But there was also a fear that our Founders had. There was a fear of even coming together for the Constitutional Convention because they were afraid that it would allow for a Constitution that would set in motion a Federal Government that would continue to take away the powers of the people in the local government and the State government. So the only way they were able to come together on this Constitution was to assure the people there that if they would pass the Constitution, they would put together 10 amendments to make sure that the Federal Government would never do the very things we're doing here.

There is no State that would put up with this knowingly. Every State would say, This is ridiculous; of course we don't want children killed in school. But what gets me is during my first 2

years here when we were in the majority in this body, I was one of the few Republicans that said No Child Left Behind is not appropriate. And I was joined by many across the aisle who said the Federal Government shouldn't have a program like No Child Left Behind. You don't know more here in Washington than people know back in the school districts. And I appreciated the support of my colleagues across the aisle. I told that to the White House. That's an area we are going to disagree on because you should not be mandating back to the States and the local governments and the local school boards, because they are competent.

I know that it's not the intent of this bill, but the underlying message is, You people back in your States and local school boards and local governments are a bunch of morons. You can't figure out that sitting on a precious little child and killing them is inappropriate. So the big, smart Federal Government has to come in and let you know that that's not appropriate. We don't need that. We didn't need No Child Left Behind as a mandate rammed down the throats of the State and local government. We don't need this. We need logic and reason, and we need proper schooling; but it doesn't come at the tip of a fisted mandate from Washington.

We need to encourage the States to do the right thing. But under the 10th Amendment, the power is not delegated to the United States by the Constitution nor prohibited by it to the States or reserved to the States. We doggone sure ought to respect that.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman from California for his leadership on this measure.

Mr. Speaker, I rise today in support of H.R. 4247, the Keeping All Students Safe Act. This bill is aimed at restricting some of the most abusive practices still employed in certain schools around the country: negligent restraint and abusive seclusion.

Last spring, the Education and Labor Committee heard testimony from the Government Accountability Office, which investigated the use of these practices in schools. What the GAO found was stunning. There were many instances of serious injury and abuse and even some accounts of death. Even more troubling to me, as a strong supporter of disability rights in special education, was that many of the victims were students with intellectual disabilities.

This bill is meant to protect our most vulnerable students against the worst kinds of abuse. The committee heard about a 4-year-old girl with cerebral palsy and autism who was restrained in the chair with leather straps for being uncooperative at school. The girl suffered bruises and was later diagnosed with post-traumatic stress disorder.

In another instance, five children, ages 5, 6 and 7, were gagged and duct taped for misbehaving in another school. At a school in my State of New York, a 9-year-old child with a learning disability was put in a time-out room for hours on end for whistling, slouching and hand waving. The child's hands became blistered when he tried repeatedly to escape the room described as smelling of urine. Finally, the committee heard the case of a 14-year-old boy who, because he did not stay seated in class, was restrained by his teacher. The 230-pound teacher put the boy face-down on the floor and lay on top, restricting his breathing and ultimately suffocating him. At the time the committee heard this testimony, the teacher was still teaching in the suburbs of Washington, D.C.

This is the kind of restraint and seclusion we're saying cannot be used. We cannot allow this neglect and abuse of our Nation's children to continue one more day. Please support this bill to keep our students and our schools safe.

Mr. KLINE of Minnesota. Mr. Speaker, can I inquire as to the amount of time remaining on each side?

The SPEAKER pro tempore. The gentleman from Minnesota has 13 minutes left, and the gentleman from California has 12 minutes left.

Mr. GEORGE MILLER of California. If I might just yield to myself to respond to the inquiry. We have Mr. LANGEVIN who is waiting to speak, and I think Mrs. MCCARTHY is on her way.

Mr. KLINE of Minnesota. I will be yielding to Mr. SOUDER momentarily, and then I will close.

Mr. Speaker, at this time I am very pleased to yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank our distinguished ranking member, Mr. KLINE, and our chairman, Mr. MILLER.

This is one of these bills you kind of go, Well, how could you possibly favor tying kids up and putting tape across them or letting people abuse them? That isn't what this is really about. I am going to make four basic points, which I know we have been making all afternoon, but there is no harm with repetition because they are important.

One, there is no reliable data on how much use there is of these techniques. We've heard all sorts of individual horror stories that my sociology prof used to call ''my Aunt Annie stories.'' We have some real cases of abuse that need to be addressed. We have others of a wide variety. I, for example, would abhor most of them. I don't find being made to stand in a corner quite the same as some others might, but I think there is a wide range. We need to know how many of these are serious, how many of these justify intervention, and how many of them are things where there is a difference of opinion. It also fails to acknowledge in this bill that 31 States have had this, and this is a one-size-fits-all, and that many other States who don't have it are doing it. This is the ultimate arrogance.

We are saying that basically State legislators believe that their kids should be tied up, mouths taped, they should be abused, and they're too ignorant to fix this. Since when do we get to always determine the speed and kind of satisfactory level of intervention that a State does, particularly since we don't have the data to prove our case?

Thirdly, it doesn't exempt private schools. Even though there is no direct funding from the Federal Government, we have to have some kind of a clause or a hook that the Federal Government is going in and taking over this since they would be covered by State law on human rights or student rights cases. Private schools generally don't even get direct funding or indirect funding, although some do. And about half of the private, independent schools would fall under that hook, and the danger, of course, is that it could be broader.

Lastly, the bill fails to clarify or delete language that may open States and school districts up to additional litigation. In other words, adverse behavioral interventions that compromise health and safety is undefined and would have to be litigated.

But I want to come back to a basic thing. Number one is, What is the constitutional justification? We have this debate in education a lot that things are reserved to the States that aren't given to the Federal Government. Now we're going to a second degree in the education. Now maybe this comes under the clause that says, If States don't move as fast as we would like them to, then we can intervene and take over their jurisdiction. Maybe it comes under the clause that as we get emotionally upset about something, and we're emotionally moved about a case we saw on TV, therefore the Federal Government and Congress have a right to take it over.

It is truly tragic in thinking that we're the only ones to address this. We had a clause, after the Republicans had first taken over Congress, that we were trying to put in and had in, briefly, that says, Put the constitutional justification of why this is uniquely the problem of the Federal Government and how the Constitution, in effect, justifies that intervention. And generally speaking, what we saw was, Promote the general welfare. Promote the general welfare. Promote the general welfare. Promote the general welfare.

Now, Thomas Jefferson said that this clause, in a letter which I believe was to Madison, was the most pernicious, I believe was the word he used, clause in the Constitution and it would be abused by future generations to justify Federal intervention wherever they felt they wanted to intervene and that ultimately, unless that ''promote the general welfare'' was restrained by Congress itself and by the courts, that Congress would intervene on a regular basis, and ultimately everything that is reserved for the States would be at the Federal level.

I believe there are times, such as in civil rights cases, where there were

clear, systemic, systematic, multigenerational interventions that we needed to get in; that many times those who were more States' rights-oriented defended their positions based on States' rights.

But what we're looking at today is insufficient data. We're looking at the States actually addressing it. Thirty-one States have addressed it. A number of others—the bulk of the rest of them actually have laws up at this time. And I see no reason, no compelling evidence of why we need to do this as opposed to the State legislators. I see no compelling constitutional justification for it. And I believe that Thomas Jefferson, were he here, would call this a pernicious use of promoting the general welfare even though the end-all in the hearts of the people who are doing this are motivated for the right reasons. They care about the safety of the kids. They're worried about whether kids are going to be harmed in the schools, and we all are, and so, quite frankly, are State representatives and State senators.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 4247, the Keeping All Students Safe Act. As a cosponsor, I am certainly pleased that for the first time this bipartisan legislation will protect all children in schools from harmful uses of restraint and seclusion.

The need for this legislation was highlighted by a recent GAO report that found hundreds of cases of schoolchildren being abused as a result of inappropriate uses of restraint and seclusion, often involving untrained staff. One of these cases included a locked isolation room in a school basement at a school in Rhode Island, my home State. This room was used to restrict a student who was deemed overly aggressive and another who showed undesirable behavior.

Well, this bill will provide the proper guidance to ensure that our schools and educators are treating children appropriately. I have been a strong advocate in Congress to educate colleagues on the value that individuals with developmental disabilities can bring to society with the right system of support. The bill that's before us today represents an important step in ensuring that these children are treated fairly and given the opportunities they deserve to succeed in school. I look forward to continuing working together on our work to make sure that our children with developmental disabilities receive the care that they need to reach their full potential.

□ 1530

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself the balance of my time to close.

I wanted to touch on a couple of things that we have talked about in the course of this debate that I find to be interesting. We have heard an appeal from one of the Members here on the floor, I think it was the gentleman from Illinois, who said he was applauding this evidence-based approach. And yet we have heard other Members say we have insufficient data. I must admit that I fall in the latter category. We really don't know the extent of the situation.

We have heard the numbers quoted. California, for example, is quoted as having 14,000 incidents. We really don't know what is in those 14,000. These include emergency interventions. So we don't know if that's the case of a teacher breaking up a fight or stopping an argument. It is certainly not 14,000 cases of taping children to their chairs, and I don't think anybody in this body believes that is the case.

But the point is we don't know. We don't know, and yet we are using numbers as though they were gospel.

Look, on this issue let's start with what we agree on. We agree students and teachers should be safe at school. We agree children with disabilities are especially vulnerable because they may struggle with behavioral and communication problems that are difficult for teachers to control. As a result, children with disabilities have been more likely to be restrained or placed in seclusion when, in many cases, positive behavioral interventions could be much more successful and pose a lower risk to students.

We also agree that teachers must be able to protect students with serious behavioral problems from injuring themselves or their classmates or their teachers.

The only real disagreement, outside some dispute over the data and the evidence and the GAO report, and I find the GAO report particularly interesting because it cited 10 incidents of really egregious behavior in seclusion and restraint. Of course, one of those incidents was 18 years ago, two were 12 years ago, and the most recent was 4 years ago. It just seems to me, when we are going to enact this kind of legislation, this sort of Federal overreach, in my judgment, we ought to have better data.

So our only real disagreement is who should address the use of seclusion and restraint in schools. I believe States and local school districts have an obligation to keep their classrooms safe. I have seen real progress from the 46 States that have or will soon have their own policies to train teachers on how to handle difficult behavior and to ensure seclusion or restraints are only used to protect children from harming themselves or others.

I believe the Federal Government has historically limited its reach into private schools, and it would be a mistake to start applying new Federal mandates to independent schools that do not receive taxpayer funding. I also believe that we do not protect schools by empowering trial lawyers.

For all of these reasons, I continue to oppose H.R. 4247. Through hearings and public outreach, Members of Congress have successfully spurred a national dialogue about the dangers of these strategies for controlling student behavior. That dialogue is a positive step, as is the action it has prompted at the State and local level. Let's not discard the work of these States and districts.

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

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

Mr. Speaker, the argument against this legislation is that somehow 31 States have taken care of this problem and that we all share the concern. The facts are that 31 States have not taken care of this problem. As we pointed out, in a number of States, it only goes to one particular population in that school, in that setting, or to an age bracket, or to just reporting, what have you. These are not laws that are designed to protect these children in this situation.

Illinois has been cited. Illinois is very close to what you would like to see have happen, and they have spent a lot of effort trying to do that.

But in my own State, we talk about the 14,000. When you ask the person responsible for this, they say, We don't use the data. So is that sufficient for Members of Congress? California has ''addressed the problem''? Yes, they collect data that they refuse to characterize or do anything else with.

Paige could have been in that data. She could have been one of those 14,000.

So I think we have to understand. I appreciate there is a difference here about the approach. But as Mr. COURTNEY pointed out, in 1998 we had a national discussion, an expose of many of the same behaviors that are going on today, it is 12 years later, and children are still being abused, dramatically abused. Restraint and seclusion is being dramatically misused. It is being used by people who don't know what to do in that situation. They have not been trained.

I find it interesting that the school boards who have to live with this problem on an everyday basis support this legislation. The classroom teachers who have to live with this on an everyday basis support this legislation. People who are on the front lines want this legislation passed because it will bring them greater understanding, greater knowledge, greater skill, and greater training to deal in these situations. An understanding, yes, there are situations where, in an emergency case, where there is a danger to the individual student or to others, that this may be proper. But it also takes training to understand that and how you use it.

I refuse to believe that was the 14,000 incidents in California, that each one of those was an emergency, dangerous

situation. They may say it is an emergency, but in California they don't describe what an emergency is. So compliance with current law all across this country is not a big deal. It is not doing much for the families of these children. It is not doing much to protect these children.

That is why we move. We move with some minimum standards about taping children, mechanical restraints of children, about secluding very young children in darkness for hours at a time, maybe repeatedly for days on end. You should not be able to do that.

We have other investigations in the committee where the simple withdrawal of water has killed children because of dehydration. So we ought not to withdraw water here. We ought to not withdraw food as a means of punishment. We ought not deny them the use of the bathroom facilities. We ought not have them in a situation where they are soiling themselves in front of their classmates, where they are humiliated, where circles are drawn around their chair and they sit in the classroom tied down by duct tape, while they are humiliated and pointed at by the teacher. These are 4- and 5- and 6-year-old kids. None of us would stand for this with our children or our grandchildren, not for a minute. But many of these parents are never notified that this is happening to their children. Many of the grandparents are never notified that this is happening to a child that they were caring for. Many of the foster parents are never notified that their children are in danger, in peril. Think about it. Just put the vision of your child, your grandchild, your next-door neighbor child in this picture.

And you want to say, We have addressed it; the States have addressed it; there is no role for the Federal Government. Well, who the hell is going to step in and protect these children? They can't do it themselves.

This may not be perfect, but we ought to take this step to put us on record that we are prepared to do something to end this practice, this abuse, this torture, of very young children, in many instances children with disabilities, children who are unable to communicate in an effective fashion. Just think about that. Think about your family. You don't have to take this to the abstract. These children cannot defend themselves against this practice, and their parents can't speak for them if they don't know. These children can't control themselves if they are denied the use of a bathroom facility.

That is what this legislation is about. It is about whether or not we are going to take this step, whether or not this step is important, and I do not believe that you can nullify this by suggesting that somehow because 31 States have done something, that this problem need not be addressed, need not have our attention. We cannot do this to these children and these families.

I urge my colleagues to vote for this legislation.

Mrs. McCARTHY of New York. Mr. Speaker, first, I want to applaud Chairman MILLER on this important, bipartisan bill.

As we know, the use of seclusion and restraint has resulted in harm to schoolchildren, and also death in some cases.

This is wrong, and I am glad we are taking this important step to change it.

I am proud to have been one of the first cosponsors of the bill.

I also want to thank the Committee for working with me to include a technical change important to New York.

The definition of Chemical Restraint would have required that only a ''licensed physician'' be allowed to administer any medication prescribed by the physician for the standard treatment of a student's medical condition.

However, in New York and other states, we allow health professionals other than physicians, such as nurse practitioners, to prescribe drugs.

I am glad we have been able to correct the bill to allow states this flexibility.

While I am happy the House is moving ahead on this important bill, I want to say a word about the issue of corporal punishment—that is hitting of children in schools. Each year in the United States, hundreds of thousands of schoolchildren in twenty states are hit in public schools according to the Department of Education.

However, thirty, including my state of New York, states have appropriately banned this practice.

Often this is called ''paddling'' and the student is struck with a wooden paddle, which can result in bruises, other medical complications that may require hospitalization.

Just as with seclusion and restraint, paddling can cause immediate pain, lasting physical injury, and on-going mental distress.

Gross racial disparity exists in the hitting of public school children.

Further, public school children with disabilities are hit at approximately twice the rate of the general student population in some States.

Corporal punishment is associated with increased aggression in the punished child, physical and emotional harms, and higher rates of drop out, suspension, and vandalism of school property.

The federal government has outlawed physical punishment in prisons, jails and medical facilities.

Yet our children sitting in a classroom are targets for hitting.

We know safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings.

Hitting children humiliates them.

Hitting children makes them feel helpless.

Hitting children makes them feel depressed.

Hitting children makes children angry.

Hitting children teaches them that it is a legitimate way to handle conflict.

We are adults.

We shouldn't be hitting kids in schools.

One of my other concerns is that by placing restrictions only on seclusion and restraint and allowing hitting to continue, we may be encouraging hitting.

Instead, we, as a nation, should move toward these alternative strategies when it comes to our schoolchildren.

I plan to introduce legislation in the next few weeks to ban the use of corporal punishment in schools and look forward to hearings in the Committee on this topic.

In the meantime, I urge all my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4247, the Keeping All Students Safe Act. At the outset, let me thank Chairman MILLER, Congresswoman McCARTHY, Congresswoman McMORRIS RODGERS, and Congressman PLATTS for their leadership on this bill.

Last year, the Committee on Education and Labor held a hearing that examined the disturbing and shocking use of restraint and seclusion in schools. The hearing made clear that federal and state officials have little information about the frequency, nature, or effectiveness of these potentially-deadly practices in educational settings. Witnesses expressed concerns that certain groups of children and youth—especially those in special education—may be at heightened risk to experience these interventions. The hearing further presented numerous studies, including one by the Government Accountability Office, documenting the need to restrict these practice to emergencies, provide staff training, and report data about which students experience these practices.

Given that minority students are disproportionately referred to special education and given that minority students are disproportionately suspended and expelled, a number of my colleagues within the Congressional Black Caucus and I have serious concerns that minority children disproportionately experience these harmful and sometimes deadly restraint and seclusion practices. Given our concerns, we asked Chairman MILLER to lead a federal effort to document these practices and limit abuses. This bill provides such leadership. Passage of this important legislation will help regulate the use of seclusion and restraint, further document its use, and eventually eliminate the use of abusive restraint and seclusion through appropriate training.

H.R. 4247 provides basic protections for students within schools while still giving states and local districts the flexibility to tailor policies and procedures to meet their needs. This bill provides a balanced approach. It recognizes that there are times when danger is imminent and when restraint may be necessary. It also recognizes that seclusion and restraint are not educational services or therapeutic treatments and, consequently, should be administered by trained personnel and should be monitored.

The Keeping All Students Safe Act is bipartisan legislation that provides overdue federal leadership to document and regulate these techniques and to eliminate abusive tactics.

Mr. TERRY. Mr. Speaker, I rise today to oppose H.R. 4247, the ''Keeping All Students Safe Act.''

I have spoken with officials from the Nebraska Department of Education and superintendents in my District and the overwhelming conclusion that I reached was that my local school districts are doing a good job of dealing with student discipline. The guidelines and procedures that are now in place are intended to keep every student safe in the school environment.

Like many states, Nebraska makes any form of corporal punishment illegal and teachers or staff can be disciplined for unprofessional behavior or even be terminated for

any verbal or physical abuse of a student. Based on the information provided by my school officials, there has not been any significant problems with the treatment of students in my district. Therefore, I really do not see the need for this legislation. It will become just one more federal intrusion into our local education systems.

Mr. CONYERS. Mr. Speaker, today I rise to commend Chairman MILLER and Congresswoman MCMORRIS RODGERS for their work and dedication on this issue. We all want our children to have the highest quality education and educational experience available. That cannot happen in an environment where students, paraprofessionals, teachers and administrators are not safe.

This bill establishes standards that will ensure that those in classroom settings are safe and will prevent and reduce inappropriate restraint and seclusion by establishing minimum safety standards in schools, similar to protections already in place in hospitals and nonmedical community-based facilities. By establishing minimum standards for situations that require the seclusion of students, this bill offers support to the nineteen states that have no standards set for such situations.

Special education students are at a higher risk of being harmfully restrained. Because minority children are disproportionately placed in special education, this bill will offer them protection against harmful actions such as being denied food in order to punish or preempt behaviors. By setting minimum standards that apply to the whole student body, H.R. 4247 protects students without singling out anyone or placing a stigma on a child or a group of children.

I am sensitive to the concerns of those who worry that they may lose the ability to implement certain behavioral interventions. I wish to continue this discussion with an eye toward further improvements in safety. This bill's parent notification provision is a positive step towards a continual dialogue between educational stakeholders that we in Congress can participate in. To those who have expressed concern over this bill, I want you to know that this bill is part of the on going conversation about students' safety in school and does not signal the end of our efforts to protect students.

The SPEAKER pro tempore. All time for debate on the bill, as amended, has expired.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in part A of House Report 111–425 offered by Mr. GEORGE MILLER of California:

Page 3, beginning on line 4, strike ''Preventing Harmful Restraint and Seclusion in Schools Act'' and insert ''Keeping All Students Safe Act''.

Page 7, line 3, insert '', or other qualified health professional acting under the scope of the professional's authority under State law,'' after ''physician''.

Page 7, line 7, insert ''or other qualified health professional acting under the scope of the professional's authority under State law'' after ''physician''.

Page 9, line 13, insert ''local educational agency,'' before ''educational service agency''.

Page 10, line 22, insert ''training in'' before ''evidence-based''.

Page 11, line 1, insert ''training in'' before ''evidence-based''.

Page 11, line 9, insert ''training in'' before ''first aid''.

Page 14, line 15, strike ''and local educational agencies'' and insert '', in consultation with local educational agencies and private school officials,''.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

The manager's amendment makes minor technical corrections and clarifications. It renames the bill Keeping All Students Safe Act. The amendment adds clarifying language to the definition of ''chemical restraint'' to exclude medications prescribed and administered by qualified health professionals acting under State law. It fixes the definition of ''school'' to include all schools and programs under the jurisdiction of the local educational agency. It clarifies language describing ''State-approved crisis intervention training program,'' and the amendment requires States to consult with private school officials on determining that a sufficient number of personnel are trained to meet the needs of the student population.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise to claim the time in opposition, although I will not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. I yield myself such time as I may consume.

I agree with the chairman. This is a technical amendment. It changes the short title of the bill and some other technical and clarifying changes to the bill. While I still cannot support the underlying bill, we have no objection to this. I will vote for it and encourage my colleagues to vote for it.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in part B of House Report 111–425 offered by Mr. FLAKE:

Add at the end the following:

''SEC. 13. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.

''(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this Act will be awarded using competitive procedures based on merit.

''(b) REPORT TO CONGRESS.—If grants are awarded under this Act using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

''SEC. 14. PROHIBITION ON EARMARKS.

''None of the funds appropriated to carry out this Act may be used for a congressional earmark as defined in clause 9e, of Rule XXI of the rules of the House of Representatives of the 111th Congress.''.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

This amendment is noncontroversial in nature. Section 7 of the bill would create a new discretionary grant program to assist State education agencies in meeting the regulations established in the bill, collecting and analyzing data, and implementing the schoolwide positive behavior support approach. This grant program is to be funded out of the authorization provided in the bill for such sums as necessary.

While State agencies will have to apply for these grants, it is unclear if the grants will be awarded on a competitive basis or a merit-based approach.

We have seen in the past, unfortunately, when these grant programs have been established, even if it is stipulated that they should be competitive or merit based, oftentimes later Members of Congress will come in and earmark funds directly, and some of these accounts we have for competitive grant programs, merit-based grant programs are completely earmarked just a few years later, so organizations and individuals, nonprofit agencies or State agencies can't even compete for them because all of that money has been earmarked.

We need to look no further than FEMA's National Pre-Disaster Mitigation Program. It was a competitive grant program designed to ''save lives and reduce property damage by providing for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain.'' Again, this was going to be a competitive grant program. The fiscal 2010 Homeland Security appropriation bill appropriated $100 million for this program. Almost $25 million of that was earmarked for projects in Members' home districts, leaving fewer funds available for localities that wished to legitimately apply for the funding.

A grant program to establish the Emergency Operation Center established by Congress in the fiscal 2008 Homeland appropriation spending bill,

60 percent of the funds in that grant program were earmarked.

Again, these are grant programs that are typically set up to be competitively bid on for the agencies to assess on a merit-based basis, and yet they are earmarked.

So this amendment would simply say none of the funds available or authorized by this legislation would be available to be earmarked.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to claim the time in opposition to the gentleman's amendment, although I do not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I support this amendment. Obviously, I am a very strong believer in this legislation and the terrible situation that we are trying to rectify, and I would hope and I think with the gentleman's language we can hopefully be assured that these grants would be based upon a healthy competition and would be based upon the request of the States for technical assistance and for other assistance in dealing with this legislation. So I support the amendment by the gentleman from Arizona.

I yield back the balance of my time.

□ 1545

Mr. FLAKE. I thank the gentleman for supporting the amendment. I think it is important that we do this on this legislation and all programs like this that are authorized by the Congress.

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

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 24, not voting 16, as follows:

[Roll No. 81]

YEAS—391

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Watson
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—24

Brown, Corrine
Clarke
Cleaver
Clyburn
Cohen
Conyers
Davis (IL)
Edwards (MD)
Fudge
Grijalva
Hastings (FL)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee (CA)
Lewis (GA)
Moore (WI)
Oberstar
Paul
Rush
Scott (GA)
Waters
Watt
Woolsey

NOT VOTING—16

Barrett (SC)
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
Massa
Radanovich
Sullivan
Turner
Wamp
Wasserman Schultz

□ 1615

Messrs. KUCINICH and DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. WATT and SCOTT of Georgia, Ms. FUDGE, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Ms. WOOLSEY, and Messrs. COHEN, LEWIS of Georgia, and HASTINGS of Florida changed their vote from ''yea'' to ''nay.''

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the previous question is ordered on the bill, as amended.

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4247 will be followed by a 5-minute vote on the motion to suspend the rules and agree to House Resolution 1127.

The vote was taken by electronic device, and there were—yeas 262, nays 153, not voting 16, as follows:

[Roll No. 82]

YEAS—262

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer

Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NAYS—153

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Driehaus
Duncan
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perlmutter
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barrett (SC)
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
Massa
Radanovich
Sullivan
Turner
Wamp
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. HALVORSON) (during the vote). There is 1 minute remaining in this vote.

□ 1632

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING CONCERN ABOUT SUICIDE PLANE ATTACK ON IRS EMPLOYEES IN AUSTIN, TEXAS

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1127, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1127.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 21, as follows:

[Roll No. 83]

YEAS—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam