

it would be helpful, since we have a little time, to explain to them what regular order would normally require for a nonemergency appropriations measure.

The rule that we are getting ready to present this transportation measure under also called for same-day consideration of legislation providing for the Department of Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia and independent agencies for the fiscal year ending September 30, 2007, and for other purposes. What it does is it circumvents one of the rules, which is 6(a) of rule XIII. That generally doesn't mean a thing to the American public, but let me tell them what it means.

That rule requires a two-thirds vote in order to consider a rule on the same day reported from the Rules Committee. Two-thirds of the Members of this House would have to do that. What we are doing with this rule is we are waiving that two-thirds requirement and we are saying it is all right, you can bring up any of these things under the same-day rule because it doesn't require two-thirds of the Members.

I can assure you if two-thirds of the membership were required in order for us to be able to proceed along regular order, it might not be difficult to achieve; but it would be fair for us to function that way. So we have ignored the process repeatedly here in the House of Representatives. And what that does is it creates a situation where Members in the House of Representatives who represent constituents don't get an opportunity to have their measures considered by the Rules Committee or by the House under regular order, thereby precluding them from having an opportunity to actually receive the best interests of their representative as it pertains to issues that are germane to their interests in their locales.

That is a long way to describe that when you waive the process, you waive the rights of the people that we represent to have their representatives present their views here on the floor of the House of Representatives and to have this great deliberative body work its will. Therein lies the rub with this particular kind of process.

It even has a distinct name: martial law. That sounds like something that is forcing something or requiring something to be done under the aegis of authoritarian rule. That is not right, and that is what we complain of, those of us that have the opportunity and privilege to do so in the Rules Committee.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Florida. 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, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

PROVIDING FOR CERTAIN ACCESS TO NATIONAL CRIME INFORMATION DATABASES

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4894) to provide for certain access to national crime information databases by schools and educational agencies for employment purposes, with respect to individuals who work with children.

The Clerk read as follows:

H.R. 4894

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

SECTION 1. ACCESS TO NATIONAL CRIME INFORMATION DATABASES BY SCHOOLS AND EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) *IN GENERAL.*—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code, as redesignated under subsection (e)), pursuant to a request submitted by an entity of the State, or unit of local government, which is designated to conduct background checks on individuals employed by, under consideration for employment by, or volunteering for, a private or public elementary school, private or public secondary school, local educational agency, or State educational agency in that State in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) *PROTECTION OF INFORMATION.*—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a private elementary school, private secondary school, local educational agency, or State educational agency, or to any person authorized by law to receive that information.

(c) *CRIMINAL PENALTIES.*—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not

more than 10 years or fined under title 18, United States Code, or both.

(d) *DEFINITIONS.*—In this section, the terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency”, have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(e) *TECHNICAL CORRECTION.*—Section 534 of title 28, United States Code, as amended by section 905(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), is further amended by redesignating the second subsection (e) as subsection (f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1245

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4894 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 4894 sponsored by the gentleman from Nevada (Mr. PORTER). This legislation provides our Nation's schools with an additional tool to ensure the safety of our schoolchildren when hiring teachers, staff and volunteers.

Children are our Nation's greatest resource. Parents trust that when they send their children off to school they will be provided a safe environment in which to learn. Teachers are vested with a tremendous responsibility of preparing kids for a successful future, and the overwhelming majority of our educators conduct themselves as consummate professionals.

Unfortunately, we sometimes hear about teachers who engage in criminal conduct involving students. These few bad apples not only jeopardize our children's safety, but tarnish the reputation of those in the educational community. While all incidents of this nature are an outrage, the tragedy of some is compounded when these deplorable actions are perpetrated by individuals whose past criminal record should have identified them as potential threats.

Today all States require some type of background check for school employees. Unfortunately, some individuals with alarming records of criminal conduct slip through the cracks. Last year