

our disposal so they are coordinated in such a way that the recipients become the beneficiaries of this coordinated approach, then I think it will tremendously aid in the development of our young people. It is a great piece of legislation. It is a great idea. It is a great concept. I simply want to add my voice to those who are in support of it and urge that we support it.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) for his support and comments and the gentleman from Texas (Mr. HINOJOSA) for his support, as well, and the support of the gentleman from Illinois (Mr. DAVIS). I have enjoyed working with these gentlemen on this project and the staff.

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

Mr. HINOJOSA. Mr. Speaker, it is always a pleasure to work with Congressman OSBORNE, and I want to say that I think this piece of legislation is one that is going to be very beneficial.

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

The SPEAKER pro tempore (Mr. COLE of Oklahoma). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and pass the bill, H.R. 856, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PENCE. 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 and the Chair's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

RECOGNIZING 30TH ANNIVERSARY OF ENACTMENT OF EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 288) recognizing the 30th anniversary of the enactment of the Education For All Handicapped Children Act of 1975 and reaffirming support for the Individuals With Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment.

The Clerk read as follows:

H.R. 288

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-142) was signed into law 30 years ago on November 29, 1975, and amended the State grant

program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal priority of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities aged 3 through 5 and an early intervention program for infants and toddlers with disabilities under 3 years of age and their families;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the statute as the Individuals with Disabilities Education Act (IDEA);

Whereas IDEA currently serves an estimated 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21;

Whereas IDEA has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school with standard diplomas has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA promotes partnerships between parents of children with disabilities and education professionals in the design and implementation of the special education and related services provided to children with disabilities;

Whereas IDEA has raised the Nation's expectations regarding the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas the 2004 reauthorization of IDEA ensures that children with disabilities are guaranteed a quality education based on the high academic standards required under the No Child Left Behind Act of 2001 (Public Law 107-110);

Whereas the 2004 reauthorization strengthens IDEA's focus on the educational results of children with disabilities and better prepares those children for employment or further education beyond high school;

Whereas the 2004 reauthorization further enables special education teachers, related services providers, other educators, and State and local educational agencies to focus on promoting the academic achievement of children with disabilities;

Whereas the 2004 reauthorization maintains the necessary procedural safeguards that guarantee the rights of children with disabilities and their parents while encouraging the mutual resolution of disputes and reducing unnecessary litigation;

Whereas the 2004 reauthorization continues to ensure the provision of a free appropriate public education to students referred to a private school by a public agency and ensures the provision of special education and related services to students placed by their parents in private schools;

Whereas, although the Federal Government has not yet met its commitment to fund IDEA at 40 percent of the average per pupil expenditure, it has increased IDEA funding over the last decade from \$2.3 billion to \$10.6 billion and increased its percentage share of the average per pupil expenditure from 7.8 percent to 18.6 percent;

Whereas the 2004 reauthorization ensures that the vast majority of funds will go di-

rectly to the classroom and provides States and local educational agencies additional flexibility to provide for the costs of educating high need children with disabilities;

Whereas IDEA has supported, through its discretionary programs, three decades of research, demonstration, and personnel preparation in effective practices for educating children with disabilities, enabling teachers, related services providers, and other educators to effectively meet the educational needs of all children;

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; and

Whereas IDEA has succeeded in marshaling the resources of this Nation to implement the promise of full participation in society for children with disabilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services providers, and other educators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 288.

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

There was no objection.

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

I rise in support of H. Con. Res. 288, which I introduced with a bipartisan group of my colleagues. The resolution importantly recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975, what we all know as the Individuals With Disabilities Education Act, or IDEA. Not only does this resolution recognize the act's anniversary but also reaffirms this body's support for IDEA.

For too many years, children with disabilities were denied access to public education. However, with the passage of the Education for All Handicapped Children Act in 1975, the doors of educational opportunity were opened. Today, more than ever, students with disabilities have an opportunity to accomplish their goals.

□ 1515

According to the Department of Education, about 6.6 million students currently participate in these programs across the Nation. Signed into law on November 29, 1975, the Act established

the Federal priority of ensuring that all children, regardless of the nature or severity of their disability, have available to them what has become the tenet of IDEA, a free, appropriate public education in the least restrictive environment.

In 1986 we expanded the program to serve children with disabilities age 3 through 5, and created an early intervention program for infants and toddlers with disabilities under 3 years of age and their families.

The successes over the past 30 years are worth stating. Based on data from the U.S. Department of Education, since enactment there has been a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families.

The number of children with disabilities who complete high school with standard diplomas has grown significantly since the enactment of IDEA. The number of children with disabilities who enroll in college as freshman has more than tripled since the enactment of IDEA. And IDEA has raised the Nation's expectations regarding the abilities of children with disabilities by requiring access to the general education curriculum.

Last December, President Bush signed into law the latest reauthorization of IDEA. The evolution of the Act, its successes and other education reforms played an integral role in the reauthorization. The 2004 reauthorization aligns IDEA with the No Child Left Behind Act by guaranteeing children with disabilities a quality education based on high academic standards. Along these same lines, we strengthened the focus on the educational results of children with disabilities to better prepare these children for employment or an education beyond high school.

I am pleased that we are able to come together to recognize the good that has been done and to recognize the parents, students and educators impacted over the past 30 years. My hope for the future is that we continue to find ways to raise the achievement of students with disabilities and ensure that they have the services necessary to do so.

I ask my colleagues to support my resolution.

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

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

I rise to support H.R. 288, recognizing the 30th anniversary of the Education for All Handicapped Children Act of 1975, now known as the Individuals With Disabilities Education Act, or by the acronym IDEA. I am proud to join our committee chairmen, chairman of the committee of the whole, Mr. BOEHNER, and the chairman of one of the subcommittees, Mr. CASTLE, as well as our ranking members, Mr. MILLER and Ms. WOOLSEY, to commemorate this important occasion.

I remember the hope that was ushered in with the passage of the Edu-

cation for All Handicapped Children Act of 1975. As a member of the Texas State Board of Education at that time, I chaired the Committee on Special Populations which oversaw programs for migrant children, bilingual education programs for limited English proficient children, gifted and talented programs and programs for children with disabilities. In those days, it was a struggle to provide even basic access to schools for children with disabilities.

We have come a long way. IDEA currently serves an estimated 269,000 infants and toddlers, as well as 679,000 preschoolers and 6 million children ages 6 to 21. There has been a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families. The number of children with disabilities who complete high school with standard diplomas has also grown significantly since the enactment of IDEA.

Finally, the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA 30 years ago.

Although we have come a long way, we still have a way to go. The Federal Government's promise to schools across the country was to share 40 percent of the cost of providing free and appropriate public education to children with disabilities. Today, in 2005, we are only halfway there and seem to have lost our momentum.

In 2004, IDEA reauthorization authorized full funding by the year 2011. Unfortunately, the President's fiscal year 2006 budget proposal for IDEA, part B, was \$3.5 billion less than the authorized level for fiscal year 2006. The House fiscal year 2006 bill is about \$3.9 billion less than the authorized level.

Mr. Speaker, it seems to me that if we continue to increase IDEA funding at the same percentage as the increase between fiscal year 2005 and the 2006 House bill, we will never reach full funding.

As we celebrate the 30th anniversary of this landmark education and civil rights act, let us redouble our commitment to keeping our congressional commitment and promise in 2004 to fully fund IDEA.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), chairman of the Education and Workforce Committee.

Mr. BOEHNER. Mr. Speaker, let me thank the gentleman from Delaware (Mr. CASTLE) who has worked on IDEA issues for a long time; thank him for bringing this resolution to the floor today, he and Ranking Member WOOLSEY from California, who have brought this resolution honoring the 30 years since the passage of the first IDEA bill.

For far too long in our history, we treated people with disabilities as outside of the mainstream of American so-

ciety. The opportunity to serve those children prior to the passage of IDEA in 1975 was often haphazard. Certainly there was not any organization to it, and many times these children were not in any school whatsoever. And I think passage of IDEA clearly has sent a clear signal to all parents of disabled children, all schools, that we believe that all children can learn.

Just last year, we reauthorized the IDEA law. That, along with the work that we did with No Child Left Behind, I think, presents a new paradigm for special needs children. For far too long we judged the accountability for educating those children by how many T's we could cross and how many I's we could dot. Mountains of paperwork, but no focus on the results that we were getting for those children.

Today, under No Child Left Behind and under the new IDEA law, the paradigm has shifted to one of let us measure the results that we are getting for all children, including those with special needs; and I think what we are beginning to see are improved results. Because while they may not learn at the same rate and while they may not attain the same levels, these children can learn just like all other children. So 30 years of good work, I think, is something that we should be proud of; and I appreciate the opportunity to take time and to remember how far we have come over these last 30 years.

In 1975, when Congress passed IDEA, they made a commitment, a commitment that said that we would pay up to 40 percent of the cost of educating special needs children. Over the years, the education community and others believed that the law said that we would spend 40 percent to educate special needs children. But I will remind you what the original law says and what it says today is that we will spend up to 40 percent and try to reach that.

It is really interesting that, from 1975 until the mid-1990s, Congress paid little attention to the commitment that they gave to those parents of special needs children and to educators who were obliged to follow the law, and it really has only been over the last 10 or 12 years that we have made a real commitment to funding the needs of these children.

If you go back to 1995, Congress at that time was spending \$2.3 billion annually for the education of special needs children. Today, that has grown to \$10.6 billion, a 360 percent increase over these last 10 years. While we have not reached the goal of getting up to 40 percent of the cost, we are about halfway there. I think we have made tremendous progress.

In 1995, we were paying about 6 percent of the cost of educating these children. So we have made great strides. Do we need to continue to do more? Yes, we do. And I think you will see another increase in funding this year as the budget process begins to come to a close. I think the commitment for Members on both sides of the aisle is

very strong to continue our commitment to increasing those funds.

Let me, lastly, remark that someone I would have hoped would have been on the floor today is not here. In 1974, there was a new Member of Congress, a member of our committee, happens to be the ranking Democrat on our committee today, GEORGE MILLER. GEORGE MILLER, over these last 30 years that he has been a Member of Congress, probably has exhibited more commitment to this issue and the education of children with special needs than any Member.

I think that while we are pausing to remember the great things that have happened since IDEA became law, we ought to take a moment to thank our colleague, GEORGE MILLER, who, without his commitment, without his dedication to this cause, many Members of Congress may have forgotten.

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

Mr. Speaker, I enjoyed listening to the remarks by our chairman of the Education Committee. I, too, am saddened that the ranking member of our committee, GEORGE MILLER from California, and the ranking member of one of the other committees that deals with this issue, LYNN WOOLSEY, was unable to make the hearing so that they could participate and express their own thoughts. But I can say this, that everything that the chairman said is correct, that we have made great strides.

But coming from an area that has a great rural community in Texas that I represent, I have met with many parents who have children who need this type of education. Their children are disabled, and they talk about the frustration that they have. They wish that the State government would invest much more, together with our public schools. Unfortunately, throughout the country, States find themselves lacking the wherewithal and the financial ability to put more money into many of our public schools. So it is up to the Federal Government, who has a \$2.5 trillion budget, to be able to find the money to increase that investment as we promised 30 years ago and to get to that full funding as we promised then, because I see a lot of potential in those disabled children who, but for the money that the Federal Government could invest, they are not getting the best education possible.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to join with Chairman BOEHNER, with Subcommittee Chairman CASTLE, with Mr. MILLER, who is not here, and certainly with Ms. WOOLSEY and the ranking member, Mr. HINOJOSA, in strong support of H. Con. Res. 288, which recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirms support for individuals with disabilities education.

This program currently serves 7 million children, and without it many of

those children would live in State institutions, would not have been able to complete high school and would have no possibility of enjoying the quality of life to which now they have the potential to enjoy.

□ 1530

I have always been led to believe that the greatness of society can be measured by how well it treats its old, how well it treats its young, and how well it treats those who have difficulty caring for themselves. I must say that I have been tremendously impressed with the progress that we have made toward the goal of assuring every handicapped child in our country optimal opportunity to experience the educational attainment and personal development that they have the potential to experience.

I agree that we have certainly come a long way and there is still much further to go. I have had the good fortune of being fairly close to the education of individuals with disabilities, and I can tell my colleagues I had one of the greatest experiences of my life last year when I gave a commencement address at the Neil Elementary School.

There were young people there who had difficulty speaking and needed special equipment in order to be able to speak. There were individuals who could not walk and were in wheelchairs or had other kinds of devices that helped them move. But the interesting thing, and, actually, it was one of those days that I actually left Washington to go back to Chicago to participate in this activity. My sister was the principal of that school, and I had promised her that I would be there for the graduation.

But by the time the graduation ended, there was not a dry eye in the auditorium. Because all of the teachers, all of the parents, all of the students, all of the people who had come to be a part had become so emotionally involved in what was taking place; and to see the glee and excitement on the faces and to feel the emotion coming from these young people, many of whom would never have been given any real chance at all of reaching that level of education attainment, as I sat there and saw that, I could not help but say to myself that no matter how difficult funds may be to acquire, no matter how tight the budgets might be, that we have no choice except to find every possible resource that we can to put all of the funding into these special education programs and activities. Because every time we change one life, then it has been worth the whole effort.

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

Mr. CASTLE. Mr. Speaker, just briefly, first of all, both of the speakers on the other side of the aisle are men with whom I have worked extensively on this program as well as others, and they have the tremendous interests I think of the students, as we heard from

their testimony here today, at heart, and I think everybody over here does as well.

I do get a little frustrated I guess at some of the economic arguments here. The gentleman from Ohio (Mr. BOEHNER) pointed out that over the last 10 years we have increased the funding for IDEA by 360 percent, from \$2.3 billion to \$10.6 billion, and comparably, before that, the increases had never, ever gotten above 10 percent. We are up to 20 percent now, and we are on a glide path, if you will, to try to get to 40 percent before it is all said and done.

I think it is important to understand that because of the court-ordered aspect and the way IDEA was born, that the States have the responsibility to make up that difference. So, essentially, when we pick up that extra amount of money, we are basically letting the States spend that money on something else, which may or may not be disabilities. Usually it is something else. And we are trying to continue to move that along and give the States fuller funding. But a tremendous effort has been done in a bipartisan way on that in the last 10 years. I just want to make sure that that is recognized.

I appreciate the comments from everybody on both sides of the aisle on this. I think it is an important subject, and I hope that everybody would support it.

Ms. WOOLSEY. Mr. Speaker, I was pleased to join my Subcommittee Chairman, Mr. CASTLE, and many other Republicans and Democrats, in introducing this resolution to commemorate the upcoming 30th anniversary of the Individuals with Disabilities Education Act.

In 1975, when what we now call IDEA was passed as the Education for All Handicapped Children Act, educating children with disabilities was an afterthought at best.

IDEA marked a critical turning point in the lives of people with disabilities, by ensuring that all children, regardless of their disability, have available to them a free appropriate public education.

IDEA currently serves 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21.

It has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families.

Under IDEA, the number of students with disabilities who graduate from high school has grown significantly, and the number of students with disabilities who enroll in college has more than tripled.

Unfortunately, as this resolution recognizes, the Federal Government has not met even half of its commitment to fund IDEA at 40 percent of the average per pupil expenditure. Today, 30 years later, we provide States and school districts with only 18.6 percent of that amount.

Four years ago, during conference on the No Child Left Behind Act, we could have included a bipartisan provision that would have fully funded IDEA, but House Republican leaders refused to agree to that.

Today, I believe that the best way for Congress and the President to commemorate

IDEA's 30th anniversary would be to fund IDEA at the levels authorized in the 2004 reauthorization, which passed the House and Senate with overwhelming bipartisan support.

Those levels would fully fund IDEA by 2011.

Unfortunately, less than a year later, the Republican-controlled House has passed an appropriations bill that falls nearly \$4 billion short of the funding promised for this fiscal year.

At the rate of increase proposed by the Republican House for this fiscal year, we would never—never—reach full funding.

I hope that my colleagues will join me in supporting both this resolution and full funding for IDEA, so that the Federal Government finally will keep its promise to all students, their parents, and their teachers.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Con. Res. 288, recognizing the 30th anniversary of the Education for All Handicapped Children Act. I am pleased to be an original cosponsor of this resolution.

First introduced in 1975 as the Education for All Handicapped Children Act and later as the Individuals with Disabilities Education Act, or IDEA, this legislation has continued to be a vital part of providing equal support for children with disabilities. Before its passage, children with disabilities were either segregated from other students or had little opportunity for education. Today, about 6.1 million children with disabilities are receiving special education and related services.

As a former educator and a member of the Committee on Education and the Workforce, I recognize the importance of continued Federal support of special education. Research shows that when we invest in the education of children with disabilities from birth throughout their school years, our entire society benefits. Giving these children the opportunities they deserve directly impacts their ability to live independently as contributing members of society.

Congress reauthorized IDEA almost a year ago, and it has continued to provide enormous support to children in dire need. However, as this resolution states, we have not yet met our commitment to fund 40 percent of the additional average pupil expenditure. Until we fulfill our responsibility, we are failing our Nation's children. This funding is needed by school districts that must make up the difference of what the Federal Government is not funding.

IDEA is a powerful civil rights law that was intended to provide education to more than one million children who were marginalized because of their disabilities. Today, it does much more. IDEA is based on the premise that children in our society are capable of success, and this law has raised the standards in education for all children. In doing so, it has also produced much improved results, proving that when we dedicate resources and attention to our children they can succeed.

IDEA requires teachers to be qualified and fair in their classrooms. IDEA also protects and supports the parents of children with disabilities. These parents have challenging, full-time jobs in raising their children. However, when given the support that they need, their children succeed. There cannot be a greater reward for a parent than this.

This law focuses on results. It strives to direct funding to where it makes a difference, to give teachers and schools the resources they need to help students. I believe that more funding will produce greater results. While we

have, as a society, made great strides, we can not let these children fall behind. I urge my fellow Representatives to work towards full funding of this act.

We should be proud that we are now providing free and appropriate public education to every child with a disability. This law adds to the basic right of education the rights to fairness, support, and respect. I join my fellow Representatives in celebrating the 30th anniversary of the Education for All Handicapped Children Act.

Mr. HONDA. Mr. Speaker, I rise today in support of H. Con. Res. 288, a resolution commemorating the 30th anniversary of the legislation that led to the Individuals with Disabilities Education Act, IDEA.

On November 29, 1975, the Education for All Handicapped Children Act was signed into law. Enactment of that legislation was a historic achievement, ensuring for the first time access to education for children with disabilities, regardless of the nature or severity of their disability. Today, IDEA continues to provide for a free appropriate public education for children with disabilities in the least restrictive environment—in other words, it ensures educational opportunities for children with special needs.

The expansion of IDEA to cover preschool aged children through a grant program and to cover infants and toddlers through an early intervention program has enabled the program to reach many more students—currently IDEA serves an estimated 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21. Because these services are being delivered near their homes, IDEA has helped to dramatically reduce the number of children with developmental disabilities who must live in State institutions away from their families.

The success of IDEA has been overwhelming. Under IDEA, the number of children with disabilities who receive a high school diploma has increased significantly and the number of children who enroll in college has more than tripled. By promoting partnerships, between parents and educators in the design and implementation of special education and related services for children with disabilities, IDEA helps these children to reach their full potential and prepares those children for employment or further education beyond high school.

As we recognize the 30th anniversary of IDEA today and reaffirm our support for the legislation, I must note that the Federal Government is still falling far short of its commitment to fully fund IDEA at 40 percent of the average per pupil expenditure. We are currently providing funding at only 18.6 percent, less than half of what we promised. While the teachers and students working under the auspices of IDEA have been able to accomplish many great things, we should think about all that is not being done, the students who are not reaching their full potential and the teachers who cannot do all that they want or need to do with their students, because IDEA is not being fully funded.

We must live up to our commitment and fully fund IDEA, so that it can truly live up to its potential and so that students with disabilities can live up to their potential.

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

The SPEAKER pro tempore (Mr. COLE of Oklahoma). The question is on

the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 288.

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

A motion to reconsider was laid on the table.

CHILD MEDICATION SAFETY ACT OF 2005

Mr. KLINE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1790) to protect children and their parents from being coerced into administering a controlled substance or a psychotropic drug in order to attend school, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1790

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 "Child Medication Safety Act of 2005".

SEC. 2. REQUIRED POLICIES AND PROCEDURES.

(a) IN GENERAL.—As a condition of receiving funds under any program or activity administered by the Secretary of Education, not later than 1 year after the date of the enactment of this Act, each State shall develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school or receiving services.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic performance or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under section 612(a)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(3)).

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD.—The term "child" means any person within the age limits for which the State provides free public education.

(2) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4. GAO STUDY AND REVIEW.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of—

(1) the variation among States in definitions of psychotropic medication as used in regard to State jurisdiction over public education;

(2) the prescription rates of medications used in public schools to treat children diagnosed with attention deficit disorder, attention deficit hyperactivity disorder, and other disorders or illnesses;

(3) which medications used to treat such children in public schools are listed under the Controlled Substances Act; and

(4) which medications used to treat such children in public schools are not listed under the Controlled Substances Act, including the properties and effects of any such