

Finally, I hope that the 2010 census is the most successful census we have ever had in our Nation's history. The Bureau has done a solid task of putting together the logistics of getting millions of folks in this country to respond to the census. It's a costly endeavor, but it's one that the Founders insisted on for us to have a functioning democracy. Especially when the House of Representatives is based on population, they wanted to make sure that the population count was correct and accurate.

I thank the Bureau and all of the folks who are working all across every community in this country. Those folks who are working for the Bureau are wonderful, patriotic people, and we want to say thank you for your service to your country and to your community.

With that, I yield back the balance of my time.

Mr. LYNCH. I thank the gentleman from North Carolina for his courtesy and for his support.

Mr. Speaker, I do have a copy of the census form here. You can't see it, obviously, because of the size of the type, but it's mostly check-the-box answers. I commend the Census Bureau for simplifying this. As the gentleman from North Carolina has stated, it is probably the simplest version of the form that we have had in our history.

I also want to express the concern that we get about 80 to 90 percent of the forms back in the mail, and this is the most efficient way and the cheapest way to conduct the census. The costly part of the census count is in actually going out and knocking on doors and in trying to get people to respond who have not responded through the mail. That's the costly part. So, to the degree that people can cooperate, can help us out and can mail these back, it's a good use of taxpayer money. It's much cheaper. So there is a dual purpose.

Also, as the gentleman from North Carolina mentioned, the allocation of resources and the representation aspect of this is very important as well.

We have no further speakers. Just in closing, I would ask Members on both sides to support Mr. REYES in his resolution in supporting the census and in designating March as the official Month of the Census.

Mr. DINGELL. Mr. Speaker, I rise today to support H. Res. 1096, a resolution introduced by my colleague, Representative SILVESTRE REYES, which encourages individuals across the country to participate in the 2010 census to ensure an accurate and complete count beginning April 1, 2010.

Article I, Section 2 of the U.S. Constitution requires that the enumeration of every individual residing in the United States, is taken every ten years. This month, every household across the nation will have received a 10-question census form known as the Decennial Census.

The importance of correctly filling out and returning this form cannot be overstated. First, data from the Census directly affects how

more than \$400 billion in federal funds are spent, at all levels of government, and thus, helps determine how and what resources are allocated to a community. Put another way, if our community members don't fill out the census, they will find they are not getting funding to support their needs. Census data is used to determine which schools receive funding for improvements, where new hospitals and roads are built, what new maps are needed for first responders, and where economic investment should be made.

Second, the data from the Census dictates how the U.S. House of Representatives is reapportioned, how each state is redistricted, and how the Electoral College is distributed. I don't need to remind all of my constituents of the importance of ensuring they are properly represented on the federal, state, and local levels.

Filling out the Census is fast (taking most just 10 minutes to complete), safe (the information is treated by law as confidential) and easy to complete (there are just 10, simple questions).

I hope that elected officials at all levels of government, across the country and in Michigan's 15th Congressional District will educate their constituents about the importance of completing the 2010 Census, and, Mr. Speaker, I urge my colleagues in the House to join me in supporting this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, it is with great pleasure that I rise today in strong support of this resolution encouraging everyone across the United States to participate in the 2010 Census and recognizing the month of March as 2010 Census Awareness Month. Since 1930, we have undertaken the monumental task of counting the total U.S. population every 10 years on April 1st. I urge everyone across the Nation to join in the count and I applaud the actions of Representative SILVESTRE REYES from Texas for introducing this resolution.

Active participation in the 2010 Census is especially important in minority communities, which have been historically underrepresented in previous counts. It is important that we do all we can to spread the word about the upcoming census count in these groups. In the year 2000, 3 million of our friends, family and neighbors were not included in the census count. We can no longer afford such oversights which prevent these individuals and their communities from receiving funding. This count affects more than \$400 billion in Federal and State funding for public investments, help planners across the Nation in determining the location of schools, hospitals and senior citizen centers, and assists in determining the makeup of local and national voting districts.

Mr. Speaker, fewer things in life are easier than filling out census forms. Answering these 10 questions is vital to attaining an accurate count of the American people. Let's go to work and make sure that everyone is counted.

I urge my colleagues to support its passage. Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1096, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 52 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MCCOLLUM) at 12 o'clock and 30 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4247, PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1126

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; (2) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. During consideration of an amendment printed in the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SEC. 4. It shall be in order at any time through the legislative day of March 4, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 5. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of March 4, 2010.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1126.

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

There was no objection.

Mr. CARDOZA. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1126 provides for consideration of H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, under a structured rule.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Education and Labor.

The rule makes in order the two amendments that were submitted for consideration and are printed in the Rules Committee report—a manager's amendment by Chairman MILLER and an amendment by Representative FLAKE.

The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI, and provides one motion to recommit with or without instructions.

The rule authorizes the Speaker to entertain motions that the House suspend the rules through the legislative day of Thursday, March 4, 2010. The Speaker shall consult with the minority leader on the designation of any matter for consideration pursuant to this rule.

The rule also provides for same-day consideration of any resolution reported from the Rules Committee through the legislative day of Thursday, March 4, 2010.

Madam Speaker, the bill before us today, the Preventing Harmful Restraint and Seclusion in Schools Act, responds to a shocking and urgent need to protect our children in their schools.

Last year, the Committee on Education and Labor held a hearing where they were told horrifying accounts of young, innocent children who were subjected to abusive uses of restraint and seclusion in their classrooms, and they were told of some who died as a result of this abuse.

These were, unfortunately, not isolated incidents. The committee also heard from the Government Accountability Office's managing director of Forensic Audits and Special Investigations, who testified that the GAO found "hundreds of cases of alleged abuse and death related to the use of these methods on schoolchildren." In Texas and in California alone, the GAO found there were over 33,000 reported incidents of restraint or seclusion during the school year of 2007–2008.

Madam Speaker, this is deplorable and inexcusable, and it is simply not humane. Even worse, parents may have no idea what is taking place in their children's classrooms. Sometimes the only signs parents may ever see are slow but stark behavioral changes in their children, at which point the children have been afflicted with deep psychological issues and damage.

I shudder at the thought that, while innocent children are supposed to be learning about reading, writing and arithmetic, they may be subjected to unspeakable abuse while they are at the hands of their trusted educators. It is abuse which will affect their lives forever. Our Nation's youth already have to overcome many obstacles in their lives, and they should not be subjected to such scars which may never ever heal.

If that weren't bad enough, consider the countless children with disabilities or special needs who are disproportionately restrained or secluded at school at far greater rates. Further, many of these children have no means whatsoever of communicating with their parents.

Madam Speaker, no child should ever be subjected to abuse or neglect, especially when in the care of those we are supposed to trust the most.

Despite what you may have heard from the other side of the aisle, the bill before us today is not about Federal control or about setting up a one-size-fits-all Federal mandate. It is about establishing flexible guidelines for States in order to help them raise the bar and to solve a problem that they simply have failed to adequately address on their own. There are 19 States which currently don't have any laws addressing seclusion or restraint in schools. No laws at all. In the 31 States which do, their laws are all over the map. In fact, some of them set guidelines so low they might as well not have any rules at all.

Madam Speaker, this bill, H.R. 4247, will remedy that problem once and for

all. It will require States to meet minimum safety standards to prevent abuse by restraint and seclusion in schools across the country, similar to the protections already in place in medical- and community-based facilities.

H.R. 4247 specifically prohibits the use of mechanical, chemical, or physical restraints or any other restraint that restricts breathing, and it prohibits abusive behavioral interventions that compromise the health and safety of the children. The bill does, however, allow for the temporary restraint or seclusion of a child under certain circumstances if the child possesses an imminent danger to himself or to others in the classroom.

The Secretary of Education will issue regulations establishing such standards, and the States will have 2 years to have their own policies in place to meet or to exceed these regulations.

In closing, I would like to commend the Committee on Education and Labor for its continued efforts on behalf of our Nation's children. I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I thank the gentleman from California for yielding time.

I will urge my colleagues to vote "no" on this rule for many reasons which I will outline in my comments, but I certainly want to share with the gentleman from California and with the sponsors of this bill the feeling that all of us want to see that our children are protected, that all children are protected, particularly when they are in State-sponsored institutions, such as public schools or other such institutions. Nobody wants our children to be at any risk, and we want to make sure that the people who are looking after them take the proper precautions when they are dealing with them, especially in a physical way.

Madam Speaker, we are here today to debate the rule on H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act.

Our Founding Fathers knew what they were doing when they assembled the U.S. Constitution and the protections it guarantees, specifically in the Tenth Amendment. The authors of this amendment, an amendment ratified in 1791, remembered what it was like to be under the thumb of a distant, all-powerful government, and they understood that a one-size-fits-all approach does not work.

Since the U.S. Constitution was first ratified, the Federal Government has slowly, steadily and corrosively eroded the notion of States' rights and of our individual liberties. Nowhere in the Constitution does it empower the Federal Government to override States' rights.

When it comes to the education of our Nation's children, we can all agree

again that students should be able to learn in a safe, productive, and positive environment. Teachers, principals, and other school personnel have a responsibility to ensure that the environment is maintained at all times. In many cases, it is vitally important that teachers and classroom aides use interventions and supports that are both physically and emotionally safe for the children.

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

Furthermore, the Federal Government has no reliable data on the prevalent use of harmful seclusion and restraint techniques in public and private schools and on whether they result in child abuse, no matter the hyperbole used by people on the other side.

Last year, the U.S. Department of Education recognized this fact, and through the Office of Civil Rights issued a draft regulation requiring State and local educational agencies to collect data on the use of seclusion and restraints in schools. Moreover, last August, Secretary of Education Arne Duncan sent a letter to each chief State school officer, urging the officers to review their current policies and guidelines regarding the use of restraints and seclusion in schools to ensure every student is safe and protected.

However, instead of waiting until the Department of Education completes its review to see how widespread the problem of harmful seclusion and restraint techniques is, the bill establishes a Federal one-size-fits-all mandate to a problem for which there is not yet a thorough understanding and which would otherwise be handled at the State level.

We know increased Federal regulations do not equal results, especially when it comes to public education. Despite Washington's spending hundreds of billions in Federal dollars since 1965 on public education, the achievement gap has not closed, and test scores have not improved.

□ 1245

Instead, we should be focusing on enforcement of current State procedures addressing seclusion and restraint of students. 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.

At the beginning of the 110th Congress, the new majority came to power full of promises for a bipartisan working relationship and a landmark pledge to create the "most honest, most open, and most ethical Congress in history."

On page 24 of Speaker PELOSI's "New Direction for America" document issued in the 109th Congress, she calls for regular order for legislation.

"Bills should be developed following full hearings in open subcommittee and committee markups with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level.

"Bills should generally come to the floor under a procedure that allows open, full, and fair debate, consisting of a full amendment process that offers the minority the right to offer its alternatives, including a substitute.

"Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.

"Floor votes should be completed within 15 minutes, with the customary 2-minute extension to accommodate Members' ability to reach the House Chamber to cast their votes. No votes shall be held open in order to manipulate the outcome.

"House-Senate conference committees should hold regular meetings (at least weekly) of all conference committee members. All duly-appointed conferees should be informed of the schedule of conference committee activities in a timely manner and given ample opportunity for input and debate as decisions are made toward final bill language.

"The suspension calendar should be restricted to noncontroversial legislation, with minority-authored legislation scheduled in relation to the party ratio in the House."

Those were all the things that the majority promised us before taking over in the 110th Congress. And what do we get? We get this rule, which provides blanket martial law through Thursday.

This practice diminishes democracy. When major legislation is being considered that would add hundreds of billions of dollars to the debt or affect Americans in other ways, Members of Congress should have the opportunity to study the legislation for more than a couple of hours and know what they are voting on.

This rule is a structured rule and makes in order two amendments, one from Chairman MILLER and one from Representative FLAKE of Arizona. Chairman MILLER's amendment, among other things, would change the title of the bill from "Preventing Harmful Restraint and Seclusion in Schools Act" to the "Keeping All Students Safe Act." That is a promise that no Congress can fulfill.

Madam Speaker, we have a lot of problems with this bill and we have a lot of problems with this rule, and, again, I will urge my colleagues to vote "no" on the rule and "no" on the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, the gentlelady from North Carolina states that we have no statistics to back up the point of why we are bringing this bill to the floor today. In just Texas and California, there were 33,000 cases reported to the committee in one year. If that is not a statistic that can make your hair curl, I don't know what is. Even Ranking Member KLINE said that we are in urgent need of further statistics, because he does believe that this is a serious question.

But just to make the point, to make the case even stronger, the gentlelady's State, North Carolina, the reason why we need this bill, she says some States have rules that already deal with this problem. Let me read you a little bit about what North Carolina's law says.

It says it allows for seclusion and restraint to maintain order or calm or comfort in the classroom and does not require that there be imminent danger or an emergency, and people can use it for discipline and to write it into IEP, or individualized education programs.

That is exactly why we need this, because some States, like her home State, don't understand that this shouldn't be the way we deal with children, children with special needs or other challenges. It shouldn't be the standard operating procedure in our schools.

Madam Speaker, I now would like to yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the Chair of the committee.

Mr. GEORGE MILLER of California. Madam Speaker, I want to thank my colleague from California and the Rules Committee for reporting this rule that will allow us for the first time to have Federal guidelines for the protection of children while they are in school. It is important that we strive to keep all children safe while they are in school. I am honored to have worked with and thank her so much for her cooperation, Congresswoman CATHY McMORRIS RODGERS, who was so instrumental in bringing this bill together and bringing all various parts of the discussion on this legislation together to help us draft the legislation.

Not everybody agrees with it, but we have had wonderful cooperation and support from many parts of the educational community, recognizing the danger for the actions to continue that have put so many children in danger and have harmed so many children, without having an accurate reporting system, without having the proper training of teachers.

Teachers are very often put in a very, very difficult position with respect to what to do, but we cannot have children being taped to their chairs, children having duct tape put around their mouth, children being locked into dark closets or even smaller spaces for multiple hours of the day, for multiple days of the week, so they can establish the comfort in the classroom. That is not the right treatment of that child. And if you are doing it over and over

and over again and you are not changing the behavior, you are not getting the outcomes, you might want to rethink that policy. But, tragically, that is not happening in too many areas.

Yes, there are some State regulations in this area, but they are very incomplete. They are spotty. Some only address one school population, one particular disability maybe, or a particular age group, but not others. But we cannot have, and as the GAO tragically made so graphic to our committee, you cannot have very young children treated in this way. We were presented with the most graphic case of students who died while they were placed in seclusion, while they were placed in improper uses of restraint.

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

Mr. CARDOZA. I yield the gentleman from California 2 additional minutes.

Mr. GEORGE MILLER of California. We met with the parents and the caregivers of those children. And here is the final touch, that in many instances, these children were treated this way over and over and over again, and their parents, guardians were never notified.

In many instances, the first time they realized what was going on is when the child, in a very traumatic way, refused to go back to school, was frightened to go back to school. Some of these children never have really been able to return to a regular school setting. They have lost trust in people in those settings. Or a teacher might venture out and quietly tell a parent that something is wrong in your child's classroom or the way your child is being behaved.

That is not the kind of notification that parents are entitled to, and it is not the kind of notification that people believe gives them the authority to engage in this abusive behavior.

Also, we know that in a number of instances, medications were used without the involvement of a doctor, without the okay of the parent, without checking with the authorities prior to that.

We do recognize that in particular cases a child may be a threat to him- or herself, may be a threat to another student or to a teacher or to other school personnel, and we do allow them to take actions in that particular case.

But the idea that this ad hoc theory of locking kids in closets while they soil themselves, while they are denied food, while they are denied water, let's look at what this bill does. It says you can't deny water; you can't deny food; you can't deny them access to bathroom facilities. That is kind of basic, isn't it, in the treatment of a child? And think of what happens to a child when that is done. We are not always talking somehow about a worldly teenager here. We are talking about, in many instances, very young children, children in many, many instances with disabilities who may not be able to communicate clearly.

We cannot allow us to proceed against those children without a policy being in place that protects the children and notifies the parents.

Again, I want to thank the gentleman and the Rules Committee for reporting this rule.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

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

Mr. DREIER. Madam Speaker, the American people get it. Last June 24, we, at 3 o'clock in the morning up in the Rules Committee, had dropped into our laps a 300-page amendment that no one had read just as the motion was being offered to move that so-called cap-and-trade legislation to the floor of the House.

Up until that time, being on the Rules Committee as I am, whenever I would talk about process in this institution, Members' eyes would glaze over, and I know that the American people would have their eyes glaze over, and I have even had colleagues of mine from both sides of the aisle say, Why do you talk about process?

Well, Madam Speaker, one of the things I have learned from being on the Rules Committee for more than a couple of years is that process is substance. The utilization of process plays a very critical role in determining the outcome of legislation.

The American people concluded after June 24, when the next day our distinguished Republican leader, the gentleman from Ohio, Mr. BOEHNER, stood here taking his 1-minute and went for an hour going through that 300-page amendment, the American people got the message and they said, You guys don't even take time to look at the legislation before you vote on it. Again, this happened at 3 o'clock in the morning, and within a matter of hours we had that measure on the House floor.

Well, Madam Speaker, why am I going through this? Because in the rule, and I understand that my friend from Grandfather Community has talked about this, but the fact is, in this rule, we have what is described affectionately from Members of both sides of the aisle as martial law rule.

What it means is, in this rule, any Member who votes for this rule is voting to give the majority the authority to, without any kind of consideration, move directly to the floor of the House with legislation. We don't know what that consists of.

In a colloquy I had with the distinguished Chair of the Committee on Rules last night, she said that it was going to be focusing on the jobs issue. But guess what, Madam Speaker? In this rule, there is no clear definition as to what legislation is going to be considered.

Now, this is a structure that is utilized by both sides of the aisle. I will plead guilty. We have used this kind of

expedited procedure in the past when we were in the majority. But, Madam Speaker, it is almost always done only at the end of a session when there are very, very important time constraints that need to be addressed, and Members on both sides of the aisle usually end up agreeing to it.

Madam Speaker, I know that I speak for not only my Republican colleagues but the American people, Democrat, Republican, Independent, when I say that the notion of imposing a martial law rule, in what is now the third month of the second session of the 111th Congress, is a nonstarter. We should not be utilizing this kind of procedure at this point.

So, Madam Speaker, I am going to urge my colleagues to vote against this rule and bring back a structure that does in fact strike martial law, which is not what Americans, regardless of political party, want us to be utilizing in dealing with this very important issue.

There is bipartisan support for the underlying legislation, but there is very, very strong opposition, I hope, from both Democrats as well as Republicans because of the fact that the American people do not want us, especially at this time when we are focusing on very, very important legislation, to deal with job creation and economic growth utilizing martial law rule.

So I urge my colleagues to vote against the rule.

Mr. CARDOZA. Madam Speaker, I would like to point out that in the 109th Congress, the Republican Rules Committee, chaired by the gentleman who just spoke, my colleague from California, reported 21 rules that waived the two-thirds vote requirement for same day rules. Furthermore, five of those rules waived this requirement against any rule that was reported from the committee.

□ 1300

So I find it a bit ironic that my friends on the other side of the aisle are so outraged by this procedure that's been done routinely by both Republican- and Democratic-controlled Congresses.

The blanket waiver is to allow maximum flexibility in bringing legislation to the floor quickly—legislation to support the Federal highway transit programs, which provide much-needed jobs during these difficult times; or, legislation to extend vital social safety-net programs such as unemployment insurance and COBRA, programs which, thanks to the Senate and the filibuster that preceded the debates over there, allowed these programs to expire at the end of February, putting 200,000 workers off the job until we get this bill passed. We aren't sure what form all these measures are going to take yet, but it is essential that we have maximum flexibility to respond to whatever legislative vehicles can best address these matters.

I want to point out that these are very, very difficult times. In my own district, we have 20 percent unemployment. Last night, I had a town hall meeting with my constituents. They're demanding answers and jobs. They want it today. They don't want it next week; they want it now. And all of the obfuscation, all of the delay tactics, all of the challenges to getting people back to work are not very tolerated by them these days.

Every day counts in America right now. We have to put our people back to work. I would suggest that we should be figuring out together how to expedite these processes rather than standing on parliamentary procedure tactics to say, No, let's wait some more. Let's put these bills off.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. CARDOZA. I would be happy to yield to the gentleman from California for questions.

Mr. DREIER. I thank my friend for yielding.

Let me first say that, as the gentleman knows, in my remarks that I made from this well just moments ago, I recognized that this is a process that has been utilized under both political parties. So I completely concur with that, and I said that that happened. The important distinction to make is that the five instances that my friend mentioned when we were in the majority, this was all done in the September-to-December timeframe, basically in the waning days of a Congress, or at least a session of Congress. And that played a big role, recognizing that that needed to happen.

Mr. CARDOZA. Madam Speaker, reclaiming my time, in response to the statement of the gentleman, I would just say that, yes, these are used for extraordinary situations, like when 200,000 people are put out of work because of a Senate filibuster for no particularly good reason.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentleman for yielding time to me.

Let me say I'd like to engage in a colloquy with my friend, if I might. And I'll be more than happy to yield to him whatever time he needs under our time, because I know he has to deal with these time constraints.

Let me say, Madam Speaker, at the outset, the notion of saying 200,000 people have been thrown out of work because of the actions taking place in the Senate is not right. This had to do with an issue of spending. But let's not get into that. Let's focus on what it is the American people want us to do.

Madam Speaker, the gentleman is absolutely right: Job creation and economic growth is what the American people are talking about. I, too, last night held a telephone town hall meet-

ing and was listening and talking with thousands of people in southern California. Our unemployment rate is not quite as high as the gentleman faces in the San Joaquin Valley. The part of the area I represent, the Inland Empire, just in suburban Los Angeles, has a 14.2 percent unemployment rate. It's a very serious issue.

We need to work together in a bipartisan way. And I consistently stood in this well saying that what we should be doing in a bipartisan way is utilizing the John F. Kennedy, a great Democratic President, and Ronald Reagan model to get our economy back on track. We know what it will take. It's not a dramatic increase in Federal spending. It is encouraging, through incentives, private-sector job creation and economic growth.

This procedure is virtually unprecedented at this early point in the Congress. And I will say, Madam Speaker, that last week, last week, I would have thought that the majority would have learned its lesson as it imposed martial law rule at the end of last week, and then had to come back, and my friend was in fact managing in what was a very unfortunate circumstance for the institution, the idea of pulling back on the McDermott amendment that was considered that clearly, Democrats and Republicans alike, recognized would have jeopardized the security of the courageous men and women who serve in our intelligence field around the world.

So I'd be happy to yield to my friend if he'd like to respond to any of my comments.

Mr. CARDOZA. Well, in response, Madam Speaker, I would just raise that it's my belief that the Senate voted 78 to some teen number. I'm not sure what the final tally was.

Mr. DREIER. It was 19.

Mr. CARDOZA. Nineteen, on behalf of the package, the jobs bill that we're contemplating bringing up tomorrow. Now, this illustrates the point that we've been frustrated for a long time. The gentleman is correct that both his district and my district are suffering from lack of jobs, too high unemployment. But when you get a constant slowing down of the process in the Senate to the point where we can't accomplish what the American people want us to accomplish in this Congress, then you will have this kind of situation where we get into a situation where 200,000 people have been put out of work because of lack of action by the other body.

Mr. DREIER. Madam Speaker, if I can reclaim my time, the gentleman is not talking about people being put out of work; what he's talking about is people who are not receiving these benefits.

Madam Speaker, let me just say that everyone acknowledges that we want to make sure that people who are struggling to find a job today and are unable to find a job are able to receive those benefits. No one wants to deny

that. Our colleague in the other body who was raising concern about the spending issue and offsets and pay-as-you-go, which is something that I know my friend has regularly championed, is what led to this issue.

The question is: What is it that we do to get the economy back on track? We've seen a massive increase in spending in a wide range of areas. And guess what? We still have an unemployment rate at right around just under 10 percent nationally, 20 percent in my friend's district, and 14 percent-plus in part of the area that I represent. That's why I believe we should be utilizing this bipartisan John F. Kennedy-Ronald Reagan model. That's what we should do to address the shared concern that we have. But in saying this, Madam Speaker, I point to the fact that we should not be imposing martial law, undermining the ability for us to do what my friend said should be done, and that is working together in a bipartisan way. Because when you at this early point in the Congress, in this session of Congress, impose martial law rule, you undermine the ability for us to work together in a bipartisan way.

Mr. CARDOZA. I will just respond by saying that I'd love to work in a bipartisan way. But you need partners in a bipartisan process. Frankly, we've seen more push-back and diversion and obfuscation of the details and the merits of this legislation. A bill that passes 78-19, as the gentleman indicated, is one where there is significant agreement. Yet, the rules of the Senate often times allow there to be significant delays in very needed legislation to come to the aid of our constituents.

And so I would say that, yes, today or tomorrow we need to bring up a bill that deals with the unemployment benefit for my constituents and Mr. DREIER's and the rest of the Nation's as well. We need to put those transit workers back to work. We need to take care of the business before us. And when we constantly see the generally unfeeling situation where we're just going to have a filibuster in the Senate while folks will no longer get their unemployment benefits and suffer in the process, I don't think that's what the American people sent us here to do.

I believe that we must pass this rule. We must move the jobs bill as soon as humanly possible. And we need to also deal with the education bill that we brought up before the House and is the main purpose for why we're here today.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

Madam Speaker, the reason that the folks on the other side of the aisle are pushing through this martial law rule, same-day rule, is because they have problems in their own caucus. As the gentleman says, they're still contemplating what it is they want to do. Unfortunately, when the Democrats maybe get together and decide what it is they want to do, then they're just

going to spring a bill on us and not even give us a day to read the bill. They just want to bring it onto the floor immediately and then be able to deal with it because, again, they don't know what they want to do. They have dissension in their own caucus.

Every time they can't get their act together, they blame it on the Republicans. They're totally in charge of this Congress, totally in charge of the executive branch, and yet every day we hear its the Republicans' fault that we can't get these things done. You all won't be bipartisan. We're very happy to be bipartisan. We're very happy to sit down and talk about what needs to be done. The American people are telling us every day. We're listening to what the American people are saying. It's obvious that the folks on the other side are not.

This bill, Madam Speaker, authorizes such sums as may be necessary for fiscal years 2011 through 2015 to establish grants to States to help some of their costs. "Such sums" is a blank check. We have the worst fiscal crisis we have had in this country in a long, long time. Again, we hear about it all the time on the other side of the aisle. But do they do anything to try to work on that fiscal crisis? No. They make it worse by continuing to authorize "such sums." And we have bills like this every day that continue to authorize more spending, more spending, more spending.

I will be submitting, Madam Speaker, a chart that shows how much money on other bills, such as No Child Left Behind, has been authorized, and then how much is actually spent, because we have a history of that. And we know that when you put out bills that say "such sums," with an estimate of what will be spent, that we always go over in that spending. I will submit that chart for the RECORD, Madam Speaker.

TITLE I, NO CHILD LEFT BEHIND FUNDING

[In million of dollars]

FY2001	8,763
FY2002	10,350
FY2003	11,689
FY2004	12,342
FY2005	12,740
FY2006	12,713
FY2007	12,838
FY2008	13,899
FY2009*	14,492
Total Funding	109,826

*Excludes economic stimulus funding under the American Recovery and Reinvestment Act.

TOTAL NO CHILD LEFT BEHIND FUNDING

[In millions of dollars]

FY2001	17,382
FY2002	22,013
FY2003	23,625
FY2004	24,309
FY2005	24,350
FY2006	23,333
FY2007	23,487
FY2008	24,417
FY2009*	24,954
Total Funding	207,870

*Excludes economic stimulus funding under the American Recovery and Reinvestment Act.

We, again, have colleagues on both sides of the aisle who support the un-

derlying bill here. I have great respect for my colleagues on the Education Committee and some not on the Education Committee who will support this bill. I know that they have the best intentions. But sometimes good intentions can have insidious results. One of the insidious results that will come from this bill is to take away from the States the right they have to regulate education. That is given to them by the Constitution.

I don't think that we should be approving the underlying bill, and we certainly should not be voting for a rule that violates even the promises that the majority made, which sounded so good to the American people and which helped them win the majority in 2006 and gain seats in 2008. And every promise has been violated.

So I ask my colleagues to vote "no" on the rule and "no" on the underlying bill, although I know that I have colleagues who will vote for the bill.

With that, I yield back the balance of my time.

Mr. CARDOZA. I'd like to thank the gentlewoman from North Carolina for engaging with me today and my colleague from California in the discussion that we've had on both the underlying bill and the question of the need to bring jobs to the United States of America.

The minority would have you believe that we have totally clamped down on this process and would not allow them to bring up dissenting views on this bill. In fact, nothing could be further from the truth. In fact, the Rules Committee granted the minority the opportunity to submit a substitute. They chose not to.

□ 1315

We made in order both amendments that were submitted to the committee. So basically everything that was offered as a suggestion to improve the bill has been incorporated to this point.

The gentlelady chose not to respond when I pointed out that 19 States have no restrictions whatsoever on using child restraints. And her own State allows for seclusion and restraint to maintain order, and does not require that there be imminent danger or even an emergency in order to duct tape children to seats, to lock them in closets, deny them food, deny them water, deny them access, without parental notification. That is the purpose of this underlying bill, to improve the situation that children are exposed to in our classrooms.

Just a few years ago, 33,000 children in just the two States of Texas and California were exposed to this kind of situation, or at least allegedly so. I would say that we need these guidelines, that we need to intervene, and we need to provide the States with the opportunity to understand what is happening. And we need to compile the statistics, all of which is included in the bill.

Madam Speaker, there is an urgent problem in many of the schools across the country that has gone unchecked for far too long and must be addressed. H.R. 4247 will go a long way towards ensuring the safety of our Nation's children. Again, I ask my colleagues on both sides of the aisle to support this commonsense legislation. I urge a "yes" vote on the rule and on the previous question.

Mr. GINGREY of Georgia. Madam Speaker, I rise today in strong opposition to this rule, as well as to the underlying legislation, H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act. As a former Marietta, Georgia School Board Member and as a grandfather with grandchildren in both public and private schools, I believe that it is critically important that students can feel safe in schools.

However, this legislation is not the right way to address this important matter. H.R. 4247 represents a "Washington knows best" solution and a one-size-fits-all approach to educational decisions where there is not precedence for federal action. Currently, there are 31 states that have actively taken a role in enacting policies that address the restraint and seclusion of students. Furthermore, 15 additional states—including my home State of Georgia—are planning on addressing this issue this year.

Madam Speaker, H.R. 4247 is a gross infringement on states' rights under the 10th amendment to the Constitution. This legislation tells our states that the work they do to keep our children safe is woefully inadequate and leaves them no flexibility to meet the individual needs of their students.

Additionally, I have grave concerns about the scope of this legislation as it relates to private schools. On page 9 of the bill, H.R. 4247 specifically defines a school subjected to this legislation as "public or private" and "receives . . . support in any form from . . . the Department of Education."

Madam Speaker, this clearly undermines the longstanding policy that limits federal intrusion into private schools. If this legislation passes, I fear that private schools will begin to limit services that their students are entitled to receive under federal law as a way to avoid being subjected to the law. Therefore, the federal safety standards afforded to children under H.R. 4247 will come at the sacrifice of the educational experience for those students who choose to be in private schools.

Make no mistake; the 10 cases that our colleagues on the Education and Labor Committee examined in their May 2009 hearing on this issue are absolutely tragic. My condolences go out to all of the victims of these horrific acts. There is no doubt that mechanisms should be put in place to protect the safety of both our students and faculty so that tragedies like the ones that have already occurred can be avoided in the future.

However Madam Speaker, I do not believe it is the job of this body or the federal government as a whole to tackle this issue when we leave educational decisions primarily to the states. Instead of passing H.R. 4247, we should be encouraging the 19 states that do not have existing policies on student restraint and seclusion to act as quickly and as swiftly as possible so that all states can keep their students safe in schools.

Madam Speaker, for the sake of the 10th amendment and states' rights, I ask that all of my colleagues oppose this rule, and I urge the defeat of the underlying legislation, H.R. 4247.

Mr. CORDOZA. 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 ayes appeared to have it.

Ms. FOXX. Madam 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 incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

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

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1127) expressing concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1127

Whereas all Federal employees, and those from the Internal Revenue Service in particular, have experienced a terrible tragedy in the suicide plane attack on February 18, 2010;

Whereas Vernon Hunter, who lost his life in the terror attack, had 48 years of public service, including 20 years of serving in the United States Army and 2 tours in Vietnam;

Whereas Federal, State, and local officials have cooperated to respond promptly and professionally to the attack and provide assistance to Internal Revenue Service victims and families affected by the crash; and

Whereas Federal employees, from the Armed Forces to the Internal Revenue Service, serve their Nation with honor and commitment, and perform public service that benefits the entire Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the terror attack perpetrated deliberately against Federal employees of the Internal Revenue Service in Austin, Texas;

(2) honors Vernon Hunter, a victim of the crash, Shane Hill, who suffered severe injuries, and all those who were injured for their service to our Nation;

(3) commends Internal Revenue Service employees for their dedication and public service;

(4) recognizes the heroic actions of the first responders, emergency services personnel, Internal Revenue Service employees, and citizens on the ground in Austin such as Robin De Haven whose actions minimized the loss of life; and

(5) rejects any statement or act that deliberately fans the flames of hatred or expresses sympathy for those who would attack public servants serving our Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 1127.

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

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself such time as I may consume.

On February 18, the IRS family suffered a terrible tragedy. I rise today to express my deepest sympathies to the families of Vernon Hunter, Shane Hill, and the employees at the IRS in Austin, Texas. We as a Nation and as a people are much better than this. We should be better to each other. This type of attack is just wrong, and we must not tolerate violence against our public servants.

I understand that people may not like to pay their taxes, but we cannot take out our anger on IRS employees. They do not deserve this. The people who work at the Internal Revenue Service are mothers and fathers and brothers and sisters who work hard each and every day. They do their jobs, and they do them well. They perform a public service that benefits the entire Nation. This Congress is committed to the safety of each and every person who serves this Nation.

I want to thank the IRS Commissioner for the steps he has taken to enhance security at all IRS sites around the country. We will continue to make sure that the Internal Revenue Service has the resources to improve security at its offices.

I was moved by the many stories of people who reached out and helped each other during this terrible tragedy. Even in the face of chaos and violence, people reached out and helped each other. First responders, emergency personnel, employees, and other citizens showed great courage and compassion to minimize the loss of life. I thank them all and honor them today.

Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I might consume.

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

Mr. BOUSTANY. Like all my colleagues here in the House of Representatives, I was shocked and horrified by the tragedy that occurred at the IRS office in Austin, Texas, on February 18. I especially want to offer my condolences to the family of Vernon Hunter, who lost his life in this senseless attack. Mr. Hunter dedicated his life to serving his country, including 20 years in the U.S. Army and two tours in Vietnam. I stand with my colleagues today to honor his service and his memory.

We should also recognize the courage and heroism of those men and women, including IRS employees, first responders, and others, who responded to the attack to ensure that our country did not suffer even greater losses.

I would like to associate myself with the words of President Obama to the employees of the IRS when he said, and I quote, "I am thankful for your dedication, courage, and professionalism as we rebuild in Austin. And as you continue your work, we will do what is needed to ensure your safety. We are grateful for your service to this country. May God bless you and the United States of America."

Madam Speaker, I reserve the balance of my time.

□ 1330

Mr. LEWIS of Georgia. Madam Speaker, I'm pleased to yield such time as he may consume to my colleague and my friend, the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee and a sponsor of the resolution.

Mr. DOGGETT. I thank the gentleman from Georgia and the gentleman from Louisiana for their important comments. The recent suicide attack in my hometown of Austin, Texas, on an IRS building was a horrible tragedy. I authored this resolution to honor those who were victims, to recognize the courage that was displayed by so many that day, and to condemn such cowardly acts of violence.

Seeing that building aflame after this premeditated suicide attack which was, in the words of Austin Mayor Lee Leffingwell, "perpetrated in rage without any regard for the sanctity of human life," I was just amazed that not more of our neighbors were harmed. In large measure, this was the result of the valor and professionalism amidst the flames and the chaos of the Federal workers, others who came upon the scene, and our local first responders.

Leaders of these well-trained professionals who rose to the call of duty that day include our Austin Police Chief, Art Acevedo; our Fire Chief, Rhoda Mae Kerr; our EMS Director, Ernie Rodriguez; and Travis County HAZMAT Chief, Gary Warren who, with the Westlake Fire Department, was fortunately near the site of the attack and raced into action. And I know