

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 1, answered “present” 1, not voting 20, as follows:

[Roll No. 80]

AYES—409

Ackerman	Connolly (VA)	Hensarling
Aderholt	Conyers	Herger
Adler (NJ)	Cooper	Herseth Sandlin
Akin	Costa	Higgins
Alexander	Costello	Hill
Altmire	Courtney	Himes
Andrews	Crenshaw	Hinchey
Arcuri	Crowley	Hirono
Austria	Cuellar	Hodes
Baca	Culberson	Holden
Bachmann	Cummings	Holt
Bachus	Davis (CA)	Honda
Baird	Davis (IL)	Hoyer
Baldwin	Davis (KY)	Hunter
Barrow	Davis (TN)	Inglis
Bartlett	DeFazio	Inslee
Barton (TX)	DeGette	Israel
Bean	Delahunt	Issa
Becerra	DeLauro	Jackson (IL)
Berkley	Dent	Jenkins
Berman	Diaz-Balart, L.	Johnson (GA)
Berry	Diaz-Balart, M.	Johnson (IL)
Biggert	Dicks	Johnson, E. B.
Bilirakis	Dingell	Johnson, Sam
Bishop (GA)	Doggett	Jones
Bishop (NY)	Donnelly (IN)	Jordan (OH)
Blackburn	Doyle	Kagen
Blumenauer	Dreier	Kanjorski
Blunt	Driehaus	Kaptur
Boccieri	Duncan	Kennedy
Boehner	Edwards (MD)	Kildee
Bonner	Edwards (TX)	Kilpatrick (MI)
Bono Mack	Ehlers	Kilroy
Boozman	Ellison	Kind
Boren	Ellsworth	King (IA)
Boswell	Emerson	King (NY)
Boucher	Engel	Kirk
Boustany	Eshoo	Kirkpatrick (AZ)
Boyd	Etheridge	Kissell
Brady (PA)	Farr	Klein (FL)
Brady (TX)	Fattah	Kline (MN)
Braley (IA)	Filner	Kosmas
Bright	Flake	Kratovil
Broun (GA)	Fleming	Kucinich
Brown (SC)	Forbes	Lamborn
Brown, Corrine	Fortenberry	Lance
Buchanan	Foster	Langevin
Burgess	Fox	Larsen (WA)
Burton (IN)	Frank (MA)	Larson (CT)
Butterfield	Franks (AZ)	Latham
Buyer	Frelinghuysen	LaTourette
Calvert	Fudge	Latta
Camp	Gallely	Lee (CA)
Cantor	Garrett (NJ)	Lee (NY)
Cao	Gerlach	Levin
Capito	Giffords	Lewis (CA)
Capps	Gingrey (GA)	Lewis (GA)
Capuano	Gonzalez	Lipinski
Cardoza	Goodlatte	LoBiondo
Carnahan	Gordon (TN)	Loeb
Carney	Granger	Lofgren, Zoe
Carson (IN)	Graves	Lowey
Carter	Grayson	Lucas
Cassidy	Green, Al	Luetkemeyer
Castle	Green, Gene	Lujan
Castor (FL)	Griffith	Lummis
Chaffetz	Grijalva	Lungren, Daniel
Chandler	Guthrie	E.
Childers	Gutierrez	Lynch
Chu	Hall (NY)	Mack
Clarke	Hall (TX)	Maffei
Clay	Halvorson	Maloney
Cleaver	Hare	Manzullo
Clyburn	Harman	Marchant
Coble	Harper	Markey (CO)
Coffman (CO)	Hastings (FL)	Markey (MA)
Cohen	Hastings (WA)	Marshall
Cole	Heinrich	Massa
Conaway	Heller	Matheson

Matsui	Peterson	Shuler
McCarthy (CA)	Petri	Shuster
McCarthy (NY)	Pingree (ME)	Simpson
McCaul	Pitts	Sires
McClintock	Platts	Skelton
McCollum	Poe (TX)	Slaughter
McCotter	Polis (CO)	Smith (NE)
McDermott	Posey	Smith (NJ)
McGovern	Price (GA)	Smith (TX)
McHenry	Price (NC)	Smith (WA)
McIntyre	Putnam	Snyder
McKeon	Quigley	Souder
McMahon	Radanovich	Space
McMorris	Rahall	Speier
Rodgers	Rangel	Spratt
McNerney	Rehberg	Stark
Meek (FL)	Reichert	Stearns
Meeks (NY)	Reyes	Stupak
Melancon	Richardson	Sutton
Mica	Rodriguez	Tanner
Michaud	Roe (TN)	Taylor
Miller (FL)	Rogers (AL)	Teague
Miller (MI)	Rogers (KY)	Terry
Miller (NC)	Rogers (MI)	Thompson (CA)
Miller, Gary	Rohrabacher	Thompson (MS)
Miller, George	Rooney	Thompson (PA)
Minnick	Ros-Lehtinen	Thornberry
Mitchell	Roskam	Tiahrt
Mollohan	Ross	Tiberi
Moore (KS)	Rothman (NJ)	Tierney
Moore (WI)	Roybal-Allard	Titus
Moran (KS)	Royce	Tonko
Moran (VA)	Ruppersberger	Towns
Murphy (CT)	Rush	Tsongas
Murphy (NY)	Ryan (OH)	Upton
Murphy, Patrick	Ryan (WI)	Van Hollen
Murphy, Tim	Salazar	Velázquez
Myrick	Sánchez, Linda	Visclosky
Nadler (NY)	T.	Walden
Napolitano	Sanchez, Loretta	Walz
Neal (MA)	Sarbanes	Waters
Neugebauer	Scalise	Watson
Nunes	Schakowsky	Watt
Nye	Schauer	Waxman
Oberstar	Schiff	Weiner
Obey	Schmidt	Welch
Olson	Schock	Westmoreland
Oliver	Schrader	Whitfield
Ortiz	Schwartz	Wilson (OH)
Owens	Scott (GA)	Wilson (SC)
Pallone	Scott (VA)	Wittman
Pascarella	Sensenbrenner	Wolf
Pastor (AZ)	Serrano	Woolsey
Paulsen	Sessions	Wu
Payne	Sestak	Yarmuth
Pence	Shadegg	Young (AK)
Perlmutter	Shea-Porter	Young (FL)
Perriello	Sherman	
Peters	Shimkus	

NOES—1

Paul

ANSWERED “PRESENT”—1

Bishop (UT)

NOT VOTING—20

Barrett (SC)	Fallin	Linder
Bilbray	Garamendi	Pomeroy
Brown-Waite,	Gohmert	Sullivan
Ginny	Hinojosa	Turner
Campbell	Hoekstra	Wamp
Dahlkemper	Jackson Lee	Wasserman
Davis (AL)	(TX)	Schultz
Deal (GA)	Kingston	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1435

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. CARTER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CARTER. Mr. Speaker, the gentleman from New York (Mr. RANGEL) submitted a letter to the Speaker of the House, Nancy PELOSI, that states, “I request leave of absence from my duties and responsibilities as chairman of the Committee on Ways and Means until such time as the Committee on Standards completes its finding on the review currently underway.”

This morning, that letter to the Speaker was read into the proceedings, and at that time the Speaker pro tem, Ms. SCHAKOWSKY, in accepting the letter stated, “The resignation is accepted.”

I have a parliamentary inquiry regarding the nature of the resignation. Under this morning’s procedure, is Mr. RANGEL the chairman of the Committee on Ways and Means?

The SPEAKER pro tempore. This morning, the House accepted the resignation of the gentleman from New York as chair of the Committee on Ways and Means. He has resigned from the chairmanship of the Committee on Ways and Means.

Mr. CARTER. So does that mean the answer is no, he is not the chairman?

The SPEAKER pro tempore. That is correct.

Mr. CARTER. Further parliamentary inquiry, under House rule X, clause 5(c), which states, “In the absence of the member serving as chair, the member next in rank (and so on, as often as the case shall happen) shall act as chair.”

Mr. Speaker, under the rules of the House, who is currently the chair of the Committee on Ways and Means?

The SPEAKER pro tempore. In the case to which the inquiry alludes, the member of the committee next in rank is the gentleman from California (Mr. STARK), so he would currently act as chair.

Mr. CARTER. Mr. Speaker, further parliamentary inquiry, under House Resolution 24, the gentleman from California (Mr. STARK) ranks next after Mr. RANGEL on the resolution electing the members of the committee. Under that resolution and by operation of House rule X, clause 5(c), Mr. STARK is currently the chairman of Ways and Means as I understand the answer. Is that correct?

The SPEAKER pro tempore. The gentleman from California is acting chair. Clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution, which typically is produced by direction of the majority party caucus.

Mr. CARTER. Further parliamentary inquiry, in light of Mr. RANGEL’s letter to the Speaker, which states in relevant part that he requests a leave of absence, does reinstating the gentleman from New York (Mr. RANGEL) to the chairmanship of the Committee on Ways and Means require, as a necessary action, the adopting of a resolution by the full House of Representatives electing him as chair?

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

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

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

PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

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

The Clerk read the title of the bill.

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

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

H.R. 4247

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Harmful Restraint and Seclusion in Schools Act”.

SEC. 2. FINDINGS.

Congress finds the following:

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

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

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

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

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

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

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

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

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

SEC. 3. PURPOSES.

The purposes of this Act are to—

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

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

(3) protect students from—

(A) physical or mental abuse;

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

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

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

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

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

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

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

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

SEC. 4. DEFINITIONS.

In this Act:

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

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

(B) administered as prescribed by the licensed physician.

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

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

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

(5) **MECHANICAL RESTRAINT.**—The term “mechanical restraint” has the meaning given the

term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting “student's” for “resident's”.

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

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

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

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

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

(11) **SCHOOL.**—The term “school” means an entity—

(A) that—

(i) is a public or private—

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

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

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

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

(12) **SCHOOL PERSONNEL.**—The term “school personnel” has the meaning—

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

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

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

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

(15) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

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

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

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

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