

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4247) TO PREVENT  
AND REDUCE THE USE OF PHYSICAL RESTRAINT AND SECLUSION IN  
SCHOOLS, AND FOR OTHER PURPOSES

MARCH 2, 2010.—Referred to the House Calendar and ordered to be printed

Mr. CARDOZA, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 1126]

The Committee on Rules, having had under consideration House Resolution 1126, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4247, the “Preventing Harmful Restraint and Seclusion in Schools Act,” under a structured rule providing one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The resolution waives all points of order against consideration of the bill except for clauses 9 and 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 resolution waives all points of order against provisions of the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution provides that the bill, as amended, shall be considered as read.

The resolution makes in order the amendment printed in part A of this report if offered by Rep. George Miller 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. The resolution also makes in order the amendment printed in part B of this report if offered by Rep. Flake 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. The resolution waives all points of order against the

amendments printed in this report except for clauses 9 and 10 of rule XXI. The resolution provides one motion to recommit with or without instructions. The resolution provides that 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.

The resolution provides that measures may be considered under suspension of the rules at any time through Thursday, March 4, 2010. 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 authority. The resolution waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported from the Rules Committee through the legislative day of Thursday, March 4, 2010.

#### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) and all points of order against provisions of the bill, as amended (except for clause 10 of rule XXI), the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 324*

Date: March 2, 2010.

Measure: H.R. 4247.

Motion by: Mr. Dreier.

Summary of motion: To amend the rule to restrict the authority in sections 4 and 5 of the rule (relating to suspension authority and same-day consideration of rules) to measures relating to jobs or expiring provisions.

Results: Defeated 2–9.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

#### SUMMARY OF THE AMENDMENT IN PART A TO BE MADE IN ORDER

Miller, George (CA)—Would change the short title of the bill and make minor technical edits. (10 minutes)

#### SUMMARY OF THE AMENDMENT IN PART B TO BE MADE IN ORDER

Flake (AZ)—Would presume that grants awarded under this Act will be awarded using competitive, merit-based procedures, and would require that if a non-competitive basis is used, the Secretary of Education must report to Congress the reason why competition was not used. It would also require that no funds appropriated under this Act may be used for a congressional earmark, as defined in clause 9e of rule XXI of the Rules of the House of Representatives. (10 minutes)

## PART A—TEXT OF THE AMENDMENT TO BE MADE IN ORDER

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

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

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

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

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

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

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

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

## PART B—TEXT OF THE AMENDMENT TO BE MADE IN ORDER

Add at the end the following:

**“SEC. 13. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.**

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

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

**“SEC. 14. PROHIBITION ON EARMARKS.**

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