

1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1003. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Perry, IA [Airspace Docket No. 98-ACE-52] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1004. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Boonville, MO [Airspace Docket No. 99-ACE-6] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1005. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Selinsgrove, PA [Airspace Docket No. 98-AEA-45] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1006. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Leadville, CO [Airspace Docket No. 98-ANM-08] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1007. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rockland, ME [Airspace Docket No. 98-ANE-95] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1008. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29467; Amdt. No. 414] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

21.3 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mrs. EMERSON laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES, Washington, DC, March 10, 1999.

Hon. J. DENNIS HASTERT, Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Having accepted an appointment to the Committee on the Judiciary, I must hereby regretfully resign from the Committee on Veterans' Affairs.

Sincerely,

SPENCER BACHUS, Member of Congress.

By unanimous consent, the resignation was accepted.

21.4 COMMITTEE ELECTION—MAJORITY

Mr. GOODLING, by unanimous consent, submitted the following privileged resolution (H. Res. 108):

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on the Judiciary: Mr. SCARBOROUGH of Florida.

Committee on Veterans' Affairs: Mr. BAKER of Louisiana.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

21.5 EDUCATION FLEXIBILITY PARTNERSHIP

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to House Resolution 100 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 800) to provide for education flexibility partnerships.

Mr. WELLER, Acting Chairman, assumed the chair; and after some time spent therein,

21.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCOTT:

In section 4(c) (of H.R. 800, as reported), after "Secretary", insert "or a State educational agency".

At the end of section 4(c)(1)(G) (of H.R. 800, as reported), strike "and".

After subparagraph (H) of section 4(c) of H.R. 800, as reported, insert the following:

(I) in the case of a school that participates in a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, the eligibility requirements of such section if such a school serves a school attendance area in which less than 35 percent of the children are from low-income families; and

It was decided in the { Yeas 195 negative } { Nays 223

21.7 [Roll No. 40] AYES—195

- Abercrombie, Ackerman, Allen, Andrews, Baird, Baldacci, Baldwin, Barcia, Barrett (WI), Bentsen, Bereuter, Berkley, Berman, Berry, Bishop, Blumenauer, Bonior, Borski, Boswell, Boucher, Brady (PA), Brown (CA), Brown (FL), Brown (OH), Capuano, Cardin, Carson, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Costello, Coyne, Cramer, Crowley, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, DeLauro, Deutsch, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Filner, Ford, Frank (MA), Gejdenson, Gephardt, Gonzalez, Gordon, Green (TX), Gutierrez, Hall (OH), Hall (OH), Hastings (FL), Hill (IN), Hilliard, Hinchey, Hinojosa, Holden, Holt, Hooley, Hoyer, Insee, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson, E. B., Jones (OH), Kanjorski, Kennedy, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lamson, Lantos, Larson, Lee, Levin, Lewis (GA), Lofgren, Lowey, Lucas (KY), Luther, Maloney (CT), Maloney (NY), Markey, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McIntyre, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Millender, McDonald, Miller, George, Minge, Mink, Moakley, Mollohan, Moore, Moran (VA), Murtha, Nadler, Napolitano, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Phelps, Pickett, Pomeroy, Price (NC), Rahall, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Aderholt, Archer, Arney, Bachus, Baker, Ballenger, Barr, Bartlett, Barton, Bass, Bateman, Biggett, Bilirakis, Biiley, Blunt, Boehlert, Boehner, Bonilla, Bono, Boyd, Brady (TX), Bryant, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Coble, Coburn, Collins, Combest, Cook, Cooksey, Crane, Cuban, Cunningham, Davis (VA), Deal, DeLay, DeMint, Diaz-Balart, Dickey, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Everett, Ewing, Fletcher, Foley, Forbes, Fossella, Fowler, Franks (NJ), Frelinghuysen, Gallegly, Ganske, Gekas, Gibbons, Gilchrist, Gillmor, Gilman, Goode, Goodlatte, Goodling, Goss, Graham, Granger, Green (WI), Greenwood, Gutknecht, Hall (TX), Hansen, Hastings (WA), Hayes, Hayworth, Heffley, Herger, Hill (MT), Hilleary, Hobson, Hoeffel, Hoekstra, Horn, Hostettler, Houghton, Hulshof, Hunter, Hutchinson, Hyde, Isakson, Istook, Jenkins, Johnson (CT), Johnson, Sam, Jones (NC), Kasich, Kelly, King (NY), Kingston, Knollenberg, Kolbe, Kuykendall, LaHood, Largent, Latham, LaTourette, Lazio, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lucas (OK), Manullo, Dunn, McCollum, McHugh, McInnis, McIntosh, McKeon, Metcalf, Mica, Miller (FL), Miller, Gary, Moran (KS), Morella, Myrick, Nethercutt, Northup, Norwood, Nussle, Ose, Oxley, Packard, Paul, Pease, Peterson (PA), Petri, Pickering, Pitts, Pombo, Porter, Portman, Pryce (OH), Quinn, Radanovich, Ramstad, Regula, Reynolds, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryan (WI), Ryan (KS), Salmon, Sanford, Saxton, Scarborough, Schaffer, Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shuster, Simpson, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Souder, Spence, Stearns, Stump, Sununu, Sweeney, Talent, Tancredo, Tauzin, Taylor (MS), Taylor (NC), Terry, Thomas, Thornberry, Thune, Tiahrt, Toomey, Upton, Walden, Walsh, Wamp, Watkins, Watts (OK), Weldon (FL), Weldon (PA), Weller, Whitfield, Wickner, Wilson, Wolf, Young (AK), Young (FL)

- Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Phelps, Pickett, Pomeroy, Price (NC), Rahall, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schakowsky, Scott, Serrano, Sherman, Shows, Sisisky, Skelton, Slaughter, Snyder, Spratt, Stabenow, Stark, Stenholm, Strickland, Stupak, Tanner, Tauscher, Thompson (CA), Thompson (MS), Thurman, Tierney, Towns, Traficant, Turner, Udall (CO), Udall (NM), Velazquez, Vento, Visclosky, Waters, Watt (NC), Waxman, Weiner, Wexler, Weygand, Wise, Woolsey, Wu, Wynn

NOES—223

- Aderholt, Archer, Arney, Bachus, Baker, Ballenger, Barr, Bartlett, Barton, Bass, Bateman, Biggett, Bilirakis, Biiley, Blunt, Boehlert, Boehner, Bonilla, Bono, Boyd, Brady (TX), Bryant, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Coble, Coburn, Collins, Combest, Cook, Cooksey, Crane, Cuban, Cunningham, Davis (VA), Deal, DeLay, DeMint, Diaz-Balart, Dickey, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Everett, Ewing, Fletcher, Foley, Forbes, Fossella, Fowler, Franks (NJ), Frelinghuysen, Gallegly, Ganske, Gekas, Gibbons, Gilchrist, Gillmor, Gilman, Goode, Goodlatte, Goodling, Goss, Graham, Granger, Green (WI), Greenwood, Gutknecht, Hall (TX), Hansen, Hastings (WA), Hayes, Hayworth, Heffley, Herger, Hill (MT), Hilleary, Hobson, Hoeffel, Hoekstra, Horn, Hostettler, Houghton, Hulshof, Hunter, Hutchinson, Hyde, Isakson, Istook, Jenkins, Johnson (CT), Johnson, Sam, Jones (NC), Kasich, Kelly, King (NY), Kingston, Knollenberg, Kolbe, Kuykendall, LaHood, Largent, Latham, LaTourette, Lazio, Leach, Lewis (CA), Lewis (KY), Linder, Lipinski, LoBiondo, Lucas (OK), Manullo, Dunn, McCollum, McHugh, McInnis, McIntosh, McKeon, Metcalf, Mica, Miller (FL), Miller, Gary, Moran (KS), Morella, Myrick, Nethercutt, Northup, Norwood, Nussle, Ose, Oxley, Packard, Paul, Pease, Peterson (PA), Petri, Pickering, Pitts, Pombo, Porter, Portman, Pryce (OH), Quinn, Radanovich, Ramstad, Regula, Reynolds, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryan (WI), Ryan (KS), Salmon, Sanford, Saxton, Scarborough, Schaffer, Sensenbrenner, Sessions, Shadegg, Shaw, Shays, Sherwood, Shimkus, Shuster, Simpson, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Souder, Spence, Stearns, Stump, Sununu, Sweeney, Talent, Tancredo, Tauzin, Taylor (MS), Taylor (NC), Terry, Thomas, Thornberry, Thune, Tiahrt, Toomey, Upton, Walden, Walsh, Wamp, Watkins, Watts (OK), Weldon (FL), Weldon (PA), Weller, Whitfield, Wickner, Wilson, Wolf, Young (AK), Young (FL)

NOT VOTING—15

Barrett (NE)	Cox	Kaptur
Becerra	Delahunt	Martinez
Bilbray	Fattah	McCrery
Blagojevich	Frost	Rangel
Capps	John	Reyes

So the amendment was not agreed to. The SPEAKER pro tempore, Mrs. EMERSON, assumed the Chair.

When Mr. WELLER, Acting Chairman, pursuant to House Resolution 100, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Flexibility Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing education reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide education reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving math and science performance under title II of the Elementary and Secondary Education Act of 1965, (Dwight D. Eisenhower Professional Development Program), and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATTENDANCE AREA.—The term "attendance area" has the meaning given the term

"school attendance area" in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965.

(2) ED-FLEX PARTNERSHIP STATE.—The term "Ed-Flex Partnership State" means an eligible State designated by the Secretary under section 4(a)(1)(B).

(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms "local educational agency" and "State educational agency" have the meaning given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

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

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATION FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for the State educational agency or any local educational agency or school within the State.

(B) DESIGNATION.—The Secretary shall designate each eligible State participating in the program described in subparagraph (A) to be an Ed-Flex Partnership State.

(2) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) developed and implemented content standards and interim assessments and made substantial progress, as determined by the Secretary, toward developing and implementing performance standards and final aligned assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4); and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an education flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of specific educational objectives the State intends to meet under such a plan;

(iv) a description of the process by which the State will measure the progress of local educational agencies in meeting specific goals described in subsection (a)(4)(A)(iii); and

(v) an assurance that, not less than 30 days prior to waiving any Federal statutory or regulatory requirement, or in accordance with State law, the State educational agency shall give public notice in widely-read publications, such as large circulation newspapers and community newspapers, of its intent to grant such a waiver, a description of the Federal statutory or regulatory requirements that the State educational agency proposes to waive, any improved performance of students that is expected to result from the waiver, and the State official—

(I) to whom comments on the proposed waiver may be sent by interested individuals and organizations; and

(II) who will make all the comments received available for review by any member of the public.

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within such State in carrying out comprehensive education reform, after considering—

(i) the comprehensiveness and quality of the education flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the degree to which the State's objectives described in subparagraph (A)(iii)—

(I) are specific and measurable; and

(II) measure the performance of local educational agencies or schools and specific groups of students affected by waivers;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency, school, and group of students affected by the proposed waiver;

(iv) explain why the waiver will assist the local educational agency or school in meeting such goals; and

(v) provide an assurance that, not less than 30 days prior to submitting the application

to the State educational agency for a waiver under this section, or in accordance with State law, the local educational agency or school shall give public notice in widely-read publications, such as large circulation newspapers and community newspapers, of its intent to request the waiver, a description of the Federal statutory or regulatory requirements that will be waived, any improved performance of students that is expected to result from the waiver, and the name and address of the local educational agency official—

(I) to whom comments on the proposed waiver may be sent by interested individuals and organizations; and

(II) who will make all the comments received available for review by any member of the public.

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's education flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively;

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (1)(A) will assist the local educational agency or school in meeting its educational goals; and

(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met.

(D) TERMINATION.—If a local educational agency or school that receives a waiver under this section experiences a statistically significant decrease in the level of performance in achieving the objectives described in paragraph (3)(A)(iii) or goals in paragraph (4)(A)(iii) for 2 consecutive years, the State educational agency shall, after notice and an opportunity for a hearing to explain such decrease, terminate the waiver authority granted to such local educational agency or school. If, after notice and an opportunity for a hearing, the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school, the waiver shall not be terminated.

(5) OVERSIGHT AND REPORTING.—

(A) IN GENERAL.—

(i) OVERSIGHT.—Each State educational agency participating in the education flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section. Such monitoring shall include a review of relevant audit, technical assistance, evaluation, and performance reports.

(ii) REPORTING.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and its impact on the improvement of education programs.

(B) PERFORMANCE DATA.—

(i) STATE REPORTING.—Not later than 2 years after a State is designated as an Ed-Flex Partnership State, each such State shall include, as part of their report to the Secretary under clause (ii) of subparagraph (A), performance data demonstrating the degree to which progress has been made toward meeting the objectives outlined in section 3(A)(iii). The report to the Secretary shall, when applicable, include—

(I) information on the total number of waivers granted, including the number of waivers granted for each type of waiver;

(II) information describing the types and characteristics of waivers granted and their relationship to the progress of local educational agencies and schools toward meeting their performance objectives; and

(III) an assurance from State program managers that the data used to measure performance of the education flexibility program under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data.

(ii) SECRETARY REPORT.—The Secretary shall—

(I) make each State report available to Congress and the general public;

(II) submit to Congress a report, on a timely basis, that addresses the impact that the education flexibility program under this section has had with regard to performance objectives described in paragraph (3)(A)(iii).

The Secretary shall include in the report to Congress an assurance that the data used to measure performance of the education flexibility program under this section are complete, reliable, and accurate or a plan for improving the reliability, completeness, and accuracy of such data.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) PERFORMANCE REVIEW.—Three years after a State is designated an Ed-Flex Partnership State, the Secretary shall—

(i) review the performance of any State educational agency in such State that grants waivers of Federal statutory or regulatory requirements described in paragraph (1)(A); and

(ii) terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for a hearing, that such agency has failed to make measurable progress in meeting the objectives outlined in paragraph (3)(A)(iii) to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 1999 through 2004.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) the selection of schools to participate in part A of title I of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant waivers to allow schools to participate in part A of title I of such Act if the percentage of children from low-income families in the attendance area of such school or who actually attend such school is within 5 percentage points of the lowest percentage of such children for any school in the local educational agency that meets the requirements of section 1113 of the Act;

(G) use of Federal funds to supplement, not supplant, non-Federal funds; and

(H) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this Act shall not apply to a State educational agency that has been granted waiver authority under the following provisions of law:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading "EDUCATION REFORM" in the Department of Education Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-229).

(2) EXCEPTION.—If a State educational agency that has been granted waiver authority, pursuant to paragraph (1)(A) or (B), applies to the Secretary to extend such authority, the provisions of this Act, except subsection (e)(1), shall apply to such agency.

(3) EFFECTIVE DATE FOR EXISTING ED-FLEX PROGRAMS.—This Act shall apply to a State educational agency described in paragraph (2) beginning on the date that such an extension is granted.

(e) ACCOUNTABILITY.—

(1) EVALUATION FOR ED-FLEX PARTNERSHIP STATES.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if such agency—

(A) makes measurable progress toward achieving the objectives described in the application submitted pursuant to subsection (a)(3)(A)(iii); and

(B) demonstrates that local educational agencies or schools affected by such waiver or authority have made measurable progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(4)(A)(iii).

(2) EVALUATION FOR EXISTING ED-FLEX PROGRAMS.—In deciding whether to extend a request for a State educational agency described in subsection (d)(2) to issue waivers under this section, the Secretary shall review the progress of the agency in achieving the objectives set forth in the application submitted pursuant to subsection (a)(2)(B)(iii) of the Goals 2000: Educate America Act.

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, in-

cluding educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

(g) EFFECTIVE DATE.—This Act shall be effective during the period beginning on the date of the enactment of this Act and ending on the date of the enactment of an Act (enacted after the date of the enactment of this Act) that reauthorizes the Elementary and Secondary Education Act of 1965 in its entirety.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*, Will the House pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

Mr. GOODLING demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 330 affirmative } Nays 90

21.8 [Roll No. 41] AYES—330

Aderholt	Cramer	Gutierrez
Allen	Crane	Gutknecht
Andrews	Cubin	Hall (OH)
Archer	Cunningham	Hall (TX)
Armey	Danner	Hansen
Bachus	Davis (FL)	Hastert
Baird	Davis (VA)	Hayes
Baker	Deal	Hayworth
Baldacci	DeGette	Hefley
Baldwin	DeLauro	Herger
Ballenger	DeLay	Hill (IN)
Barcia	DeMint	Hill (MT)
Barr	Deutsch	Hilleary
Barrett (NE)	Diaz-Balart	Hinojosa
Bartlett	Dickey	Hobson
Barton	Dicks	Hoefel
Bass	Doggett	Hoekstra
Bateman	Dooley	Holden
Bentsen	Doolittle	Hooley
Bereuter	Doyle	Horn
Berkley	Dreier	Hostettler
Berry	Duncan	Houghton
Biggert	Dunn	Hoyer
Bilirakis	Edwards	Hulshof
Bishop	Ehlers	Hunter
Blagojevich	Ehrlich	Hutchinson
Bliley	Emerson	Hyde
Blumenauer	English	Inslee
Blunt	Eshoo	Isakson
Boehlert	Etheridge	Istook
Boehner	Evans	Jenkins
Bonilla	Everett	Johnson (CT)
Bono	Ewing	Johnson, Sam
Boswell	Farr	Jones (NC)
Boucher	Fletcher	Kanjorski
Boyd	Foley	Kasich
Brady (TX)	Forbes	Kelly
Brown (CA)	Ford	Kind (WI)
Bryant	Fossella	King (NY)
Burr	Fowler	Kingston
Burton	Franks (NJ)	Kleccka
Buyer	Frelinghuysen	Klink
Callahan	Gallely	Knollenberg
Calvert	Ganske	Kolbe
Camp	Gejdenson	Kuykendall
Campbell	Gekas	LaHood
Canady	Gephardt	Lampson
Cannon	Gibbons	Lantos
Cardin	Gilchrest	Largent
Castle	Gillmor	Larson
Chabot	Gilman	Latham
Chambliss	Gonzalez	LaTourette
Chenoweth	Goode	Lazio
Clement	Goodlatte	Leach
Coble	Goodling	Lewis (CA)
Coburn	Gordon	Lewis (KY)
Collins	Goss	Linder
Combest	Graham	Lipinski
Condit	Granger	LoBiondo
Cook	Green (TX)	Lofgren
Cooksey	Green (WI)	Lucas (KY)
Cox	Greenwood	Lucas (OK)

Luther	Price (NC)	Spence
Maloney (CT)	Pryce (OH)	Spratt
Maloney (NY)	Quinn	Stabenow
Manzullo	Radanovich	Stearns
Mascara	Rahall	Stenholm
Matsui	Ramstad	Strickland
McCarthy (NY)	Regula	Stump
McColum	Reynolds	Sununu
McHugh	Riley	Sweeney
McInnis	Rodriguez	Talent
McIntosh	Roemer	Tancredo
McIntyre	Rogan	Tanner
McKeon	Rogers	Tauscher
McNulty	Rohrabacher	Tauzin
Metcalf	Ros-Lehtinen	Taylor (MS)
Mica	Rothman	Taylor (NC)
Miller, Gary	Roukema	Terry
Mollohan	Royce	Thomas
Moore	Ryan (WI)	Thompson (CA)
Moran (KS)	Ryun (KS)	Thornberry
Moran (VA)	Sabo	Thune
Morella	Salmon	Tiahrt
Murtha	Sanders	Toomey
Myrick	Sandlin	Trafficant
Napolitano	Sanford	Turner
Nethercutt	Saxton	Udall (CO)
Ney	Scarborough	Udall (NM)
Northup	Schaffer	Upton
Norwood	Sensenbrenner	Walden
Nussle	Sessions	Walsh
Ortiz	Shadegg	Wamp
Ose	Shaw	Watkins
Oxley	Shays	Watts (OK)
Packard	Sherman	Weiner
Pascarell	Sherwood	Weldon (FL)
Paul	Shimkus	Weldon (PA)
Pease	Shows	Weller
Peterson (MN)	Shuster	Wexler
Peterson (PA)	Simpson	Weygand
Petri	Sisisky	Whitfield
Phelps	Skeen	Wicker
Pickering	Skelton	Wilson
Pickett	Slaughter	Wise
Pitts	Smith (MI)	Wolf
Pombo	Smith (TX)	Wu
Pomeroy	Smith (WA)	Wynn
Porter	Snyder	Young (AK)
Portman	Souder	Young (FL)

NOES—90

Abercrombie	Jackson-Lee	Oberstar
Ackerman	(TX)	Obey
Barrett (WI)	Jefferson	Olver
Berman	Johnson, E. B.	Owens
Bonior	Jones (OH)	Pallone
Borski	Kaptur	Pastor
Brady (PA)	Kennedy	Payne
Brown (FL)	Kildee	Pelosi
Brown (OH)	Kilpatrick	Rangel
Capuano	Kucinich	Rivers
Carson	LaFalce	Roybal-Allard
Clay	Lee	Rush
Clayton	Levin	Sanchez
Clyburn	Lewis (GA)	Sawyer
Conyers	Lowey	Schakowsky
Costello	Markey	Scott
Coyne	McCarthy (MO)	Serrano
Crowley	McDermott	Stark
Cummings	McGovern	Stupak
Davis (IL)	McKinney	Thompson (MS)
DeFazio	Meehan	Thurman
Dingell	MEEK (FL)	Tierney
Dixon	Meeke (NY)	Towns
Engel	Menendez	Velazquez
Filner	Millender-	Vento
Frank (MA)	McDonald	Visclosky
Hastings (FL)	Miller, George	Waters
Hilliard	Mink	Watt (NC)
Hinchey	Moakley	Waxman
Holt	Nader	Woolsey
Jackson (IL)	Neal	

NOT VOTING—14

Becerra	Frost	Miller (FL)
Bilbray	Hastings (WA)	Minge
Capps	John	Reyes
Delahunt	Martinez	Smith (NJ)
Fattah	McCreery	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

21.9 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. GOODLING, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming changes to the bill.

21.10 H.R. 808—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 808) to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the { Yeas 418 affirmative } Nays 1

21.11 [Roll No. 42] YEAS—418

Abercrombie	Coble	Gilman
Ackerman	Coburn	Gonzalez
Aderholt	Collins	Goode
Allen	Combest	Goodlatte
Andrews	Condit	Goodling
Archer	Conyers	Gordon
Armey	Cook	Goss
Bachus	Cooksey	Graham
Baird	Costello	Granger
Baker	Coyne	Green (TX)
Baldacci	Cramer	Green (WI)
Baldwin	Crane	Greenwood
Ballenger	Crowley	Gutierrez
Barcia	Cubin	Gutknecht
Barr	Cummings	Hall (OH)
Barrett (NE)	Cunningham	Hall (TX)
Barrett (WI)	Danner	Hansen
Bartlett	Davis (FL)	Hastings (FL)
Barton	Davis (IL)	Hastings (WA)
Bass	Davis (VA)	Hayes
Bateman	Deal	Hayworth
Bentsen	DeFazio	Hefley
Bereuter	DeGette	Herger
Berkley	DeLauro	Hill (IN)
Berman	DeLay	Hill (MT)
Berry	DeMint	Hilliard
Biggert	Deutsch	Hinchey
Bilirakis	Diaz-Balart	Hinojosa
Bishop	Dickey	Hobson
Blagojevich	Dicks	Hoefel
Bliley	Dingell	Hoekstra
Blumenauer	Dixon	Holden
Blunt	Doggett	Holt
Boehlert	Dooley	Hooley
Boehner	Doolittle	Horn
Bonilla	Doyle	Hostettler
Bonior	Dreier	Houghton
Bono	Duncan	Hoyer
Borski	Dunn	Hulshof
Boswell	Edwards	Hunter
Boucher	Ehlers	Hutchinson
Boyd	Ehrlich	Hyde
Brady (PA)	Emerson	Inslee
Brady (TX)	Engel	Isakson
Brown (CA)	English	Istook
Brown (FL)	Eshoo	Jackson (IL)
Brown (OH)	Etheridge	Jackson-Lee
Bryant	Evans	(TX)
Burr	Everett	Jenkins
Burton	Ewing	Johnson (CT)
Buyer	Farr	Johnson, E. B.
Callahan	Filner	Johnson, Sam
Calvert	Fletcher	Jones (NC)
Camp	Foley	Jones (OH)
Campbell	Forbes	Kanjorski
Canady	Fossella	Kaptur
Cannon	Fowler	Kasich
Capuano	Frank (MA)	Kelly
Cardin	Franks (NJ)	Kennedy
Carson	Frelinghuysen	Kildee
Castle	Gallely	Kilpatrick
Chabot	Ganske	Kind (WI)
Chambliss	Gejdenson	King (NY)
Chenoweth	Gekas	Kingston
Clay	Gephardt	Kleccka
Clayton	Gibbons	Klink
Clement	Gilchrest	Knollenberg
Clyburn	Gillmor	Kolbe