

Transportation, transmitting the Department's final rule—Safety Zone Regulations; Palm Beach County, Florida [COTP MIAMI-98-071] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1671. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Palm Beach County, Florida [COTP MIAMI-98-069] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1672. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Security Zone Regulations; Bal Harbor, Florida [COTP MIAMI-98-067] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1673. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; West Palm Beach, Florida [COTP MIAMI-98-066] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1674. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; West Palm Beach, Florida [COTP MIAMI-98-064] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1675. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Licking river, Campell County, Kentucky [COTP LOUISVILLE 98-003] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1676. A letter from the Acting Chief, Office of Regulations & Administrative Law, Department of Transportation, transmitting the Department's final rule—Safety Zone Cancellation; Santa Barbara, CA [COTP Los Angeles-Long Beach, CA 98-011] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1677. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone; Long Beach Harbor, CA [COTP Los Angeles-Long Beach, CA; 98-009] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1678. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone; Long Beach Harbor, CA [COTP Los Angeles-Long Beach, CA; 98-008] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1679. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of

Transportation, transmitting the Department's final rule—Safety Zone; Pierpont Bay, Ventura, CA [COTP Los Angeles-Long Beach, CA; 98-007] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1680. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Long Beach Harbor, CA [COTP Los Angeles-Long Beach, CA; 98-006] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1681. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety zone; Houston Ship Channel, Houston, TX [COTP Houston-Galveston 98-011] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1682. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Agana Bay, Guam [COTP GUAM 98-004] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1683. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone: Waters inside the Firing Dangerous Area as designated on NOAA Chart number 81054 [COTP GUAM 98-003] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1684. A letter from the Acting Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Victoria Barge Canal [COTP Corpus Christi, Texas 98-005] (RIN: 2115-AA97) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1685. A letter from the Chief, Office of Regulations & Administrative Law U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Santa Barbara Channel, CA [COTP Los Angeles-Long Beach, CA; 99-001] (RIN: 2115-AA97) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1686. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Import Restrictions Imposed on Byzantine Ecclesiastical and Ritual Ethnological Material from Cyprus [T.D. 99-35] (RIN: 1515-AC46) Received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1687. A communication from the President of the United States, transmitting an account of all Federal agency climate change programs and Activities; jointly to the Committees on Appropriations, International Relations, Science, Commerce, and Ways and Means.

¶36.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a

bill of the following title, in which the concurrence of the House is requested:

S. 507. An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The message also announced that pursuant to Public Law 105-83, the Chair, on behalf of the Majority Leader, announces the appointment of the Senator from Ohio (Mr. DEWINE) to serve as a member of the National Council on the Arts.

¶36.5 WAIVING POINTS OF ORDER

AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 800

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 143):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 800) to provide for education flexibility partnerships. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered.

After debate,

On motion of Ms. PRYCE of Ohio, the previous question was ordered on the resolution, to its adoption or rejection and under the operation thereof, the resolution was agreed to.

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

¶36.6 EDUCATION FLEXIBILITY

PARTNERSHIP

Mr. GOODLING, pursuant to House Resolution 143, called up the following conference report (Rept. No. 106-102):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 800), to provide for education flexibility partnerships, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

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 educational agencies 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 Fed-

eral Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational 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 mathematics 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) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY; OUTLYING AREA.—The terms “local educational agency”, “State educational agency”, and “outlying area” have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(2) ELIGIBLE SCHOOL ATTENDANCE AREA; SCHOOL ATTENDANCE AREA.—The terms “eligible school attendance area” and “school attendance area” have the meanings given the terms in section 1113(a)(2) of the Elementary and Secondary Education Act of 1965.

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

(4) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an educational 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 described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an “Ed-Flex Partnership State”.

(2) ELIGIBLE STATE.—For the purpose of this section the term “eligible State” means a State that—

(A) 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)(3) of such Act; or

(ii) (I) developed and implemented the content standards described in clause (i);

(II) developed and implemented interim assessments; and

(III) made substantial progress (as determined by the Secretary) toward developing and implementing the performance standards and final aligned assessments described in clause (i), and toward having local educational agencies in the State produce the profiles described in clause (i);

(B) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b)(2) of such Act; and

(C) 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 educational 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 educational 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;

(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 clear educational objectives the State intends to meet under the educational flexibility plan;

(iv) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965;

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers; and

(vi) a description of how the State educational agency will meet the requirements of paragraph (8).

(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 the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

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

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

(I) are clear and have the ability to be assessed; and

(II) take into account the performance of local educational agencies or schools, and students, particularly those affected by waivers;

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

(vi) the quality of the State educational agency’s process for approving applications for waivers of Federal statutory or regulatory requirements as 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 as 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 each 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 or school affected by the proposed waiver, and for the students served by the local educational agency or school who are affected by the waiver;

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

(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State’s educational 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 as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance; and

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

(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and an opportunity for a hearing, that the local educational agency or

school's performance with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii)—

(i) has been inadequate to justify continuation of such waiver; or

(ii) has decreased for 2 consecutive years, unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances.

(5) OVERSIGHT AND REPORTING.—

(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section.

(B) STATE REPORTS.—

(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

(IV) an assurance from State program managers that the data reported 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 as defined by the State.

(C) SECRETARY'S REPORTS.—The Secretary, not later than 2 years after the date of enactment of this Act and annually thereafter, shall—

(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

(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—

(i) has been effective in enabling such State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

(ii) has improved student performance.

(B) PERFORMANCE REVIEW.—Three years after the date a State is designated an Ed-Flex Partnership State, the Secretary shall review the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall ter-

minate such agency's authority to grant such waivers if the Secretary determines, after notice and an opportunity for a hearing, that such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

(C) RENEWAL.—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 the State educational agency—

(i) has made progress toward achieving the objectives described in the application submitted pursuant to paragraph (3)(A)(iii); and

(ii) demonstrates in the request that local educational agencies or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

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

(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency seeking a waiver under this section—

(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

(B) shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

(D) shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

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

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(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 and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

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

(D) parental participation and involvement;

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

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

(G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b);

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

(I) applicable civil rights requirements; and

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

(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

(1) IN GENERAL.—Except as provided in paragraphs (3) and (4), this section shall not apply to a State educational agency that has been granted waiver authority under the provisions of law described in paragraph (2) for the duration of the waiver authority.

(2) APPLICABLE PROVISIONS.—The provisions of law referred to in paragraph (1) are as follows:

(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).

(3) SPECIAL RULE.—If a State educational agency granted waiver authority pursuant to the provisions of law described in subparagraph (A) or (B) of paragraph (2) applies to the Secretary for waiver authority under this section—

(A) the Secretary shall review the progress of the State educational agency in achieving the objectives set forth in the application submitted pursuant to section 311(e) of the Goals 2000: Educate America Act; and

(B) the Secretary shall administer the waiver authority granted under this section in accordance with the requirements of this section.

(4) TECHNOLOGY.—In the case of a State educational agency granted waiver authority under the provisions of law described in subparagraph (A) or (B) of paragraph (2), the Secretary shall permit a State educational agency to expand, on or after the date of enactment of this Act, the waiver authority to include programs under subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

SEC. 5. FLEXIBILITY TO DESIGN CLASS SIZE REDUCTION PROGRAMS.

Section 307 of the Department of Education Appropriations Act, 1999, is amended—

(1) in subsection (b)(2), by inserting “(except as provided in subsection (c)(2)(D))” before the period; and

(2) in subsection (c)(2), by adding at the end the following:

“(D) If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this section to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under subsection (b) to the local educational agency without requiring the formation of a consortium.”.

SEC. 6. ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

“(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of enactment of this Act.

And the Senate agree to the same.

BILL GOODLING,
PETER HOEKSTRA,
MICHAEL N. CASTLE,
JAMES GREENWOOD,
MARK SOUDER,
BOB SCHAFFER,

Managers on the Part of the House.

JIM JEFFORDS,
JUDD GREGG,
BILL FRIST,
MIKE DEWINE,
MICHAEL B. ENZI,
TIM HUTCHINSON,
SUSAN COLLINS,
SAM BROWNBACK,
CHUCK HAGEL,
JEFF SESSIONS,
TED KENNEDY,
CHRIS DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
JEFF BINGAMAN,
PATTY MURRAY,
JACK REED,

Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. MICA, announced that the yeas had it.

Mr. GOODLING objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 368
Nays 57

36.7 [Roll No. 94]
YEAS—368

Abercrombie Aderholt Andrews
Ackerman Allen Archer

Arney Ewing LoBiondo Shimkus Sweeney Walsh
Bachus Farr Lofgren Shows Talent Wamp
Baird Fletcher Lowey Shuster Tancredo Watkins
Baker Lucas (KY) Simpson Tanner Watts (OK)
Baldacci Forbes Lucas (OK) Sisisky Tauscher Waxman
Baldwin Ford Luther Skeen Tauzin Weiner
Ballenger Fossella Maloney (CT) Skelton Taylor (MS) Weldon (FL)
Barcia Fowler Maloney (NY) Slaughter Taylor (NC) Weldon (PA)
Barr Frank (MA) Manzullo Terry Weller
Barrett (NE) Franks (NJ) Mascara Smith (TX) Thomas Wexler
Barrett (WI) Frelinghuysen Matusi Smith (WA) Thornberry Weygand
Bartlett Frost McCarthy (MO) Snyder Thune Whitfield
Barton Gallegly McCollum Souder Thurman Wicker
Bass Ganske McCrery Spence Tiahrt Wilson
Bateman Gekjenson McGovern Spratt Toomey Wise
Bentsen Gekas McHugh Stabenow Towns Wolf
Bereuter Gephardt McInnis Stearns Trafficant Wu
Berkeley Gibbons McIntosh Stenholm Turner Wynn
Berman Gilchrist McIntyre Strickland Udall (NM) Young (AK)
Berry Gillmor McKeon Stump Upton Young (FL)
Biggett Gilman McNulty Stupak Visclosky
Bilbray Gonzalez Meehan Sununu Walden
Bilirakis Goode Metcalf
Bishop Goodlatte Mica
Blagojevich Goodling Millender-
Bileyle Gordon McDonald
Blumenauer Goss Miller (FL)
Blunt Graham Miller, Gary
Boehlert Granger Minge
Boehner Green (TX) Moakley
Bonilla Green (WI) Mollohan
Bono Greenwood Moore
Boswell Gutknecht Moran (KS)
Boucher Hall (OH) Moran (VA)
Boyd Hall (TX) Morella
Brady (TX) Hansen Murtha
Brown (CA) Hastert Myrick
Brown (OH) Hastings (WA) Napolitano
Bryant Hayes Nethercutt
Burr Hayworth Ney
Burton Hefley Northup
Buyer Herger Norwood
Callahan Hill (IN) Oberstar
Calvert Hill (MT) Ortiz
Camp Hilleary Ose
Campbell Hinojosa Oxley
Canady Hobson Packard
Cannon Hoeffel Pallone
Capps Hoekstra Pascrell
Capuano Holden Paul
Cardin Holt Pease
Castle Hooley Peterson (MN)
Chabot Horn Peterson (PA)
Chambliss Hostettler Petri
Chenoweth Houghton Phelps
Clement Hoyer Pickering
Coble Hulshof Pickett
Coburn Hunter Pitts
Collins Hutchinson Pombo
Combust Hyde Pomeroy
Condit Inslee Porter
Cook Isakson Portman
Cooksey Istook Price (NH)
Costello Jackson-Lee Pryce (OH)
Cox (TX) Quinn
Cramer Jefferson Radanovich
Crane Jenkins Rahall
Cubin John Ramstad
Cunningham Johnson (CT) Rangel
Danner Johnson, E. B. Regula
Davis (FL) Johnson, Sam Reyes
Davis (VA) Jones (NC) Reynolds
Deal Jones (OH) Riley
DeFazio Kanjorski Rodrigue
DeGette Kaptur Roemer
Delahunt Kasich Kelly Rogan
DeLauro Kelly Kildee Rogers
DeLay Kind (WI) Rohrabacher
DeMint King (NY) Ros-Lehtinen
Deutsch Kingston Rothman
Diaz-Balart Kleczka Roukema
Dickey Klink Royce
Dicks Knollenberg Ryan (WI)
Dixon Kolbe Ryun (KS)
Doggett Kuykendall Sabo
Dooley LaFalce Sanchez
Doolittle LaHood Sanders
Doyle Lampson Sandlin
Dreier Largent Sanford
Duncan Larson Sawyer
Dunn Latham Scarborough
Edwards Latham Schaffer
Ehlers LaTourette Sensesbrenner
Ehrlich Lazio Sessions
Emerson Leach Shadegg
English Levin Shaw
Eshoo Lewis (CA) Shays
Etheridge Lewis (KY) Sherman
Evans Linder Sherwood
Everett Lipinski

Shimkus Sweeney Walsh
Shows Talent Wamp
Shuster Tancredo Watkins
Simpson Tanner Watts (OK)
Sisisky Tauscher Waxman
Skeen Tauzin Weiner
Skelton Taylor (MS) Weldon (FL)
Slaughter Taylor (NC) Weldon (PA)
Smith (NJ) Terry Weller
Smith (TX) Thomas Wexler
Smith (WA) Thornberry Weygand
Snyder Thune Whitfield
Souder Thurman Wicker
Spence Tiahrt Wilson
Spratt Toomey Wise
Stabenow Towns Wolf
Stearns Trafficant Wu
Stenholm Turner Wynn
Strickland Udall (NM) Young (AK)
Stump Upton Young (FL)
Stupak Visclosky
Sununu Walden

NAYS—57

Becerra Hastings (FL) Obey
Bonior Hilliard Oliver
Borski Hinchey Owens
Brady (PA) Jackson (IL) Pastor
Brown (FL) Kennedy Payne
Carson Kilpatrick Pelosi
Clay Kucinich Rivers
Clayton Lee Roybal-Allard
Clyburn Lewis (GA) Rush
Conyers Markey Scott
Coyne Martinez Serrano
Crowley McDermott Stark
Cummings McKinney Thompson (MS)
Davis (IL) Meek (FL) Tierney
Dingell Meeks (NY) Velazquez
Engel Menendez Vento
Fattah Miller, George Waters
Filner Mink Watt (NC)
Gutierrez Nadler Woolsey

NOT VOTING—9

Lantos Salmon Smith (MI)
McCarthy (NY) Saxton Thompson (CA)
Nussle Schakowsky Udall (CO)

So the conference report was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

36.8 PROVIDING FOR THE CONSIDERATION OF H.R. 1184

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 142):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1184) to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the