

Vitter	Weiner	Wilson
Walden	Weldon (FL)	Wise
Walsh	Weldon (PA)	Wolf
Wamp	Weller	Woolsey
Waters	Wexler	Wu
Watkins	Weygand	Wynn
Watt (NC)	Whitfield	Young (AK)
Watts (OK)	Wicker	Young (FL)

NOES—2

Bereuter Paul

NOT VOTING—8

Brown (CA)	Houghton	Thomas
Carson	Miller, Gary	Waxman
Evans	Shays	

So the amendment was agreed to. After some further time,

¶66.18 RECORDED VOTE

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

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. ____ AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

“(10) DISCIPLINE WITH REGARD TO WEAPONS.—

“(A) AUTHORITY OF SCHOOL PERSONNEL.—Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under subparagraph (A) from asserting a defense that the carrying or possession of the weapon was unintentional or innocent.

“(C) FREE APPROPRIATE PUBLIC EDUCATION.—

“(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continue educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

“(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

“(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

“(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

“(D) RELATIONSHIP TO OTHER REQUIREMENTS.—

“(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

“(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.”.

(b) CONFORMING AMENDMENTS.—(1) Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking “Whenever” and inserting the following: “Except as provided in section 615(k)(10), whenever”.

(2) Section 615(k)(1)(A)(ii) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)) is amended by striking “but for not more than 45 days if—” and all that follows through “(II) the child knowingly possesses or uses illegal drugs” and inserting “but for not more than 45 days if the child knowingly possesses or uses illegal drugs”.

It was decided in the { Yeas 300 affirmative } Nays 128

¶66.19

[Roll No. 227] AYES—300

Aderholt	Crane	Hostettler
Allen	Cubin	Hulshof
Andrews	Cunningham	Hunter
Archer	Danner	Hutchinson
Armey	Davis (VA)	Hyde
Bachus	Deal	Inslee
Baird	DeLay	Isakson
Baker	DeMint	Istook
Baldacci	Dickey	Jefferson
Ballenger	Dicks	Jenkins
Barcia	Dingell	John
Barr	Dooley	Johnson (CT)
Barrett (NE)	Doolittle	Johnson, E. B.
Bartlett	Doyle	Johnson, Sam
Barton	Dreier	Jones (NC)
Bass	Duncan	Kanjorski
Bateman	Dunn	Kaptur
Bentsen	Edwards	Kasich
Bereuter	Ehlers	Kelly
Berkley	Ehrlich	Kildee
Berry	Emerson	Kind (WI)
Biggert	English	King (NY)
Bilbray	Etheridge	Kingston
Bilirakis	Everett	Kleczka
Bishop	Ewing	Klink
Bliley	Fletcher	Kolbe
Blumenauer	Foley	Kucinich
Blunt	Forbes	Kuykendall
Boehlert	Fossella	LaFalce
Boehner	Fowler	LaHood
Bonilla	Franks (NJ)	Largent
Bonior	Frost	Larson
Bono	Galleghy	Latham
Borski	Ganske	LaTourette
Boswell	Gekas	Lazio
Boucher	Gibbons	Leach
Boyd	Gilchrest	Levin
Brady (TX)	Gillmor	Lewis (CA)
Bryant	Goode	Lewis (KY)
Burr	Goodlatte	Linder
Burton	Gordon	Lipinski
Buyer	Goss	LoBiondo
Callahan	Graham	Lofgren
Calvert	Granger	Lucas (KY)
Camp	Green (WI)	Lucas (OK)
Campbell	Greenwood	Maloney (CT)
Canady	Gutknecht	Manzullo
Cannon	Hall (OH)	Mascara
Capuano	Hall (TX)	McCollum
Castle	Hansen	McCrery
Chabot	Hastings (WA)	McHugh
Chambless	Hayes	McInnis
Chenoweth	Hayworth	McIntosh
Clement	Hefley	McIntyre
Coble	Herger	McKeon
Coburn	Hill (IN)	Menendez
Collins	Hill (MT)	Metcalf
Combest	Hilleary	Mica
Condit	Hobson	Miller (FL)
Cook	Hoekstra	Miller, Gary
Cooksey	Holden	Minge
Costello	Holt	Mollohan
Cox	Hooley	Moore
Cramer	Horn	Moran (KS)

Moran (VA)	Rogers	Talent
Myrick	Rohrabacher	Tancredo
Nethercutt	Rothman	Tanner
Ney	Roukema	Tauscher
Northup	Royce	Tauzin
Norwood	Ryan (WI)	Taylor (MS)
Nussle	Ryun (KS)	Taylor (NC)
Oberstar	Sabo	Terry
Obey	Sanford	Thornberry
Ortiz	Saxton	Thune
Ose	Scarborough	Thurman
Oxley	Schaffer	Tiahrt
Packard	Sensenbrenner	Toomey
Paul	Shadegg	Trafficant
Pease	Shaw	Turner
Peterson (MN)	Sherman	Udall (CO)
Peterson (PA)	Sherwood	Upton
Petri	Shimkus	Vento
Phelps	Shows	Visclosky
Pickering	Shuster	Vitter
Pickett	Simpson	Walden
Pitts	Sisisky	Wamp
Pombo	Skeen	Watkins
Pomeroy	Skelton	Watts (OK)
Porter	Smith (MI)	Weldon (FL)
Portman	Smith (NJ)	Weldon (PA)
Price (NC)	Smith (TX)	Weller
Pryce (OH)	Smith (WA)	Whitfield
Quinn	Snyder	Wicker
Radanovich	Spence	Wilson
Ramstad	Spratt	Wise
Regula	Stearns	Wolf
Reynolds	Stenholm	Wu
Riley	Stump	Wynn
Roemer	Sununu	Young (AK)
Rogan	Sweeney	Young (FL)

NOES—128

Abercrombie	Gutierrez	Owens
Ackerman	Hastings (FL)	Pallone
Baldwin	Hilliard	Pascrell
Barrett (WI)	Hinchey	Pastor
Becerra	Hinojosa	Payne
Berman	Hoefel	Pelosi
Blagojevich	Hoyer	Rahall
Brady (PA)	Jackson (IL)	Rangel
Brown (FL)	Jackson-Lee	Reyes
Brown (OH)	(TX)	Rivers
Capps	Jones (OH)	Rodriguez
Cardin	Kennedy	Ros-Lehtinen
Clay	Kilpatrick	Roybal-Allard
Clayton	Knollenberg	Rush
Clyburn	Lampson	Sanchez
Conyers	Lantos	Sanders
Coyne	Lee	Sandlin
Crowley	Lewis (GA)	Sawyer
Cummings	Lowe	Schakowsky
Davis (FL)	Luther	Scott
Davis (IL)	Maloney (NY)	Serrano
DeFazio	Markey	Sessions
DeGette	Martinez	Slaughter
Delahunt	Matsui	Souder
DeLauro	McCarthy (MO)	Stabenow
Diaz-Balart	McCarthy (NY)	Stark
Dixon	McDermott	Strickland
Doggett	McGovern	Stupak
Engel	McKinney	Thompson (CA)
Eshoo	McNulty	Thompson (MS)
Evans	Meehan	Tierney
Farr	Meek (FL)	Towns
Fattah	Meeks (NY)	Udall (NM)
Filner	Millender-	Velazquez
Ford	McDonald	Walsh
Frank (MA)	Miller, George	Waters
Frelinghuysen	Mink	Watt (NC)
Gejdenson	Moakley	Waxman
Gephardt	Morella	Weiner
Gilman	Murtha	Wexler
Gonzalez	Nadler	Weygand
Goodling	Napolitano	Woolsey
Green (TX)	Neal	
	Oliver	

NOT VOTING—6

Brown (CA) Houghton Shays
Carson Salmon Thomas

So the amendment was agreed to. After some further time,

¶66.20 RECORDED VOTE

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

Page 4, line 18, strike, “and”.

Page 4, line 21, strike the period and insert a semicolon.

Page 4, after line 21, insert the following:
“(14) establishing partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and

“(15) implementing other activities that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system.

It was decided in the affirmative { Yeas 422 Nays 1

¶66.21 [Roll No. 228] AYES—422

- Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop
Blagojevich
Biley
Blumenauer
Blunt
Boehkert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLaunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dorgan
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchev
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantons
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey

- Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traums
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Capuano

NOT VOTING—11

- Barcia
Brown (CA)
Carson
Houghton
Johnson, Sam
Minge
Northup
Radanovich
Salmon
Shays
Thomas

So the amendment was agreed to.

¶66.22 RECORDED VOTE

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

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE —TEACHER LIABILITY PROTECTION

SEC. 01. SHORT TITLE.

This title may be cited as the “Teacher Liability Protection Act of 1999”.

SEC. 02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation’s ele-

mentary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

- (1) citing the authority of this subsection;
(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and
(3) containing no other provisions.

SEC. 04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher’s employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher’s responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and