

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	Klecza
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	McKee
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)	Hinchee	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-McDonald	Velazquez
Ford	Miller, George	Walsh
Frank (MA)	Mink	Waters
Frelinghuysen	Moakley	Watt (NC)
Gejdenson	Morella	Waxman
Gephardt	Murtha	Weiner
Gilman	Nadler	Wexler
Gonzalez	Napolitano	Weygand
Goodling	Neal	Woolsey
Green (TX)	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.