

“(ii) TIMING FOR RENEWAL.—The Secretary shall either approve or deny the request for renewal by not later than 90 days after completing the performance review of the State described in paragraph (6)(B).

“(iii) DETERMINATION.—In deciding whether to extend a request of a State educational agency for the 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 State application submitted pursuant to paragraph (3)(A)(ii); and

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

“(D) TERMINATION.—

“(i) IN GENERAL.—The Secretary shall terminate or temporarily suspend the authority of a State educational agency to grant waivers under this section if the Secretary determines that—

“(I) there is compelling evidence of systematic waste, fraud or abuse; or

“(II) after notice and an opportunity for a hearing, 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.

“(ii) LIMITED COMPLIANCE PERIOD.—A State whose authority to grant such waivers has been terminated shall have not more than 1 additional fiscal year to come into compliance in order to seek renewal of the authority to grant waivers under this section.

“(7) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency, educational service agency, or school 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 on each agency’s website, 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, school administrators, 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 application of the agency or school 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 that are authorized under the following provisions and under which the Secretary provides funds to State educational agencies on the basis of a formula:

“(1) The following provisions of the Elementary and Secondary Education Act of 1965:

“(A) Part A of title I (other than sections 1111 and 1114).

“(B) Part C of title I.

“(C) Part D of title I.

“(D) Part A of title II.

“(E) Part G of title V.

“(2) Title VII of the McKinney-Vento Homeless Assistance Act. (42 U.S.C. 11301 et seq.).

“(3) The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

“(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)(1)(C) of the Elementary and Secondary Education Act of 1965;

“(G) the selection of a school attendance area or school under paragraphs (1) and (2) of section 1113(a) 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 paragraphs (1) and (2);

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

“(I) applicable civil rights requirements; and

“(2) unless the State educational agency can demonstrate that 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.—Any designation of a State as an Ed-Flex Partnership State that was in effect on the date of enactment of this Act shall be immediately extended for a period of not more than 5 years, if the Secretary makes the determination described in paragraph (2).

“(2) DETERMINATION.—The determination referred to in paragraph (1) is a determination that the performance of the State educational agency, in carrying out the programs for which the State has received a waiver under the educational flexibility program, justifies the extension of the designation.

“(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.”.

SA 2228. Mr. THUNE (for himself, Mr. BARRASSO, Ms. HEITKAMP, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2089 submitted by Mr. ALEXANDER (for himself and Mrs. MURRAY) to the

bill S. 1177, to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves; which was ordered to lie on the table; as follows:

At the end of title VII of the amendment, add the following:

SEC. 7. ACCESS TO FEDERAL INSURANCE.

Section 409 of the Indian Health Care Improvement Act (25 U.S.C. 1647b) is amended by inserting “or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)” after “(25 U.S.C. 450 et seq.)”.

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Devon Brenner, an education fellow in Senator COCHRAN’s office, be granted floor privileges through May 31, 2016.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Andrew Bronstein, an education fellow in my office, and Ethan Arenson, a Judiciary Committee detailee from the Department of Justice, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 14, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, July 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate resume consideration of S. 1177; and finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings and that the filing deadline for first-degree amendments be at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

EVERY CHILD ACHIEVES ACT

Mr. ALEXANDER. Mr. President, I see that the majority leader has filed cloture on the bill, which I understand. We have had a chance to have a good discussion and a good debate.

We are getting toward the end of the consideration of our bill to fix No Child