

“(2) LIMITATION.—

“(A) IN GENERAL.—A child with a disability who is removed from the child’s regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting pursuant to Sec. 615K, if the behavior that led to the child’s removal is a manifestation of the child’s disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).

“(B) MANIFESTATION DETERMINATION.—The manifestation determination shall be made immediately, if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child’s regular educational placement.

“(C) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—If the result of the manifestation review is a determination that the behavior of the child with a disability was not a manifestation of the child’s disability, appropriate school personnel may apply to the child the same relevant disciplinary procedures as would apply to children without a disability.”, except as provided in 612(a)(1).

SEC. 02. PROCEDURAL SAFEGUARDS.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) (as amended by section 01) is amended by adding at the end the following:

“(o) DISCIPLINE DETERMINATIONS BY LOCAL AUTHORITY.—

“(1) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary policy described in subsection (n)(1), school personnel shall have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

“(2) DEFENSE.—Nothing in subsection (n) precludes a child with a disability who is disciplined under such subsection from asserting a defense that the alleged act was unintentional or innocent.

“(3) LIMITATION.—

“(A) REVIEW OF MANIFESTATION DETERMINATION.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

“(B) PLACEMENT DURING REVIEW.—During the course of any review proceedings under subparagraph (A), the child shall receive a free appropriate public education which may be provided in an alternative educational placement.”.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 19, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes for the 107th session of the Congress.

Those wishing additional information may contact Committee staff at 202/224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 21, 2001, at 10:00 a.m. in room 485 Russell

Senate Building to conduct a hearing on Native American Program Initiatives at the College and University Level.

Those wishing additional information may contact Committee staff at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 13, 2001, to conduct a hearing on the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a member of the board of Governors of the Federal Reserve System.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 13, 2001 at 10:15 a.m. to hold a hearing titled “The Crisis in Macedonia and U.S. Engagement in the Balkans” as follows:

Witnesses:

Panel 1: Ambassador James Pardew, Senior Advisor on the Balkans for the Bureau of European Affairs, U.S. Department of State, Washington, DC.

Panel 2: General Wesley K. Clark (USA Ret.), Corporate Consultant, Stephens Group, Inc., Washington, DC.

The Honorable Richard Perle, Resident Fellow, American Enterprise Institute, Washington, DC.

Panel 3: General William Nash (USA Ret.), Senior Fellow and Acting Director of the Center on Preventive Act, Council on Foreign Relations, Washington, DC.

Dr. Daniel P. Serwer, Director, Balkans Initiative, United States Institute of Peace, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 13, 2001 at 9:30 am for a hearing regarding Economic Issues Associated with the Restructuring of Energy Industries.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on June 13, 2001, at 9:30 a.m. in room 485 Russell Senate Building to conduct a confirmation hearing on the nomination of Mr. Neal K. McCaleb to be the Assistant Secretary of Indian Affairs, U.S. Department of the Interior.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution be authorized to meet to conduct a hearing on Wednesday, June 13, 2001 at 10:00 a.m. in SD226.

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

SUBCOMMITTEE ON STRATEGIC

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 13, 2001, at 9:30 a.m. in closed session to receive a briefing on the Department of Defense’s Missile Defense Strategic Review.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Adam Hines and Brian Altman, two interns in my office, be granted floor privileges for duration of debate on S. 1.

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

NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974 CLARIFICATION

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1029, introduced earlier today by Senators SARBANES, GRAMM, REED of Rhode Island, SHELBY, SCHUMER, ALLARD, BAYH, ENZI, JOHNSON, MIKULSKI, and BOND.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1029) to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, this is a technical correction to last year’s Manufactured Housing Improvement Act. I ask for its immediate approval. This legislation is being cosponsored by Senators GRAMM, REED, SHELBY, ALLARD, BAYH, ENZI, SCHUMER, and BOND.

Last year, in a bipartisan effort, Congress passed the “American Homeownership and Economic Opportunity Act of 2000.” Title VI of that law is the “Manufactured Housing Improvement Act” originally introduced by Senators SHELBY, BAYH, JOHNSON, and others. Unfortunately due to a technical problem with the law, the manufactured housing program, run by HUD, may be