(Mr. REED) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1941

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1941, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1961

At the request of Mr. REED, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

S. 1988

At the request of Mr. BLUNT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1988, a bill to amend the Federal Power Act to require the Federal Energy Regulatory Commission to consider private landownership and private use of land in issuing hydropower licenses, and for other purposes.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2003

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and congratulating Girl Scouts of the USA on its 100th anniversary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2014. A bill to reform the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing the Postal Investment Act of 2011 which lays out many ideas to help strengthen the United States Postal Service through investment and innovation.

For many years, I have been an advocate for the Postal Service, its workers, and importantly, postal customers. The Postal Service represents a multibillion dollar industry on which all Americans rely for delivery of mail and packages. Unfortunately, in recent years, the downturn in the overall economy has negatively impacted the postal business, exacerbating a decline in the mail because of electronic diversion.

The 21st Century Postal Service Act, S. 1789, passed in November by the Homeland Security and Governmental Affairs Committee, contains many needed postal reforms and sensible compromises. Unfortunately, that bill also contained an unrelated measure reducing benefits for disabled and injured federal workers. As Chairman of the Federal Workforce Subcommittee, this issue concerned me enough that I had to vote against reporting the bill to the full Senate. However, I did think the bill contained important provisions that will help the Postal Service and I look forward to further debate. I am introducing the Postal Investment Act to add to that conversation. While this bill is not a comprehensive approach that can rescue the Postal Service on its own, it represents several new ideas that have not yet been debated.

Since 2006, we have required the Postal Service to pay roughly $5 billion per year in to an account to prefund its retiree health benefit liability. This is a payment that no other agency, and few private sector companies, must make. While prefunding this liability was a worthy goal, and it addressed an accounting problem in the Postal Accountability and Enhancement Act of 2006, it is crippling the Postal Service financially. The core of the Postal Investment Act would restructure the retirement health benefit prefunding requirement and allow for the funds set aside against the future liability to be invested in a diverse mix of government and non-government securities, instead of only in government securities as is now the case.

There are promising precedents for investing funds in this way in the Federal Government. In 2001, we passed the Railroad Retirement and Survivors' Improvement Act, which created a trust fund to invest railroad employee retirement assets in non-government securities. Assets of the Pension Benefit Guaranty Corporation also are invested in a diversified manner. Even in the turbulent economic times of the past few years, these funds have seen healthy returns on average, at a much higher rate than government securities alone.

I want to emphasize that the funds invested are there to cover a future liability to provide benefits to workers, some of whom have not been hired yet. Because of the long time horizon and significant assets of this fund, I believe that diversifying its investment would mean positive growth for the fund over time, and would bring it in line with many private sector retirement accounts. If we want the Postal Service to act more like a business, we could start by allowing it similar flexibility.

In addition to investing the fund, my bill would also suspend payments to the prefunding account in any years in which the Postal Service does not have the profits to invest. Unfortunately, under current law, the fund which was set up to insure against future default of the Postal Service is the very thing putting the Postal Service on the brink of default. I believe this new approach is a responsible way forward, which also recognizes the legitimate goal of prefunding this liability over a longer term.

Just as importantly, the Postal Service needs more flexibility in its business model to innovate. My bill contains several provisions to accelerate innovation in the Postal Service's products. Many of these are based on recommendations provided to Congress in a Postal Regulatory Commission, PRC, report released earlier this year. The bill would allow for pricing flexibilities for increased premium services subject to performance requirements. It would also explicitly allow the Postal Service, through the PRC, to create new classes of mail to meet evolving customer demands. For instance, there may be a market for a product with the speed of first class mail, but with none of the additional services that are part of first class. The bill also encourages the further development of experimental products to find new sources of revenue.

In order to create more accountability for product innovation, the bill would require the Postmaster General to designate a Chief Product Innovation officer to come up with new ideas and keep the public better informed of what the Postal Service is doing to find new products and services. My bill would also require more focus on retaining revenues for existing products by reducing uncollected postage.

Finally, my bill contains several provisions related to the postal workforce. Like several other proposals introduced already, the bill would allow the Postal Service access to excess payments it has made over the years to the Federal Employee Retirement System. It would use those funds first to offer voluntary retirement incentives to employees to help right-size the workforce.

The bill also contains a provision which was developed after we were informed that postal workers may not be taking full advantage of the benefits of Medicare after they reach the age of eligibility. The 21st Century Postal Service Act originally contained a provision which would have shifted costs from the Postal Service to the Medicare program and postal retirees by requiring eligible retirees to sign up for Medicare Parts A and B, and reducing the Federal Employees Health Benefit package available to them. Instead, my bill would ask the Postal Service to work with the Office of Personnel Management and the Center for Medicare and Medicaid Services to educate the postal workforce about how the Medicare program can work to enhance their existing health benefits.

To address concerns that have been expressed about how the Postal Service works with its employee unions and management organizations on collective bargaining and consultation rights, the Postal Innovation Act offers ways to strengthen these relationships. It contains a provision clarifying arbitrators' broad authority to consider the factors he or she deems relevant should collective bargaining with a union fail. It also contains a provision clarifying the consultation process for managers, supervisors, and postmasters. In the case of labor and management agreeing to any future workforce reductions, the bill also clarifies that the process would be subject to existing procedures for other Federal employees.

Additionally, as the postal workforce has begun making concessions on pay and benefits and other contributions to the organization's solvency, this bill contains a provision intended to ensure that those at the very top of the Postal Service share in the sacrifice. This provision is modeled on an amendment drafted by Senator TESTER that was discussed but never settled on during Committee consideration of postal reform legislation. Currently, the Postmaster General and several other top executives at the Postal Service make more than $200,000 per year, in addition to bonuses, deferred compensation, and other benefits. I believe that running the Postal Service is public service, and the Postal Service simply cannot afford to treat the top management like corporate executives, especially when postal employees and so many other Americans face pay freezes. As important as his duties are, I believe it is wrong for the Postmaster General to be paid more than the Secretary of Defense. My bill would tie the top pay at the Postal Service to the Executive Level schedule used to determine pay for Federal executives.

I believe that the provisions I have outlined in this bill will serve as important ideas as we move forward with comprehensive postal reform. It is my sincere hope that we can work out our differences on the 21st Century Postal Service Act, which would be a workable proposal to address the future of the Postal Service without its flawed workforce provisions.

As we continue this debate, I hope to offer these ideas as ways to further strengthen the Postal Service and show my commitment to preserving that service for all Americans well into the future. I ask my colleagues to consider the proposals I have put forward and work with me and all members who have their own proposals to help enact lasting improvements for the United States Postal Service.

By Mr. WYDEN:

S. 2016. A bill to amend the Food and Nutrition Act of 2008, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966 to increase access to healthy food for families, to amend the Consolidated Farm and Rural Development Act and the Farm Security and Rural Investment Act of 2002 to increase access to credit for small and new farmers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WYDEN. Mr. President, over the last 10 months, I have been working with a diverse group of people in my State on ways to get healthier food and more local agricultural products to consumers throughout the country. Our group included folks from every part of the State, from gleaners to cattle ranchers to pear growers. Today, I am introducing legislation based on my discussions with that agricultural advisory group. What we came up with is a series of proposals that I believe will create agricultural jobs, increase access to healthy locally grown fruits and vegetables and reduce paperwork for small farmers while improving access to Federal loans.

This legislation, the Fresh Regional Eating for Schools and Health Act, or FRESH, will provide healthier choices for recipients of Federal programs, push the U.S. Department of Agriculture's, USDA's, technology agenda forward, increase flexibility for State and local stakeholders, and provide better tools for small and beginning farmers.

For too long, the Federal Government has pushed one size fits all solutions when it comes to nutrition and school lunches. That is why this bill allows States to put forward innovative approaches to increase nutrition outcomes for Supplemental Nutrition Assistance Program, SNAP, beneficiaries. Let me make it clear: under this waiver, no benefits will be reduced, and eligibility requirements will not be changed. But States will be allowed to provide incentives for eating healthy for SNAP recipients, and help those folks meet the nutritional guidelines the Federal Government has put out.

Another area where flexibility is needed is in the school lunch program. Right now, over $1 billion goes to Oregon schools to purchase food for school lunches from a USDA commodity warehouse. Meanwhile, I have heard time and time again from school lunch administrators in Oregon that they would prefer to use that money locally to purchase the healthy fruits and vegetables that are so plentiful in our State. This bill would give them the flexibility to use half of what they now get from USDA to buy local agriculture products. This approach not only enables schools to buy healthier food for their students but also helps keep that money in their local economy and support the family farmers down the road.

This bill also moves USDA nutrition programs into the 21st century when it comes to technology. It would push USDA to allow using smartphones and tablet technology to accept SNAP benefits, just as they can accept debit and credit cards today. This will open up access for SNAP beneficiaries to roadside food stands and farmers markets, and encourage innovation within the agency. SNAP recipients would also be allowed to use online grocery stores to purchase foods—a hugely helpful option for busy moms or elderly folks for whom a grocery store is just too hard to get to. For the WIC program, state agencies will be allowed to use technologies like videoconferencing to keep costs low when it comes to training and certification, particularly for stores in rural areas.

Folks will also get a better sense of how the over $70 billion a year taxpayers fund SNAP with is being spent if this bill passes. It requires companies that take in over $1 million a year from the SNAP program to provide the Federal Government with a receipt of just what they have provided.

For small farmers, this bill suspends the 15-year limit for farmers to use FSA-guaranteed operating loans and the 7-year limit for them to use FSA direct operating loans. By suspending these time limits indefinitely, farmers will have more access to these critical capital tools. It includes creation of a streamlined micro-loan program that will allow small farmers who just need a quick loan to repair their truck or buy some feed to borrow up to $5,000 on an expedited basis and with reduced paperwork.

For beginning farmers, this legislation provides an alternative to the requirement that they need three years of farm management experience to get direct loans to buy farm lands. Instead, it allows the completion of college degrees related to business and agriculture to be considered a substitute for hands-on experience. For example, Horticulture or Agricultural Business Management degrees would be acceptable as an alternative. This will give young folks more opportunities to get the capital needed to start a farm.

I am really proud of the efforts the Oregonians on my agricultural advisory committee made in helping provide common sense solutions for nutrition and farming programs. I want to thank them for helping to create these

proposals, and I am going to work hard with my colleagues on both sides of the aisle as we move to the next farm bill to include these ideas.

By Mr. CARDIN (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 2017. A bill to secure the Federal voting rights of persons when released from incarceration; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I am pleased to introduce the Democracy Restoration Act. The Democracy Restoration Act, or DRA, had been introduced in previous Congresses by former Senator Russ Feingold of Wisconsin and I am proud to follow his example. I want to thank Senator DURBIN for joining me as an original co-sponsor of this legislation.

As the late Senator Kennedy often said, civil rights is the ''unfinished business'' of America. The Democracy Restoration Act would restore voting rights in federal elections to approximately 5 million Americans who have been released from prison and are back living in their communities.

After the Civil War, Congress enacted and the states ratified the Fifteenth Amendment, which provides that ''the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.''

Unfortunately, many states passed laws during the Jim Crow period after the Civil War to make it more difficult for newly-freed slaves to vote in elections. Such laws included poll taxes, literacy tests, and disenfranchisement measures. Some disenfranchisement measures applied to misdemeanor convictions and in practice could result in lifetime disenfranchisement, even for individuals that successfully reintegrated into their communities as law-abiding citizens.

It took Congress and the states nearly another century to eliminate the poll tax, upon the ratification of the Twenty-Fourth Amendment in 1964. The Amendment provides that ''the rights of citizens of the United States to vote in any primary or other election for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.''

Shortly thereafter Congress enacted the Voting Rights Act of 1965, which swept away numerous State laws and procedures that had denied African-Americans and other minorities their constitutional right to vote. For example, the Act outlawed the use of literacy or history tests that voters had to pass before registering to vote or casting their ballot. The act specifically prohibits states from imposing any ''voting qualification or prerequisite to voting, or standard, practice, or procedure . . . to deny or abridge the right of any citizen of the United States to vote on account of race or color.'' Congress overwhelmingly reauthorized the Act in 2006, which was signed into law by President George W. Bush.

In 2011, I am concerned that there are still several areas where the legacy of Jim Crow laws and state disenfranchisement statutes lead to unfairness in Federal elections. First, state laws governing the restoration of voting rights vary widely throughout the country, such that persons in some States can easily regain their voting rights, while in other States persons effectively lose their right to vote permanently. Second, these state disenfranchisement laws have a disproportionate impact on racial and ethnic minorities. Third, this patchwork of state laws results in the lack of a uniform standard for eligibility to vote in Federal elections, and leads to an unfair disparity and unequal participation in Federal elections based solely on where an individual lives.

In 35 States, convicted individuals may not vote while they are on parole. In 10 States, a conviction can result in life-time disenfranchisement. Several States requires prisoners to seek discretionary pardons from Governors, or action by the parole or pardon board, in order to regain their right to vote. Several States deny the right to vote to individuals convicted of certain misdemeanors. States are slowly moving or repeal or loosen many of these barriers to voting for ex-prisoners. But studies show that a growing number of African-American men, for example, will be disenfranchised at some point in their life, partly due to mandatory minimum sentencing laws that have a disproportionate impact on minorities. Congress recently addressed part of this problem by enacting the Fair Sentencing Act to partially reduce the sentencing disparity between crack cocaine and powder cocaine convictions. While I welcome these steps, I believe that Congress should take stronger action now to remedy this problem.

The legislation would restore voting rights to prisoners after their release from incarceration. It requires that prisons receiving federal funds notify people about their right to vote in federal elections when they are leaving prison, sentenced to probation, or convicted of a misdemeanor. The bill authorizes the Department of Justice and individuals harmed by violation of this Act to sue to enforce its provisions. The bill generally provides State election officials with a grace period to resolve voter eligibility complaints without a lawsuit before an election.

The legislation is narrowly crafted to apply to federal elections, and retains the States' authorities to generally establish voting qualifications. This legislation is therefore consistent with Congressional authority under the Constitution and voting rights statutes, as interpreted by the U.S. Supreme Court.

I am pleased that this legislation has been endorsed by a large coalition of public interest organizations, including: civil rights and reform organizations; religious and faith-based organizations; and law enforcement and criminal justice organizations. In particular I want to thank the Brennan Center for Justice, the ACLU, the Leadership Conference on Civil and Human Rights, and the NAACP for their work on this legislation.

This legislation is ultimately designed to reduce recidivism rates and help reintegrate ex-prisoners back into society. When prisoners are released, they are expected to obey the law, get a job, and pay taxes as they are rehabilitated and reintegrated into their community. With these responsibilities and obligations of citizenship should also come the rights of citizenship, including the right to vote.

In 2007, President George W. Bush signed the Second Chance Act into law, after overwhelming approval and strong bipartisan support in Congress. The legislation expanded the Prison Re-Entry Initiative, by providing job training, placement services, transitional housing, drug treatment, medical care, and faith-based mentoring. At the signing ceremony, President Bush said: ''We believe that even those who have struggled with a dark past can find brighter days ahead. One way we act on that belief is by helping former prisoners who have paid for their crimes. We help them build new lives as productive members of our society.''

The Democracy Restoration Act is fully consistent with the goals of the Second Chance Act, as Congress and the States seek to reduce recidivism rates, strengthen the quality of life in our communities and make them safer, and reduce the burden on taxpayers.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

DECEMBER 16, 2011.

DEAR MEMBER OF CONGRESS: We, the undersigned organizations, a coalition of civil rights, social and criminal justice, and other legal and advocacy organizations, are writing to urge your support and co-sponsorship of the Democracy Restoration Act of 2011, a bill that seeks to restore voting rights in federal elections to people who are out of prison and living in the community. The current patchwork of laws that disfranchise people with criminal records has created an inconsistent and unfair federal electoral process, perpetuating entrenched racial discrimination. As organizations dedicated to promoting democracy and justice as well as equal rights for all Americans, we strongly support passage of this legislation.

Currently, 5.3 million American citizens are denied the right to vote because they have a criminal conviction in their past. Four million of these people are out of prison, living in the community, paying taxes and raising families; yet they remain disfranchised for years, often decades, and sometimes for life. The United States is one of the few western democratic nations that

excludes such large numbers of people from the democratic process. Congressional action is needed to restore voting rights in federal elections to the millions of Americans who have been released from incarceration, but continue to be denied their ability to fully participate in civic life. Fortunately, Senator Ben Cardin and Representative John Conyers are lead sponsors of the Democracy Restoration Act of 2011, which is intended to address these injustices.

Criminal disfranchisement laws are rooted in the Jim Crow era. They were enacted alongside poll taxes and literacy tests and were intended to keep African Americans from voting. By 1900, 38 states denied voting rights to people with criminal convictions, most of which disfranchised people until they received a pardon. The intended effects of these laws continue to this day. Nationwide 1-3% of African-American men have lost the right to vote. If current incarceration rates continue, three in ten of the next generation of African American men will lose the right to vote at some point in their lifetimes. This racial disparity also impacts the families of those who are disfranchised and the communities in which they reside by diminishing their collective political voice.

In this country, voting is a national symbol of political equality and full citizenship. When a citizen is denied this right and responsibility, his or her standing as a full and equal member of our society is called into question. The responsibilities of citizenship—working, paying taxes and contributing to one's community— are duties conferred upon those reentering society. To further punish individuals who are back in the community by denying them a right of citizenship counters the expectation that citizens have rehabilitated themselves after a conviction. The United States should not be a country where the effects of past mistakes have countless consequences—and no opportunity for redress.

Passage of the Democracy Restoration Act of 2011 will ensure that all Americans living in their communities will have the opportunity to participate in our electoral process. A strong, vibrant democracy requires the broadest possible base of voter participation, and allowing all persons who have completed their prison time to vote is the best way to ensure the greatest level of participation.

We urge you to support the passage of the Democracy Restoration Act of 2011.

If you have any questions, please contact Deborah J. Vagins of the ACLU Washington Legislative Office or Nicole Austin-Hillery of the Brennan Center for Justice.

Sincerely,

American Civil Liberties Union; APIA Vote; Brennan Center for Justice; Center for the Study of the American Electorate; CitiWide Harm Reduction; Commission on Social Action of Reform Judaism; Crossroad Bible Institute; Demos; Desiree Alliance; Drug Policy Alliance; Drug Policy Forum of Hawaii; Fair Elections Legal Network; The Fortune Society's David Rothenberg Center for Public Policy; Illinois Consortium on Drug Policy; International CURE; Law Enforcement Against Prohibition; Lawyers' Committee For Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; Maryland CURE; NAACP; NAACP Legal Defense and Educational Fund, Inc.; New Mexico Women's Justice Project; A New PATH (Parents for Addiction Treatment & Healing); North Carolina Harm Reduction Coalition; NORML; The Office of Social Justice, Christian Reformed Church of North America (CRCNA); ProjectVote; Queers for Economic Justice; South Asian Americans Leading Together (SAALT); State Rep. Edward J. Orlett (Ret) -Ohio; StoptheDrugWar.org; The Sentencing Project; Women With A Vision, Inc.

DECEMBER 16, 2011

DEAR MEMBER OF CONGRESS: We, the undersigned religious organizations, reflecting diverse faith traditions, in one voice write to urge you to support and co-sponsor the Democracy Restoration Act, a bill which seeks to restore federal voting rights to millions of Americans living and working in our communities who have been disenfranchised because of a criminal conviction in their past. As people of faith, we believe all people are created in God's image. We are deeply concerned that state disenfranchisement laws continue to deprive our neighbors of their fundamental right to vote and relegate them to second-class citizenship.

From Joseph saving untold numbers from famine, to Peter being the rock upon which Christ's church was built, our scriptures bear powerful witness of the great achievements that can be made by persons who have spent time in prison. It is consistent with the best of our democratic values and our moral heritage to encourage former prisoners to participate constructively with their communities in ways such as voting.

Accordingly, we join the many Americans who believe that continuing to deny the franchise to millions of our fellow citizens who have rejoined our communities is unwise and unjust. Our support for the Democracy Restoration Act rests squarely on our obligation to be merciful and forgiving, our commitment to treat others with the respect and dignity that God's children deserve, and our steadfast belief in the human capacity for redemption.

We applaud your efforts to restore the franchise to persons who have been released from prison, and we urge you to pass the Democracy Restoration Act.

Yours truly,

The Aleph Institute, an organization for Jewish renewal; Christian Reformed Church of North America; Crossroad Bible Institute; Evangelicals for Social Action; The Institute for Prison Ministries at the Billy Graham Center; Masjid An-Nur, an Islamic center in Minneapolis, MN; Mennonite Central Committee; National Advocacy Center of the Sisters of the Good Shepherd; National Hispanic Christian Leadership Conference; NETWORK, A National Catholic Social Justice Lobby; Presbyterian Church USA, Office of Public Witness, Washington, DC; Progressive National Baptist Convention, Inc.; Restorative Justice Ministries Network of North America; Sojourners, a Christian ministry based in Washington, DC; United Church of Christ, Justice and Witness Ministries; The United Methodist Church, General Board of Church and Society; Unitarian Universalist Association of Congregations.

DECEMBER 16, 2011

DEAR MEMBER OF CONGRESS: We, the undersigned law enforcement and criminal justice leaders, urge you to support and co-sponsor the Democracy Restoration Act, a bill which seeks to restore federal voting rights to the nearly four million Americans living, working and paying taxes in our communities who have been disenfranchised because of a criminal conviction in their past. We support the restoration of voting rights because continuing to disenfranchise individuals after release from prison is ineffective law enforcement policy and violates core principles of democracy and equality.

There is no credible evidence that denying voting rights to people after release from prison does anything to reduce crime. In our judgment, just the opposite is true. Every year over 600,000 people leave prison. We must find new and effective ways to foster reintegration back into the community and prevent recidivism. We believe that bringing people into the political process makes them stakeholders in the community and helps steer former offenders away from future crimes.

The hallmark of a democratic government is that it reflects the views of the governed, views that are most readily expressed through the ballot box. As law enforcement and criminal justice officials, we are deeply committed to securing our system of American democracy. Carving a segment of the community out of the democratic process is inconsistent with America's best traditions and highest values.

People who commit crimes must and will serve all terms of their sentence. But once the criminal justice system has determined that they are ready to return to the community, they should receive both the rights and responsibilities that come with the status of being a citizen. Restoring the right to vote is simply good law enforcement policy.

To protect basic public safety and strengthen the core of our democracy, we urge you to use your leadership to pass this important legislation.

Sincerely,

American Correctional Association; Association of Paroling Authorities International; American Probation and Parole Association; James H. Austen; Blacks in Law Enforcement of America; Correctional Association of New York; Charles J. Hynes, District Attorney, Kings County, New York; International Community Corrections Association; Doug Jones; Peg Lautenschlager; Jorge Montes, Principal at Montes & Associates; Oklahoma Department of Corrections; Police Foundation; Providence Police Department; Rhode Island Department of Corrections.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2019. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to reduce helicopter noise pollution in certain residential areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Los Angeles Residential Helicopter Noise Relief Act of 2011, which is cosponsored by Senator BOXER.

This legislation is very simple. It directs the Federal Aviation Administration to develop and enforce regulations to control helicopter noise and improve helicopter safety above Los Angeles.

FAA must complete the regulations within three years, in consultation with the local community, and it must include an exemption for public safety aircraft.

The bill is a companion to legislation with the same name introduced by Representative BERMAN.

This legislation is long overdue.

Under current law, helicopter pilots can and do fly practically wherever they want above Los Angeles, and no agency limits their activity.

The Federal Aviation Administration controls our Nation's airspace exclusively, but it imposes no restrictions on helicopter flight paths, elevation, or hovering.

If a helicopter wants to hover over a home in Los Angeles for an hour, it can.

One neighborhood leader told the New York Times this summer that he was afraid of complaining too loudly about the noise helicopters create because he feared helicopter operators would retaliate, legally, by parking over his house.

City officials and State agencies permit the location of helicopter landing pads, but they have absolutely no power to govern what the chopper does once it takes off. They can do nothing to discourage tourist pilots from flying low and banking hard for the promise of a tip.

Bottom Line: This is, for all intents and purposes, an unregulated industry.

This reality is increasingly frustrating to Los Angeles residents who are experiencing what many people say is the most intense period of helicopter use in memory.

Every day brings a steady swarm of helicopters buzzing above Southern California's bedroom communities in what many officials say are greater numbers than ever before.

There are media helicopters, traffic helicopters, tour helicopters, paparazzi and film crew helicopters, corporate helicopters and private commuter helicopters.

Downtown L.A. has a helicopter parking lot in the clouds; helipads lie atop nearly every skyscraper.

But the city's residents may have finally reached their breaking point in July, after two consecutive weekends of extreme helicopter noise.

First, the helicopters hovered for hours on end as Prince William and his new bride, Kate, settled into Hancock Park, a Los Angeles community.

Then, a week later, the helicopters monitoring the impact of closing Interstate 405 were even worse.

Los Angeles resident Sue Rosen told the New York Times that there were, at any given time, at least five helicopters hovering over her house watching the 405. ''The noise was nerve-wracking,'' she said. ''The house was vibrating.''

The same week, a helicopter thumped loudly above the Hollywood Bowl at the exact moment Gustavo Dudamel was leading the Los Angeles Philharmonic through the adagio in the overture to Mozart's ''Abduction From the Seraglio.''

Although the Hollywood Bowl has worked aggressively with helicopter operators to establish a voluntary no-fly zone during concert nights, they have no power to enforce it, and pilots ignore it.

Noise from helicopters above the Hollywood bowl has been so loud some years that the Symphony had to stop playing.

As one pilot explained: the Hollywood Bowl managers ''are always calling the towers telling them to get us away. But they can't do anything.'' Only FAA can act.

Only the FAA has the authority to improve the lives of millions of Californians bothered by helicopters by establishing common sense rules that increase safety and reduce noise.

But to date, FAA leaders have ignored this problem. In fact, FAA has not even tracked noise and annoyance complaints.

This bill directs the FAA to take this matter seriously.

FAA would be required to bring about safer, more pleasant skies above Los Angeles in cooperation with the local communities.

The air above our cities is a common Federal resource that only Congress has the power to protect, and today the air above Los Angeles is polluted with helicopter noise.

This is therefore a very important bill for the quality of life in America's second largest city.

I hope my colleagues will support this legislation and work with us to enact it as part of FAA reauthorization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Los Angeles Residential Helicopter Noise Relief Act of 2011''.

SEC. 2. REGULATIONS TO REDUCE HELICOPTER NOISE POLLUTION IN CERTAIN RESIDENTIAL AREAS.

(a) REGULATIONS REQUIRED.—Not later than 3 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations for helicopter operations in Los Angeles County, California, that include requirements relating to the flight paths and altitudes associated with such operations to reduce helicopter noise pollution in residential areas, increase safety, and minimize commercial aircraft delays.

(b) EXEMPTIONS.—In prescribing regulations under subsection (a), the Administrator shall exempt helicopter operations related to emergency, law enforcement, or military activities from the requirements described in that subsection.

(c) CONSULTATIONS.—In prescribing regulations under subsection (a), the Administrator shall make reasonable efforts to consult with local communities and local helicopter operators in order to develop regulations that meet the needs of local communities, helicopter operators, and the Federal Aviation Administration.

By Mr. HARKIN.

S. 2020. A bill to protect all school children against harmful and life-threatening seclusion and restraint practices; to the Committee on Health, Education, Labor and Pensions.

Mr. HARKIN. Mr. President, throughout my career in public service I have been committed to ensuring that children in this country receive a quality education. I believe that each child should be educated in a supportive, caring, stimulating environment in which they are treated as an individual and provided with the tools they need to succeed. I also believe no child should be subjected to abusive disciplinary strategies or violent behavioral interventions while in school and no child should be secluded or unnecessarily restrained. I have fought to ensure that all children be treated fairly in schools in this country, and as a result I am pleased to introduce today the Keeping All Students Safe Act. This important legislation will protect school children against ineffective harmful and life-threatening seclusion and restraint practices.

In 2009 the Government Accountability Office conducted a study on seclusion and restraint in schools. This study revealed that although the Children's Health Act of 2000 amended Title V of the Public Health Service Act and regulated the use of seclusion and restraint on residents and children in hospital facilities that receive Federal funds, there was no Federal law restricting the use of seclusion and restraint in schools. In a hearing on May 19, 2009 parents of children who were injured or killed as a result of the use of seclusion and restraint in schools testified before the House Committee on Education and Labor. This testimony from parents highlighted the very real need for this legislation. The Keeping All Students Safe Act addresses many of the concerns raised at that hearing and by the G.A.O. study. The act specifically prohibits seclusion, the use of locked or barred rooms where children are left unattended, without supervision. The act also prohibits mechanical and chemical restraints, physical restraints that are life-threatening, including those that restrict breathing, and aversive behavioral interventions that compromise a student's health and safety.

The G.A.O. study also revealed that restraint and seclusion-related fatalities and injuries most often involve children with disabilities. This vulnerable population must especially be protected from this type of abuse, and this legislation seeks to do just that. The Keeping All Students Safe Act prohibits the use of all types of restraint and seclusion in all schools receiving Federal financial assistance, and prevents the use of this type of intervention from being included in any child's individualized education plan. This prohibition is included in the act because we know that planning for the use of restraint or seclusion has been shown to actually increase their use.

Although the act does allow for the use of restraint in emergency situations to prevent serious bodily injury to the student, other students in the classroom, or staff, it also requires

staff to be trained and certified by a State-approved crisis intervention training program as to how to approach these types of emergency situations. This will help to ensure that in the rare instances where restraint is necessary to prevent serious bodily injury, all techniques will be administered appropriately and unnecessary injury can be avoided.

Another issue uncovered by the G.A.O. study was that no web site, Federal agency, or other entity currently collects comprehensive data related to the use of restraint and seclusion in our Nation's schools. This Act will remedy this situation, as it requires each State educational agency to prepare and submit a report documenting, among other information, any instances in which physical restraint was imposed upon a student. This will allow us to track the use of restraint and to determine if our efforts to decrease it are being successful.

Support for this Act comes from many sectors of the education community. Organizations such as Easter Seals, United Cerebral Palsy, The Arc of the United States, the National Disabilities Rights Network and the Council of Parent and Attorney Advocates all support this legislation. In addition, in the House, our colleague, Representative GEORGE MILLER, introduced in April a companion bill with bi-partisan support.

This act is an important step towards protecting all children within our Nation's schools from the use of restraint and seclusion. No child should be subjected to physical restraint or seclusion as a disciplinary technique or behavior intervention strategy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Keeping All Students Safe Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPLICABLE PROGRAM.—The term ''applicable program'' has the meaning given the term in section 400(c)(1) of the General Education Provisions Act (20 U.S.C. 1221(c)(1)).

(2) CHEMICAL RESTRAINT.—The term ''chemical restraint'' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

(3) ESEA DEFINITIONS.—The terms—

(A) ''Department'', ''educational service agency'', ''elementary school'', ''local educational agency'', ''parent'', ''secondary school'', ''State'', and ''State educational agency'' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(B) ''school resource officer'' and ''school personnel'' have the meanings given such terms in section 4151 of such Act (20 U.S.C. 7161).

(4) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of—

(A) funds;

(B) services of Federal personnel; or

(C) real and personal property or any interest in or use of such property, including—

(i) transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(5) FREE APPROPRIATE PUBLIC EDUCATION.—For those students eligible for special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the term ''free appropriate public education'' has the meaning given the term in section 602 of such Act (20 U.S.C. 1401).

(6) MECHANICAL RESTRAINT.—The term ''mechanical restraint''—

(A) has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting ''student's'' for ''resident's''; and

(B) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(i) restraints for medical immobilization;

(ii) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(iii) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(7) PHYSICAL ESCORT.—The term ''physical escort'' means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

(8) PHYSICAL RESTRAINT.—The term ''physical restraint'' means a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint.

(9) POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.—The term ''positive behavioral interventions and supports''

(A) means a school-wide systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, including those with the most complex and intensive behavioral needs; and

(B) encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrence of challenging behaviors, and teach appropriate behaviors to students.

(10) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(11) SECLUSION.—The term ''seclusion'' means the isolation of a student in a room, enclosure, or space that is—

(A) locked; or

(B) unlocked and the student is prevented from leaving.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Education, and, where appropriate, the Secretary of the Interior and the Secretary of Defense.

(13) SERIOUS BODILY INJURY.—The term ''serious bodily injury'' has the meaning given the term in section 1365(h) of title 18, United States Code.

(14) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term ''State-approved crisis intervention training program'' means a training program approved by a State that, at a minimum, provides training in evidence-based practices shown to be effective—

(A) in the prevention of the use of physical restraint;

(B) in keeping both school personnel and students safe in imposing physical restraint in a manner consistent with this Act;

(C) in the use of data-based decisionmaking and evidence-based positive behavioral interventions and supports, safe physical escort, conflict prevention, behavioral antecedents, functional behavioral assessments, de-escalation of challenging behaviors, and conflict management;

(D) in first aid, including the signs of medical distress, and cardiopulmonary resuscitation; and

(E) certification for school personnel in the practices and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

(15) STUDENT.—The term ''student'' means a student who—

(A) is enrolled in a public school;

(B) is enrolled in a private school and is receiving a free appropriate public education at the school under subparagraph (B) or (C) of section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)(B), (C));

(C) is enrolled in a Head Start or Early Head Start program supported under the Head Start Act (42 U.S.C. 9831); or

(D) receives services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to promote the development of effective intervention and prevention practices that do not use restraints and seclusion;

(2) to protect all students from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any restraint imposed for purposes of coercion, discipline or convenience, or as a substitute for appropriate educational or positive behavioral interventions and supports;

(3) to ensure that staff are safe from the harm that can occur from inexpertly using restraints; and

(4) to ensure the safety of all students and school personnel and promote positive school culture and climate.

SEC. 4. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

Each State and local educational agency receiving Federal financial assistance shall have in place policies that are consistent with the following:

(1) PROHIBITION OF CERTAIN ACTION.—School personnel, contractors, and resource officers are prohibited from imposing on any student—

(A) seclusion;
(B) mechanical restraint;
(C) chemical restraint;
(D) aversive behavioral interventions that compromise health and safety;
(E) physical restraint that is life-threatening, including physical restraint that restricts breathing; and
(F) physical restraint if contraindicated based on the student's disability, health care needs, or medical or psychiatric condition, as documented in a health care directive or medical management plan, a behavior intervention plan, an individualized education program or an individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or other relevant record made available to the State or local educational agency.

(2) PHYSICAL RESTRAINT.—
(A) IN GENERAL.—Physical restraint may only be implemented if—
(i) the student's behavior poses an immediate danger of serious bodily injury to self or others;
(ii) the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and
(iii) less restrictive interventions have been ineffective in stopping the immediate danger of serious bodily injury to the student or others, except in a case of a rare and clearly unavoidable emergency circumstance posing immediate danger of serious bodily injury.
(B) LEAST AMOUNT OF FORCE NECESSARY.—When implementing a physical restraint, staff shall use only the amount of force necessary to protect the student or others from the threatened injury.
(C) END OF PHYSICAL RESTRAINT.—The use of physical restraint shall end when—
(i) a medical condition occurs putting the student at risk of harm;
(ii) the student's behavior no longer poses an immediate danger of serious bodily injury to the student or others; or
(iii) less restrictive interventions would be effective in stopping such immediate danger of serious bodily injury.
(D) QUALIFICATIONS OF INDIVIDUALS ENGAGING IN PHYSICAL RESTRAINT.—School personnel imposing physical restraint in accordance with this subsection shall—
(i) be trained and certified by a State-approved crisis intervention training program, except in the case of rare and clearly unavoidable emergency circumstances when school personnel trained and certified are not immediately available due to the unforeseeable nature of the emergency circumstance;
(ii) engage in continuous face-to-face monitoring of the student; and
(iii) be trained in State and school policies and procedures regarding restraint and seclusion.
(E) PROHIBITION ON USE OF PHYSICAL RESTRAINT AS PLANNED INTERVENTION.—The use of physical restraints as a planned intervention shall not be written into a student's education plan, individual safety plan, plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), individualized education program or individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or any other planning document for an individual student.

(3) OTHER POLICIES.—
(A) IN GENERAL.—The State or local educational agency, and each school and educational program served by the State or local educational agency shall—
(i) establish policies and procedures that ensure school personnel and parents, including private school personnel and parents, are aware of the State, local educational agency, and school's policies and procedures regarding seclusion and restraint;
(ii) establish policies and procedures to keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe;
(iii) establish policies and procedures for planning for the appropriate use of restraint in crisis situations in accordance with this Act by a team of professionals trained in accordance with a State-approved crisis intervention training program; and
(iv) establish policies and procedures to be followed after each incident involving the imposition of physical restraint upon a student, including—
(I) procedures to provide to the parent of the student, with respect to each such incident—
(aa) a verbal or electronic communication on the same day as each such incident; and
(bb) within 24 hours of each such incident, written notification; and
(II) after the imposition of physical restraint upon a student, procedures to ensure that all school personnel in the proximity of the student immediately before and during the time of the restraint, the parent, the student, appropriate supervisory and administrative staff, and appropriate IEP team members, participate in a debriefing session.
(B) DEBRIEFING SESSION.—
(i) IN GENERAL.—The debriefing session described in subparagraph (A)(iv)(II) shall occur as soon as practicable, but not later than 5 school days following the imposition of physical restraint unless it is delayed by written mutual agreement of the parent and school. Parents shall retain their full legal rights for children under the age of majority concerning participation in the debriefing or other matters.
(ii) CONTENT OF SESSION.—The debriefing session described in subparagraph (A)(iv)(II) shall include—
(I) identification of antecedents to the physical restraint;
(II) consideration of relevant information in the student's records, and such information from teachers, other professionals, the parent, and student;
(III) planning to prevent and reduce reoccurrence of the use of physical restraint, including consideration of the results of any functional behavioral assessments, whether positive behavior plans were implemented with fidelity, recommendations of appropriate positive behavioral interventions and supports to assist personnel responsible for the student's educational plan, the individualized education program for the student, if applicable, and plans providing for reasonable accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
(IV) a plan to have a functional behavioral assessment conducted, reviewed, or revised by qualified professionals, the parent, and the student; and
(V) for any student not identified as eligible to receive accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), evidence of such a referral or documentation of the basis for declining to refer the student.
(iii) COMMUNICATION BY THE STUDENT.—When a student attends a debriefing session described in subparagraph (A)(iv)(II), information communicated by the student may not be used against the student in any disciplinary, criminal, or civil investigation or proceeding.

(4) NOTIFICATION IN WRITING ON DEATH OR BODILY INJURY.—In a case in which serious bodily injury or death of a student occurs in conjunction with the use of physical restraint or any intervention used to control behavior, there are procedures to notify, in writing, within 24 hours after such injury or death occurs—
(A) the State educational agency and local educational agency;
(B) local law enforcement; and
(C) a protection and advocacy system, in the case of a student who is eligible for services from the protection and advocacy system.

(5) PROHIBITION AGAINST RETALIATION.—The State or local educational agency, each school and educational program served by the State or local educational agency, and school personnel of such school or program shall not retaliate against any person for having—
(A) reported a violation of this section or Federal or State regulations or policies promulgated to carry out this section; or
(B) provided information regarding a violation of this section or Federal or State regulations or policies promulgated to carry out this section.

SEC. 5. INTERACTION.

(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law (including regulations) or to restrict or limit stronger restrictions on the use of restraint, seclusion, or aversives in Federal or State law (including regulations) or in State policies.

(b) DENIAL OF A FREE APPROPRIATE PUBLIC EDUCATION.—Failure to meet the minimum standards of this Act as applied to an individual child eligible for accommodations developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or for education or related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) shall constitute a denial of a free appropriate public education.

SEC. 6. REPORT REQUIREMENTS.

(a) IN GENERAL.—Each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency that includes the following information:

(1) The total number of incidents in which physical restraint was imposed upon a student in the preceding full academic year.

(2) The information described in paragraph (1) shall be disaggregated—
(A) by the total number of incidents in which physical restraint was imposed upon a student—
(i) that resulted in injury to students or school personnel, or both;
(ii) that resulted in death; and
(iii) in which the school personnel imposing physical restraint were not trained and certified as described in section 4(2)(D)(i); and
(B) by the demographic characteristics of all students upon whom physical restraint was imposed, including—
(i) the subcategories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));
(ii) age; and

(iii) disability category.

(b) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under subsection (a) shall—

(1) be carried out in a manner to ensure an unduplicated count of the total number of incidents in the preceding full academic year in which physical restraint was imposed upon a student; and

(2) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

SEC. 7. GRANT AUTHORITY.

(a) IN GENERAL.—From the amount appropriated under section 9, the Secretary may award grants to State educational agencies to assist in—

(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards described in this Act;

(2) improving State and local capacity to collect and analyze data related to physical restraint; and

(3) improving school climate and culture by implementing school-wide positive behavioral interventions and supports.

(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint.

(d) AUTHORITY TO MAKE SUBGRANTS.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(e) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—A State educational agency receiving grant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property with such funds, shall be in a public agency and a public agency shall administer such funds, materials, equipment, and property.

(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

(1) Researching, developing, implementing, and evaluating evidence-based strategies, policies, and procedures to reduce and prevent physical restraint in schools, consistent with the minimum standards described in this Act.

(2) Providing professional development, training, and certification for school personnel to meet such standards.

(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for 1 or more of the following:

(1) Developing and implementing a high-quality professional development and training program to implement evidence-based systematic approaches to school-wide positive behavioral interventions and supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavioral interventions and supports, including technical assistance for data-driven decisionmaking related to positive behavioral interventions and supports in the classroom.

(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavioral interventions and supports with fidelity.

(4) Supporting other local positive behavioral interventions and supports implementation activities consistent with this subsection.

(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

(1) evaluate the State's progress toward the prevention and reduction of physical restraint in the schools located in the State, consistent with the minimum standards; and

(2) submit to the Secretary a report on such progress.

SEC. 8. ENFORCEMENT.

(a) USE OF REMEDIES.—If a State educational agency fails to comply with the requirements under this Act, the Secretary shall—

(1) withhold, in whole or in part, further payments under an applicable program in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d);

(2) require a State or local educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program;

(3) issue a complaint to compel compliance of the State or local educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e); or

(4) refer the State to the Department of Justice or Department of Education Office of Civil Rights for an investigation.

(b) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State or local educational agency that is subject to the withholding of payments under subsection (a)(1) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subsection.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2012 and each of the 4 succeeding fiscal years.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet on December 16, 2011.

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

PRIVILEGES OF THE FLOOR

Mr. HOEVEN. Mr. President, I ask unanimous consent that Russell Evenmo, an intern in my office, be permitted floor privileges for today. It is his last day and I wish to get him on the floor, if I could.

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

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that at 9 a.m. tomorrow morning, Saturday, December 17, the Senate proceed to the consideration of Calendar No. 257, H.R. 3630; that the majority leader be recognized to offer a Reid-McConnell substitute amendment agreed to by both leaders—a 2-month extension of the payroll tax reduction, doc fix, and unemployment insurance; that following the reporting of the amendment, the Senate proceed to vote in relation to the substitute; that there be no amendments in order to the substitute or the bill prior to the vote; that the amendment be subject to a 60-vote threshold; that if the substitute amendment is agreed to, the bill, as amended, be read the third time and passed; that if the Reid-McConnell substitute amendment is not agreed to, the majority leader be recognized; that upon the disposition of H.R. 3630, the Senate proceed to the consideration of the conference report with respect to H.R. 2055; that there be 15 minutes of debate, 5 minutes each for Senators INOUYE, COCHRAN, and MCCAIN; that upon the use or yielding back of time, the conference report be temporarily set aside and, notwithstanding the lack of receipt of the papers from the House with respect to H.R. 3672, the Senate proceed to the consideration en bloc of the following items: H.R. 3672, a bill regarding emergency disaster funding, and H. Con. Res. 94, a correcting resolution to provide offsets for the emergency disaster funding; that there be no amendments in order to the bill or the concurrent resolution prior to votes in relation to those measures; that following the reporting of the bill and the concurrent resolution, the Senate proceed to votes on the measures in the following order: passage of H.R. 3672, adoption of H. Con. Res. 94, and adoption of the conference report to accompany H.R. 2055, the Omnibus appropriations bill; that there be 2 minutes equally divided prior to each vote; that each of the votes be subject to a 60 affirmative vote threshold; that no motions or points of order be in order prior to the votes other than budget points of order and the applicable motions to waive; further, the cloture motion with respect to the motion to proceed to H.R. 3630 be vitiated; finally, that the House be immediately notified of the Senate's action following the votes.