

(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 sec-

tion 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 INOUE, 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.

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

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Friday, December 16 through Monday, January 23, 2012, the majority leader be recognized to sign duly enrolled bills and joint resolutions.

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

ORDERS FOR SATURDAY,
DECEMBER 17, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Saturday, December 17, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to the consideration of Calendar No. 257, H.R. 3630, the House payroll bill that we have talked about, as provided under the previous order.

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

PROGRAM

Mr. REID. Senators should expect a series of rollcall votes tomorrow morning beginning at 9 a.m. in relation to a 2-month extension of the payroll tax, unemployment insurance, the doc fix, disaster aid, and the omnibus appropriations conference report.

ADJOURNMENT UNTIL 9 A.M.
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Saturday, December 17, 2011, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JOHN THOMAS FOWLKES, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, VICE BERNICE B. DONALD, ELEVATED.

KEVIN MCNULTY, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE GARRETT E. BROWN, JR., RETIRING.

DEPARTMENT OF THE TREASURY

RICHARD B. BERNER, OF MASSACHUSETTS, TO BE DIRECTOR, OFFICE OF FINANCIAL RESEARCH, DEPART-

MENT OF THE TREASURY, FOR A TERM OF SIX YEARS. (NEW POSITION)

DEPARTMENT OF STATE

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be brigadier general

- COLONEL JEFFREY K. BARNSON
- COLONEL ABEL BARRIENTES
- COLONEL KIMBERLY A. CRIDER
- COLONEL THERON G. DAVIS
- COLONEL CHRISTOPHER L. EDDY
- COLONEL LYMAN L. EDWARDS
- COLONEL JOHN C. FLOURNOY, JR.
- COLONEL KATHRYN J. JOHNSON
- COLONEL KENNETH D. LEWIS, JR.
- COLONEL STEPHEN J. LINSSENMEYER, JR.
- COLONEL VINCENT M. MANGUSO
- COLONEL UDO K. MCGREGOR
- COLONEL ERIC S. OVERTURF
- COLONEL KAREN A. RIZZUTI
- COLONEL VINCENT M. SARONI
- COLONEL JAMES P. SCANLAN

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 16, 2011 withdrawing from further Senate consideration the following nomination:

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.