

to award subgrants, on a competitive basis, to eligible local applicants.

(g) **REQUIRED STATE ACTIVITIES.**—A State that receives a grant under this section shall—

(1) not later than 1 year after receipt of the grant, develop, adapt, improve, or adopt and implement a statewide conditions for learning measurement system (unless the State can demonstrate, to the satisfaction of the Secretary, that an appropriate system has already been implemented) that annually measures the State's progress in the conditions for learning for every public school in the State;

(2) collect information in each year of the grant on the conditions for learning at the school-building level through comprehensive needs assessments of students, school staff, and family perceptions, experiences, and behaviors;

(3) collect annual incident data at the school-building level that are accurate and complete;

(4) publicly report, at the school level and district level, the data collected in the conditions for learning measurement system each year in a timely and highly accessible manner;

(5) use, on a continuous basis, the results of the conditions for learning measurement system to—

(A) identify and address conditions for learning statewide;

(B) help subgrantees identify and address school and student needs; and

(C) provide individualized assistance to the lowest-performing schools (consistent with section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)) and schools with significant conditions for learning weaknesses as identified through the conditions for learning measurement system with implementation of activities under this Act; and

(6) award subgrants, consistent with subsection (h), to eligible local applicants.

(h) **SUBGRANTS.**—

(1) **IN GENERAL.**—

(A) **AWARDING OF SUBGRANTS.**—A State that receives a grant under this section shall award subgrants, on a competitive basis, to eligible local applicants (which may apply in partnership with 1 or more community-based organizations)—

(i) based on need as identified by data from State and local conditions for learning measurement systems;

(ii) that are of sufficient size and scope to enable subgrantees to carry out approved activities; and

(iii) to implement programs that—

(I) are comprehensive in nature;

(II) are based on scientifically valid research;

(III) are consistent with achieving the conditions for learning;

(IV) are part of a strategy to achieve all the conditions for learning; and

(V) address 1 or more of the categories described in paragraph (2)(A).

(B) **ASSISTANCE.**—A State that receives a grant under this section shall provide assistance to subgrant applicants and recipients in the selection of scientifically valid programs and interventions.

(2) **ALLOCATION.**—

(A) **IN GENERAL.**—In awarding subgrants under this section, each State shall ensure that, for the aggregate of all subgrants awarded by the State—

(i) not less than 20 percent of the subgrant funds are allocated to carry out drug and violence prevention;

(ii) not less than 20 percent of the subgrant funds are allocated to carry out programs to promote mental health; and

(iii) not less than 20 percent of the subgrant funds are allocated to carry out programs to promote physical activity, education, fitness, and nutrition.

(B) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require States, in making subgrants to eligible local applicants, to require subgrant recipients to use 20 percent of grant funds for drug and violence prevention, 20 percent of grant funds for the promotion of mental health, and 20 percent of grant funds for the promotion of physical activity, education, fitness, and nutrition.

(3) **APPLICATIONS.**—An eligible local applicant that desires to receive a subgrant under this subsection shall submit to the State an application at such time, in such manner, and containing such information as the State may require.

(4) **PRIORITY.**—In awarding subgrants under this subsection, a State shall give priority to applications that—

(A) demonstrate the greatest need according to the results of the State's conditions for learning survey; and

(B) propose to serve schools with the highest concentrations of poverty, based on the percentage of students receiving or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(5) **ACTIVITIES OF SUBGRANT RECIPIENTS.**—Each recipient of a subgrant under this subsection shall, for the duration of the subgrant—

(A) carry out activities—

(i) the need for which has been identified, at a minimum, through the conditions for learning measurement system; and

(ii) that are part of a comprehensive strategy or framework to address such need, in 1 or more of the 3 categories identified in paragraph (2)(A);

(B) ensure that each framework, intervention, or program selected be based on scientifically valid research and be used for the purpose for which such framework, intervention, or program was found to be effective;

(C) use school-level data from the statewide conditions for learning measurement system to inform the implementation and continuous improvement of activities carried out under this Act;

(D) use data from the statewide conditions for learning measurement system to identify challenges outside of school or off school grounds, (including the need for safe passages for students to and from school), and collaborate with 1 or more community-based organization to address such challenges;

(E) collect and report to the State educational agency, data for schools served by the subgrant recipient, in a manner consistent with the State's conditions for learning measurement system;

(F) establish policies to expand access to quality physical activity opportunities, (including school wellness policies) and establish active school wellness councils, consistent with the requirements of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), which may be part of existing school councils, if such councils exist and have the capacity and willingness to address school wellness;

(G) engage family members and community-based organizations in the development of conditions for learning surveys, and in the planning, implementation, and review of the subgrant recipient's efforts under this Act; and

(H) consider and accommodate the unique needs of students with disabilities and English language learners in implementing activities.

(i) **ACCOUNTABILITY.**—

(1) **ESTABLISHMENT OF PERFORMANCE METRICS.**—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish program performance metrics to measure the effectiveness of the activities carried out under this Act.

(2) **ANNUAL REPORT.**—Each State that receives a grant under this Act shall prepare and submit an annual report to the Secretary, which shall include information relevant to the conditions for learning, including on progress towards meeting outcomes for the metrics established under paragraph (1).

#### SEC. 6. FUNDS RESERVED FOR SECRETARY.

From the amount reserved under section 4(3), the Secretary shall—

(1) direct the Institute of Education Sciences to conduct an evaluation of the impact of the practices funded or disseminated by the Successful, Safe, and Healthy Students State Grants program; and

(2) provide technical assistance to applicants, recipients, and subgrant recipients of the programs funded under this Act.

#### SEC. 7. PROHIBITED USES OF FUNDS.

No funds appropriated under this Act may be used to pay for—

(1) school resource officer or other security personnel salaries, metal detectors, security cameras, or other security-related salaries, equipment, or expenses;

(2) drug testing programs; or

(3) the development, establishment, implementation, or enforcement of zero-tolerance discipline policies, other than those expressly required under the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

#### SEC. 8. FEDERAL AND STATE NONDISCRIMINATION LAWS.

Nothing in this Act shall be construed to invalidate or limit nondiscrimination principles or rights, remedies, procedures, or legal standards available to victims of discrimination under any other Federal law or law of a State or political subdivision of a State, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794a), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The obligations imposed by this Act are in addition to those imposed by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$1,000,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 173—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2011, AS “NATIONAL PHYSICAL EDUCATION AND SPORT WEEK”

Ms. KLOBUCHAR (for herself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 173

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity, which has more than tripled in the United States since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to the continued health and well-being of children;

Whereas according to the Centers for Disease Control, overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as “late in life” or “adult onset” diabetes because type 2 diabetes presently occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans issued by the Department of Health and Human Services recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas according to the Centers for Disease Control, only 19 percent of high school students are meeting the goal of 60 minutes of physical activity each day;

Whereas children spend many of their waking hours at school and, as a result, need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas nationally, according to the Centers for Disease Control, 1 out of 4 children does not attend any school physical education classes, and fewer than 1 in 4 children get 20 minutes of vigorous activity every day;

Whereas teaching children about physical education and sports not only ensures that the children are physically active during the school day, but also educates the children on how to be physically active and the importance of physical activity;

Whereas according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education (or an equivalent) for the entire school year, and 22 percent of schools do not require students to take any physical education courses at all;

Whereas according to that 2006 survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provide physical education (or an equivalent) at least 3 days per week for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can help the attention, concentration, and achievement test scores of children;

Whereas participation in sports teams and physical activity clubs, often organized by the school and run outside of the regular school day, can improve grade point average, school attachment, educational aspirations, and the likelihood of graduation;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas children and youths who partake in physical activity and sports programs have increased motor skills, healthy lifestyles, social skills, a sense of fair play, strong teamwork skills, self-discipline, and avoidance of risky behaviors;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which the children live, and therefore, the people of the United States share a collective responsibility in reversing the childhood obesity epidemic;

Whereas if efforts are made to intervene with unfit children to bring those children to physically fit levels, then there may also be a concomitant rise in the academic performance of those children; and

Whereas Congress strongly supports efforts to increase physical activity and participation of children and youth in sports: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 1 through May 7, 2011, as “National Physical Education and Sport Week”;

(2) recognizes National Physical Education and Sport Week and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(3) supports the implementation of local school wellness policies (as that term is described in section 9A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758b)) that include ambitious goals for physical education, physical activity, and other activities that address the childhood obesity epidemic and promote child wellness; and

(4) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

**SENATE RESOLUTION 174—EXPRESSING THE SENSE OF THE SENATE THAT EFFECTIVE SHARING OF PASSENGER INFORMATION FROM INBOUND INTERNATIONAL FLIGHT MANIFESTS IS A CRUCIAL COMPONENT OF OUR NATIONAL SECURITY AND THAT THE DEPARTMENT OF HOMELAND SECURITY MUST MAINTAIN THE INFORMATION SHARING STANDARDS REQUIRED UNDER THE 2007 PASSENGER NAME RECORD AGREEMENT BETWEEN THE UNITED STATES AND THE EUROPEAN UNION**

Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 174

Whereas the National Commission on Terrorist Attacks Upon the United States—

(1) found that “[t]argeting travel is at least as powerful a weapon against terrorists as targeting their money”; and

(2) recommended that the United States “combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorist, find terrorist travel facilitators, and constrain terrorist mobility”;

Whereas terrorists continue to target international travel to the United States, as evidenced by Umar Farouk Abdulmutallab’s attempt to detonate a bomb on board Northwest Airlines Flight 253 on December 25, 2009, en route from Amsterdam to Detroit;

Whereas Congress responded to the attacks of September 11, 2001, by mandating that all air carriers flying into the United States provide passenger name record (referred to in this resolution as “PNR”) data concerning all inbound passengers to U.S. Customs and Border Protection to assist the Department of Homeland Security in fulfilling its missions of protecting the border and enhancing border security;

Whereas there is bipartisan agreement on the need to collect and share passenger travel data, which—

(1) has served as a cornerstone for interdicting terrorists by the administrations of President Barack Obama and former President George W. Bush; and

(2) continues to fulfill the mandate for increased information sharing set by Congress in—

(A) the Aviation and Transportation Security Act (Public Law 107-71);

(B) the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458);

(C) the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53); and

(D) other laws requiring information sharing internationally and within the United States Government to promote greater security;

Whereas the Implementing Recommendations of the 9/11 Commission Act of 2007 required nations to enter into an agreement to exchange passenger information with the United States in order to qualify for the United States’ visa waiver program;

Whereas international law and treaties have recognized that—

(1) advance information about travelers is a critical tool in identifying high-risk passengers; and

(2) the intelligence gained from the analysis of passenger travel data is critical for—

(A) protecting the United States against terrorists entering the United States; and

(B) preventing terrorists from boarding international flights bound for the United States;

Whereas the Agreement Between the United States of America and the European Union on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the United States Department of Homeland Security (DHS), done at Brussels and Washington on July 23 and 26, 2007 (referred to in this resolution as the “EU-U.S. PNR Agreement”)—

(1) succeeded a series of agreements between 2002 and October 2006;

(2) was intended to remain in effect until 2014; and

(3) complied with European Union and United States privacy laws by providing assurances that the United States would use PNR data for limited purposes;

Whereas PNR data gathered pursuant to the EU-U.S. PNR Agreement has been used to identify and arrest a number of dangerous terrorists, including—

(1) David Headley, who was planning an attack on Denmark and who contributed to the tragedy in Mumbai; and

(2) Faisal Shahzad, who was attempting to flee the country after attempting to set off a car-bomb in Times Square.

Whereas PNR data has been used to prevent the travel of many other individuals considered to be national security threats or otherwise inadmissible to the United States;

Whereas the privacy protections in the current EU-U.S. PNR Agreement are robust, and a February 2010 joint review by both signatories found no privacy violations, misuse, or injury from the collection of PNR data by the Department of Homeland Security;

Whereas although the United States and the European Union have different governing mechanisms that lead to differences in how oversight is conducted, both governments have a firm commitment to the protection of data and the respect of individual privacy;

Whereas in February 2011, the European Commission proposed that the European Union create its own PNR system in order to identify potential terrorists and other dangerous criminals;

Whereas in 2010, the Washington Post—

(1) recognized the important role that PNR data plays in securing international aviation; and