

S. RES. 260

At the request of Ms. COLLINS, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. Res. 260, a resolution recognizing the importance of sustained United States leadership to accelerating global progress against maternal and child malnutrition and supporting the commitment of the United States Agency for International Development to global nutrition through the Multi-Sectoral Nutrition Strategy.

S. RES. 308

At the request of Mr. PETERS, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. Res. 308, a resolution calling on the Government of the Russian Federation to provide evidence or to release United States citizen Paul Whelan.

S. RES. 318

At the request of Mr. RISCH, the names of the Senator from Indiana (Mr. YOUNG), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 318, a resolution to support the Global Fund to fight AIDS, Tuberculosis and Malaria, and the Sixth Replenishment.

S. RES. 338

At the request of Mr. MURPHY, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. Res. 338, a resolution designating the week of September 23 through September 27, 2019, as “Malnutrition Awareness Week”.

S. RES. 342

At the request of Mr. MARKEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 342, a resolution expressing the need for immediate climate action in response to the report of the United Nations Intergovernmental Panel on Climate Change entitled “Special Report on the Ocean and Cryosphere in a Changing Climate”.

S. RES. 343

At the request of Mrs. SHAHEEN, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. Res. 343, a resolution congratulating the people of the Czech Republic and the people of the Slovak Republic on the 30th anniversary of the Velvet Revolution, the 26th anniversary of the formation of the Czech Republic and the Slovak Republic, and the 101st anniversary of the declaration of independence of Czechoslovakia.

S. RES. 344

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 344, a resolution expressing support for a credible, inclusive, and transparent presidential election in Afghanistan on September 28, 2019.

S. RES. 348

At the request of Ms. COLLINS, the name of the Senator from Massachu-

sets (Ms. WARREN) was added as a cosponsor of S. Res. 348, a resolution proclaiming the week of September 23 through September 27, 2019, as “National Clean Energy Week”.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself and Mr. SHATZ):

S. 2597. A bill to require the National Oceanic and Atmospheric Administration to make certain operational models available to the public, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. THUNE. 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. 2597

*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 “Learning Excellence and Good Examples from New Developers Act of 2019” or the “LEGEND Act of 2019”.

### SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(3) MODEL.—The term “model” means any numerical model of the Earth’s system or its components produced by scientists employed by the Administration.

(4) OPERATIONAL MODEL.—The term “operational model” means any model that has an output used by the Administration for operational or public service functions.

(5) OPEN SOURCE CODE.—The term “open source code” means computer code or programming language that is available for public use or modification.

### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to support innovation in modeling by allowing interested stakeholders to have easy and complete access to the models used by the Administration; and

(2) to use vetted innovations arising from access provided under paragraph (1) to improve modeling by the Administration.

### SEC. 4. REQUIREMENT TO MAKE CERTAIN OPERATIONAL MODELS AVAILABLE TO THE PUBLIC.

(a) IN GENERAL.—The Administrator shall make available to the public the following:

(1) Current and future operational models developed by the Administration, in the form of open source code for a period consistent with applicable records retention requirements.

(2) All Government-owned data, subject to redistribution rights, associated with such models and used in operational forecasting by the Administration, including—

(A) relevant metadata;

(B) data used for current operational forecasts; and

(C) a description of intended model outputs.

(b) DISCRETION TO MAKE EXPERIMENTAL OR DEVELOPMENT MODELS AVAILABLE.—The Administrator may make experimental or developmental models associated with development projects funded by the Administration available to the public as open source code.

(c) PLATFORM.—In carrying out subsections (a) and (b), the Administrator may use government servers, contracts or agreements with a private vendor, or any other platform consistent with the purpose of this Act.

(d) TECHNICAL CORRECTION.—Section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by redesignating the second paragraph (4) (as added by section 4(a) of the National Integrated Drought Information System Reauthorization Act of 2018 (Public Law 115-423)) as paragraph (5).

### (e) PHASED IMPLEMENTATION.

(1) IMMEDIATE EFFECT FOR CERTAIN MODELS.—For operational models that, as of the date of the enactment of this Act, meet the requirements described in paragraph (5)(E)(ii) of section 102(b) of the Weather Research Forecasting and Innovation Act of 2017 (15 U.S.C. 8512(b)), as redesignated by subsection (d), the Administrator shall implement the requirements of subsection (a) as soon as practicable after such date of enactment.

(2) NEW MODELS.—For operational models that meet the requirements described in paragraph (1) and are created or substantially updated after the date of the enactment of this Act, the Administrator shall implement the requirements of subsection (a) not later than 1 year after such date of enactment.

### SEC. 5. REQUIREMENT TO REVIEW MODELS AND LEVERAGE INNOVATIONS.

The Administrator shall—

(1) consistent with the mission of the Earth Prediction Innovation Center, periodically review innovations and improvements made by persons outside the Administration to the operational models made available to the public under section 4 in order to improve the accuracy and timeliness of forecasts of the Administration; and

(2) if the Administrator identifies an innovation for such a model the Administrator considers suitable, develop and implement a plan to use the innovation to improve the model.

### SEC. 6. REPORT ON IMPLEMENTATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the implementation of this Act that includes a description of—

(1) how operational models have been made publicly available as required by section 4(a);

(2) the process of the Administration under section 5—

(A) for engaging with interested stakeholders to learn what innovations those stakeholders have found;

(B) for reviewing those innovations; and

(C) for operationalizing innovations the Administrator considers suitable.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

(2) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

### SEC. 7. PROTECTION OF NATIONAL SECURITY INTERESTS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Administrator may withhold models or data used in

operational weather forecasting if the Administrator determines doing so to be necessary to protect the national security interests of the United States.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to supersede any other provision of law governing the protection of the national security interests of the United States.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Administration for each of fiscal years 2021 through 2026 such sums may be necessary to carry out this Act.

By Ms. BALDWIN:

S. 2598. A bill to require the payment of user fees by qualified professional asset managers seeking an individual exemption from certain requirements; to the Committee on Health, Education, Labor, and Pensions.

Ms. BALDWIN. Mr. President, I introduce my legislation today to help shore up the government's insurance plan for these pensions. The Pension Stability Act would add funding to the Pension Benefit Guaranty Corporation's multiemployer program by imposing a fee on financial firms that are convicted of financial crimes.

This weekend, I was in Endeavor, WI. I was meeting there with retirees who meet once a month at the fire station in order to update one another on the progress here in Washington. In the months since the House passed the Butch Lewis Act, there hasn't been much progress to speak of. The Senate hasn't taken up the bill, and no other proposals have been presented. All the while, retirees and workers in the Central States Pension Fund continue to doubt their retirement security.

If Washington does not act, workers and retirees face massive cuts to the pensions they have earned over decades of hard work. I have come to the floor many times over these past 3½ years to remind this body about the retirees who stand to lose 50 percent—some more than 50 percent—of their pensions if Washington fails to act. Since then, nothing has been done, so I am here to, once again, remind my colleagues that this is about a promise that must be kept.

This is about a promise made to Bob Brockway, who stands to lose more than half of his monthly pension. Bob retired in 1999. He has made the trip to Washington to be a part of the solution even though Margie, his wife, would rather he stayed at home. He also organizes the meetings that are held every month in Endeavor.

This is about a promise made to Thomas from Hartland, WI. Thomas is a 72-year-old retired semitruck driver and an Army veteran.

He is also a cancer patient, and his wife has significant medical bills.

Thomas wrote to me this summer. He said:

I've put many, much-needed home repairs on hold since this whole mess started. We have had no vacations or any other extravagances since I retired. We did nothing wrong. We paid into Central States and somehow the government dropped the ball.

This is about a promise made to Donald and his wife Janet in Beaver Dam, WI. Donald wrote to me to tell me the following:

After 25 years working at a company where I earned a pension as part of a wage and benefit package, I retired. I retired four years ago because my body wouldn't let me perform tasks in the factory that could more easily be performed in my younger years. My pension and Social Security allow me to pay for heat, electricity, food and maintenance on my home. A 50 percent reduction in my monthly pension payment would mean we could no longer afford visiting our children or grandchildren, buying Christmas and birthday gifts, or seeing an occasional movie. And without this pension, I doubt we could afford the most basic of household expenditures.

This is about a promise made to Mary in Greenfield, WI. Mary wrote to tell me the following:

My story is simple. In November 2014, my husband passed away. In December, I learned the bad news about my pension. Worrying all this time has taken its toll. What will I be able to afford? I will probably have to move. I need a new car, but that's on hold. The list goes on. I am turning 70 in a few days and I never thought at this age I would have to worry about how I will survive.

If Washington does not act, we will be breaking a promise made to 1.5 million retirees nationwide. Pension promises must be kept. So once again I will say: Washington needs to act, and we need to do it now.

By Mr. DURBIN:

S. 2600. A bill to promote minimum State requirements for the prevention and treatment of concussions caused by participation in school sports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. 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. 2600

*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 “Protecting Student Athletes from Concussions Act of 2019”.

**SEC. 2. MINIMUM STATE REQUIREMENTS.**

(a) MINIMUM REQUIREMENTS.—Each State that receives funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and does not meet the requirements described in this section, as of the date of enactment of this Act, shall, not later than the last day of the fifth full fiscal year after the date of enactment of this Act (referred to in this Act as the “compliance deadline”), enact legislation or issue regulations establishing the following minimum requirements:

(1) LOCAL EDUCATIONAL AGENCY CONCUSSION SAFETY AND MANAGEMENT PLAN.—Each local educational agency in the State, in consultation with members of the community in which such agency is located, shall develop and implement a standard plan for concussion safety and management that—

(A) educates students, parents, and school personnel about concussions, through activities such as—

(i) training school personnel, including coaches, teachers, athletic trainers, related services personnel, and school nurses, on concussion safety and management, including training on the prevention, recognition, and academic consequences of concussions and response to concussions; and

(ii) using, maintaining, and disseminating to students and parents—

(I) release forms and other appropriate forms for reporting and record keeping;

(II) treatment plans; and

(III) prevention and post-injury observation and monitoring fact sheets about concussion;

(B) encourages supports, where feasible, for a student recovering from a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity), such as—

(i) guiding the student in resuming participation in athletic activity and academic activities with the help of a multi-disciplinary concussion management team, which may include—

(I) a health care professional, the parents of such student, a school nurse, relevant related services personnel, and other relevant school personnel; and

(II) an individual who is assigned by a public school to oversee and manage the recovery of such student; and

(iii) providing appropriate academic accommodations aimed at progressively reintroducing cognitive demands on the student; and

(C) encourages the use of best practices designed to ensure, with respect to concussions, the uniformity of safety standards, treatment, and management, such as—

(i) disseminating information on concussion safety and management to the public; and

(ii) applying uniform best practice standards for concussion safety and management to all students enrolled in public schools.

(2) POSTING OF INFORMATION ON CONCUSSIONS.—Each public elementary school and each public secondary school shall post on school grounds, in a manner that is visible to students and school personnel, and make publicly available on the school website, information on concussions that—

(A) is based on peer-reviewed scientific evidence (such as information made available by the Centers for Disease Control and Prevention);

(B) shall include information on—

(i) the risks posed by sustaining a concussion;

(ii) the actions a student should take in response to sustaining a concussion, including the notification of school personnel; and

(iii) the signs and symptoms of a concussion; and

(C) may include information on—

(i) the definition of a concussion;

(ii) the means available to the student to reduce the incidence or recurrence of a concussion; and

(iii) the effects of a concussion on academic learning and performance.

(3) RESPONSE TO CONCUSSION.—If an individual designated from among school personnel for purposes of this Act, one of whom must be in attendance at every school-sponsored activity, suspects that a student has sustained a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity)—

(A) the student shall be—

(i) immediately removed from participation in a school-sponsored athletic activity; and

(ii) prohibited from returning to participate in a school-sponsored athletic activity on the day that student is removed from such participation; and

(B) the designated individual shall report to the parent or guardian of such student—

(i) any information that the designated school employee is aware of regarding the date, time, and type of the injury suffered by such student (regardless of where, when, or how a concussion may have occurred); and

(ii) any actions taken to treat such student.

(4) RETURN TO ATHLETICS.—If a student has sustained a concussion (regardless of whether or not the concussion occurred during school-sponsored activities, during school hours, on school property, or during an athletic activity), before such student resumes participation in school-sponsored athletic activities, the school shall receive a written release from a health care professional, that—

(A) states that the student is capable of resuming participation in such activities; and

(B) may require the student to follow a plan designed to aid the student in recovering and resuming participation in such activities in a manner that—

(i) is coordinated, as appropriate, with periods of cognitive and physical rest while symptoms of a concussion persist; and

(ii) reintroduces cognitive and physical demands on such student on a progressive basis only as such increases in exertion do not cause the reemergence or worsening of symptoms of a concussion.

#### (b) NONCOMPLIANCE.—

(1) FIRST YEAR.—If a State described in subsection (a) fails to comply with subsection (a) by the compliance deadline, the Secretary of Education shall reduce by 5 percent the amount of funds the State receives under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the first fiscal year following the compliance deadline.

(2) SUCCEEDING YEARS.—If the State fails to so comply by the last day of any fiscal year following the compliance deadline, the Secretary of Education shall reduce by 10 percent the amount of funds the State receives under that Act for the following fiscal year.

(3) NOTIFICATION OF NONCOMPLIANCE.—Prior to reducing any funds that a State receives under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in accordance with this subsection, the Secretary of Education shall provide a written notification of the intended reduction of funds to the State and to the appropriate committees of Congress.

#### SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect civil or criminal liability under Federal or State law.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) CONCUSSION.—The term “concussion” means a type of mild traumatic brain injury that—

(A) is caused by a blow, jolt, or motion to the head or body that causes the brain to move rapidly in the skull;

(B) disrupts normal brain functioning and alters the mental state of the individual, causing the individual to experience—

(i) any period of observed or self-reported—

(I) transient confusion, disorientation, or impaired consciousness;

(II) dysfunction of memory around the time of injury; or

(III) loss of consciousness lasting less than 30 minutes; or

(ii) any 1 of 4 types of symptoms, including—

(I) physical symptoms, such as headache, fatigue, or dizziness;

(II) cognitive symptoms, such as memory disturbance or slowed thinking;

(III) emotional symptoms, such as irritability or sadness; or

(IV) difficulty sleeping; and

(C) can occur—

(i) with or without the loss of consciousness; and

(ii) during participation in any organized sport or recreational activity.

(2) HEALTH CARE PROFESSIONAL.—The term “health care professional”—

(A) means an individual who has been trained in diagnosis and management of concussion in a pediatric population; and

(B) is registered, licensed, certified, or otherwise statutorily recognized by the State to provide such diagnosis and management.

(3) LOCAL EDUCATIONAL AGENCY; STATE.—

The terms “local educational agency” and “State” have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) RELATED SERVICES PERSONNEL.—The term “related services personnel” means individuals who provide related services, as defined under section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) SCHOOL-SPONSORED ATHLETIC ACTIVITY.—The term “school-sponsored athletic activity” means—

(A) any physical education class or program of a school;

(B) any athletic activity authorized during the school day on school grounds that is not an instructional activity;

(C) any extra-curricular sports team, club, or league organized by a school on or off school grounds; and

(D) any recess activity.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have a request for one committee to meet during today’s session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today’s session of the Senate:

#### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, October 15, 2019, at 3:30 p.m., to conduct a closed hearing.

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2019 third quarter Mass Mailing report is Friday, October 25, 2019. An electronic option is available on Webster that will allow forms to be submitted via a fillable PDF document. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations or negative reports can be submitted electronically at [http://webster.senate.gov/secretary/mass\\_mailing\\_form.htm](http://webster.senate.gov/secretary/mass_mailing_form.htm) or delivered to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records is open from 9:00 a.m. to 6:00 p.m. (9:00

a.m. to 5:00 p.m. when the Senate is not in session). For further information, please contact the Senate Office of Public Records at (202) 224-0322.

#### EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF SEPTEMBER 22 THROUGH SEPTEMBER 28, 2019, AS RAIL SAFETY WEEK

Mr. McCONNELL. Madam President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration and the Senate now proceed to S. Res. 322.

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

The bill clerk read as follows:

A resolution (S. Res. 322) expressing support for the designation of the week of September 22 through September 28, 2019, as Rail Safety Week in the United States, and supporting the goals and ideals of Rail Safety Week to reduce rail-related accidents, fatalities, and injuries.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 23, 2019, under “Submitted Resolutions.”)

#### ORDERS FOR WEDNESDAY, OCTOBER 16, 2019

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 16; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume consideration of the Barrett nomination, under the previous order; finally, that the Senate recess from 12:30 to 2:15 p.m. to allow for the caucus meetings.

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

#### ORDER FOR ADJOURNMENT

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

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

The Senator from Tennessee.