

SECTION 1. GOVERNMENT PUBLISHING OFFICE.

(a) IN GENERAL.—Section 442 of title 18, United States Code, is amended to read as follows:

“§ 422. Government Publishing Office

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘diversified’, ‘employee benefit plan’, ‘holding’, ‘mutual fund’, and ‘unit investment trust’ have the meanings given those terms under section 2640.102 of title 5, Code of Federal Regulations, or any successor thereto; and

“(2) the term ‘printing-related interest’ means an interest, direct or indirect, in—

“(A) the publication of any newspaper or periodical;

“(B) any printing, binding, engraving, or lithographing of any kind; or

“(C) any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving.

“(b) OFFENSE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Director of the Government Publishing Office shall not, during his or her continuance in office, have any printing-related interest.

“(2) EXCEPTION FOR MUTUAL FUNDS, UNIT INVESTMENT TRUSTS, EMPLOYEE BENEFIT PLANS, AND RETIREMENT PLANS.—It shall not be a violation of paragraph (1) for the Director of the Government Publishing Office to have an interest in a diversified mutual fund, diversified unit investment trust, employee benefit plan, investment fund under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, or pension plan established or maintained by a State government or any political subdivision of a State government for its employees that has 1 or more holdings that are printing-related interests if the fund, trust, or plan does not exhibit a practice of concentrating in printing-related interests.

“(c) PENALTY.—Whoever violates subsection (b)(1) shall be fined under this title, imprisoned for not more than 1 year, or both.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 18, United States Code, is amended by striking the item relating to section 442 and inserting the following:

“442. Government Publishing Office.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 420—ENCOURAGING THE PRESIDENT TO EXPAND THE LIST OF THE DEPARTMENT OF VETERANS AFFAIRS OF PRESUMPTIVE MEDICAL CONDITIONS ASSOCIATED WITH EXPOSURE TO AGENT ORANGE TO INCLUDE PARKINSONISM, BLADDER CANCER, HYPERTENSION, AND HYPOTHYROIDISM

Mr. BROWN (for himself, Mr. TESTER, Ms. HIRONO, Mr. DURBIN, Mrs. MURRAY, Ms. STABENOW, Mr. BLUMENTHAL, Mr. SANDERS, Mr. PETERS, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 420

Whereas veterans have sacrificed so much for the United States and have proudly served the United States to secure and preserve the freedoms inherent in the Constitution of the United States;

Whereas veterans and their families deserve the benefits that they have earned;

Whereas members of the Armed Forces sprayed millions of gallons of Agent Orange, a tactical herbicide, and other tactical herbicides on trees and vegetation during the Vietnam War, from 1962 to 1975;

Whereas 58,220 members of the Armed Forces died in combat during the Vietnam War, and veterans are still dying from diseases related to exposure to Agent Orange;

Whereas approximately 83,000 veterans are currently living with at least one of the presumptive medical conditions associated with exposure to Agent Orange;

Whereas the report set forth by the National Academy of Medicine in 2018 entitled “Veterans and Agent Orange Exposure: Update 11” recognized—

(1) hypothyroidism and bladder cancer to have a limited or suggestive evidence of association to exposure to Agent Orange; and

(2) Parkinson-like symptoms, also known as Parkinsonism, and hypertension to have sufficient evidence of association to exposure to Agent Orange;

Whereas, due to exposure to Agent Orange, veterans and their families are facing monumental hurdles with respect to financial stress, mental health, substance addiction, and physical health issues; and

Whereas internal documents obtained by a veteran under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), determined that the Director of the Office of Management and Budget and other White House officials objected to the recommendation by former Secretary of Veterans Affairs David Shulkin to add bladder cancer, Parkinsonism, and hypothyroidism to the list of diseases related to exposure to Agent Orange: Now, therefore, be it

Resolved, That the Senate encourages the President—

(1) to take care of members of the Armed Forces, veterans, and their family members who have given so much, including the ultimate sacrifice, in defense of the United States; and

(2) to take action on behalf of thousands of veterans across the United States who are living with chronic health conditions by expanding the list of the Department of Veterans Affairs of presumptive medical conditions associated with exposure to Agent Orange to include Parkinsonism, bladder cancer, hypertension, and hypothyroidism.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1245. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2838, to amend the Ted Stevens Olympic and Amateur Sports Act to improve the transparency of the United States Center for Safe Sport, to provide grant accountability, and to protect victims of abuse from retaliation, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

TEXT OF AMENDMENTS

SA 1245. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2838, to amend the Ted Stevens Olympic and Amateur Sports Act to improve the transparency of the United States Center for Safe Sport, to provide grant accountability, and to protect victims of abuse from retaliation, and for other purposes; which was referred to the Com-

mittee on Commerce, Science, and Transportation; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stopping Abuse from Entering Sports, Promoting Oversight, Responsibility, and Transparency Act of 2019” or the “SAFESPORT Act”.

SEC. 2. ENHANCED CHILD ABUSE REPORTING.

Section 226(c)(9) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341(c)(9)) is amended—

(1) by striking “adult who is authorized” and inserting the following: “adult who—

“(A) is authorized”;

(2) in subparagraph (A), as so designated, by inserting “or” after the semicolon at the end; and

(3) by adding at the end the following:

“(B) is an employee or representative of the United States Center for Safe Sport.”.

SEC. 3. IMPROVING TRANSPARENCY OF THE UNITED STATES CENTER FOR SAFE SPORT.

(a) FUNDING ACCOUNTABILITY.—Section 220541 of title 36, United States Code, is amended by adding at the end the following:

“(e) FUNDING ACCOUNTABILITY.—

“(1) IN GENERAL.—Amounts transferred to the Center by the corporation or a national governing body shall be used primarily for the investigation and resolution of allegations of sexual misconduct, or other misconduct, made by amateur athletes affiliated with the corporation, a national governing body, or a paralympic sports organization, in accordance with section 220503(15).

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—Of the amounts made available to the Center by the corporation or a national governing body in a fiscal year for the purpose described in section 220503(15)—

“(i) not less than 50 percent shall be used for processing the investigation and resolution of allegations described in paragraph (1);

“(ii) not more than 10 percent may be used for executive compensation of officers and directors of the Center; and

“(iii) not more than 20 percent may be used for administrative expenses of the Center, except that the reasonable travel expenses of investigative personnel of the Center and insurance and litigation expenses of the Center shall not be counted toward such amount.

“(B) RESERVE FUNDS.—

“(i) IN GENERAL.—If, after the Center uses the amounts as allocated under subparagraph (A), the Center does not use the entirety of the remaining amounts for the purpose described in paragraph (1), the Center may retain not more than 25 percent of such amounts as reserve funds.

“(ii) RETURN OF FUNDS.—The Center shall return to the corporation and national governing bodies any amounts, proportional to the contributions of the corporation and national governing bodies, that remain after the retention described in clause (i).

“(C) LOBBYING AND FUNDRAISING.—Amounts made available to the Center under this paragraph may not be used for lobbying or fundraising expenses.

“(3) CONFERENCES AND TRAINING.—The Center shall, to the maximum extent practicable, seek reimbursement for the reasonable expenses associated with hosting or supporting conferences for, and providing training or technical assistance to, individuals who are not employees of the Center.”.

(b) RECORDS, AUDITS, AND REPORTS.—Section 220543 of title 36, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) AUDITS AND TRANSPARENCY.—

“(1) ANNUAL AUDIT.—

“(A) IN GENERAL.—Not less frequently than annually, the financial statements of the Center for the preceding fiscal year shall be audited by an independent auditor in accordance with generally accepted accounting principles—

“(i) to ensure the adequacy of the internal controls of the Center; and

“(ii) to prevent waste, fraud, or misuse of funds transferred to the Center by the corporation or the national governing bodies.

“(B) LOCATION.—An audit under subparagraph (A) shall be conducted at the location at which the financial statements of the Center normally are kept.

“(C) REPORT.—Not later than 180 days after the date on which an audit under subparagraph (A) is completed, the independent auditor shall issue an audit report.

“(D) CORRECTIVE ACTION PLAN.—

“(i) IN GENERAL.—On completion of the audit report under subparagraph (C) for a fiscal year, the Center shall prepare, in a separate document, a corrective action plan that responds to any corrective action recommended by the independent auditor.

“(ii) MATTERS TO BE INCLUDED.—A corrective action plan under clause (i) shall include the following for each such corrective action:

“(I) The name of the person responsible for the corrective action.

“(II) A description of the planned corrective action.

“(III) The anticipated completion date of the corrective action.

“(IV) In the case of a recommended corrective action based on a finding in the audit report with which the Center disagrees, or for which the Center determines that corrective action is not required, an explanation and a specific reason for noncompliance with the recommendation.

“(2) ACCESS TO RECORDS AND PERSONNEL.—With respect to an audit under paragraph (1), the Center shall provide the independent auditor access to all records, documents, and personnel and financial statements of the Center necessary to carry out the audit.

“(3) PUBLIC AVAILABILITY.—

“(A) IN GENERAL.—The Center shall make available to the public on an easily accessible internet website of the Center—

“(i) each audit report under paragraph (1)(C); and

“(ii) the Internal Revenue Service Form 990 of the Center for each year filed under section 501(c) of the Internal Revenue Code of 1986.

“(B) PERSONALLY IDENTIFIABLE INFORMATION.—An audit report or the minutes made available under subparagraph (A) shall not include the personally identifiable information of any individual.

“(4) RULE OF CONSTRUCTION.—For purposes of this subsection, the Center shall be considered a private entity.

“(c) PETITIONS FOR EQUITABLE RELIEF.—The Attorney General may petition in the United States District Court for the District of Columbia for removal of officers and directors of the Center, as may be necessary or appropriate, if the Center—

“(1) engages in, or threatens to engage in, any act, practice, or policy that is materially inconsistent with the purpose described 220503(15); or

“(2) refuses, fails, or neglects to discharge, or threatens to refuse, fail, or neglect to discharge, the obligations of the Center to protect the safety of amateur athletes under this chapter.

“(d) REPORT.—The Center shall submit an annual report to Congress, including—

“(1) a strategic plan with respect to the manner in which the Center shall fulfill its duties under sections 220541 and 220542;

“(2) a detailed description of the efforts made by the Center to comply with such strategic plan during the preceding year;

“(3) any financial statement necessary to present fairly the assets, liabilities, and surplus or deficit of the Center for the preceding year;

“(4) an analysis of the changes in the amounts of such assets, liabilities, and surplus or deficit during the preceding year;

“(5) a detailed description of Center activities, including—

“(A) the number and nature of misconduct complaints referred to the Center;

“(B) the total number and type of pending misconduct complaints under investigation by the Center;

“(C) the number of misconduct complaints for which an investigation was terminated or otherwise closed by the Center; and

“(D) the number of such misconduct complaints reported to law enforcement agencies by the Center for further investigation;

“(6) information relating to the educational activities and trainings conducted by the office of education and outreach of the Center during the preceding year, including the number of educational activities and trainings developed and provided; and

“(7) a description of the activities of the Center.

“(e) DEFINITIONS.—In this section—

“(1) ‘audit report’ means a report by an independent auditor that includes—

“(A) an opinion or a disclaimer of opinion that presents the assessment of the independent auditor with respect to the financial records of the Center, including whether such records are accurate and have been maintained in accordance with generally accepted accounting principles;

“(B) an assessment of the internal controls used by the Center that describes the scope of testing on of the internal control and the results of such testing; and

“(C) a compliance assessment that includes an opinion or a disclaimer of opinion as to whether the Center has complied with the terms and conditions of subsection (b); and

“(2) ‘independent auditor’ means an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or a political subdivision of a State, who meets the standards specified in generally accepted accounting principles.”.

SEC. 4. GRANT ACCOUNTABILITY.

Section 220531 of title 36, United States Code, is amended by adding at the end the following:

“(e) GRANT ACCOUNTABILITY.—

“(1) LIMITATIONS ON FUNDING.—The Attorney General may not award a grant under this section to an entity that holds amounts in an offshore account for the purpose of avoiding payment of the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(2) TRANSPARENCY.—

“(A) IN GENERAL.—As a condition of receiving funds under this section, an entity shall include in an application for a grant—

“(i) a description of the process by which the entity determines the compensation of the officers, directors, trustees, and key employees of the entity, including any independent individual involved in reviewing and approving such compensation;

“(ii) the comparability data used in such process; and

“(iii) contemporaneous substantiation of the deliberation and decision with respect to such compensation.

“(B) PUBLIC AVAILABILITY.—On request, the Attorney General shall make the information disclosed under subparagraph (A) available for public inspection.

“(3) LIMITATIONS ON CONFERENCE EXPENDITURES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), not more than \$50,000 of grant funds provided to an entity under this section may be used to host or support a conference.

“(B) EXCEPTION.—An entity may use more than \$50,000 of grant funds provided under this section to host or support a conference if the Director of the Office of Justice Programs—

“(i) authorizes such additional expense in writing; and

“(ii) provides a written cost estimate for the conference, including the cost of food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

“(4) AVOIDANCE OF DUPLICATIVE FEDERAL GRANTS.—

“(A) IN GENERAL.—The Attorney General shall assess whether a potential grant award to an entity under this section would result in an overlap or a duplication of Federal grant awards.

“(B) REPORT.—If the Attorney General awards a grant under this section to an entity in a fiscal year for which the entity receives any other Federal grant for a substantially similar purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

“(i) a description of each grant awarded to the entity in such fiscal year that results in an overlap or a duplication in Federal grant awards, including the total amount of each such grant award; and

“(ii) a justification for awarding an overlapping or a duplicative grant.”.

SEC. 5. PROTECTING ABUSE VICTIMS FROM RETALIATION.

(a) DEFINITIONS.—Section 220501(b) of title 36, United States Code, is amended—

(1) by redesignating paragraphs (7) through (9) and (10), as paragraphs (8) through (10) and (13) respectively;

(2) by inserting after paragraph (6) the following:

“(7) ‘covered entity’ means—

“(A) an officer or employee of the Center;

“(B) a coach, trainer, manager, administrator, or other employee or official associated with the corporation, a national governing body, or a paralympic sports organization;

“(C) the Department of Justice;

“(D) a Federal or State law enforcement authority;

“(E) a Federal or State entity responsible for receiving reports of child abuse;

“(F) the Equal Employment Opportunity Commission or other State or Federal entity with responsibility over claims of sexual harassment; or

“(G) any other person who the protected individual reasonably believes has authority to investigate or act on information relating to abuse, including—

“(i) emotional, physical, or sexual abuse; and

“(ii) sexual harassment.”;

(3) by inserting after paragraph (10), as so redesignated, the following:

“(11) ‘protected disclosure’ means any lawful act of a protected individual, or in the case of a protected individual who is a minor, an individual acting on behalf of a protected individual—

“(A) to provide information to, cause information to be provided to, or otherwise assist in an investigation by a covered entity (or be perceived as providing information to, causing information to be provided to, or otherwise assisting in such an investigation) relating to abuse, including—

“(i) emotional, physical, or sexual abuse;

“(ii) sexual harassment; and
 “(iii) a violation of anti-abuse policies, practices and procedures established pursuant to paragraph (3) of section 220541(a) and paragraph (2) of section 220542(a);

“(B) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (or be perceived as filing, causing to be filed, testifying, participating in, or otherwise assisting in such an investigation) relating to abuse, including—

“(i) emotional, physical, or sexual abuse;

“(ii) sexual harassment; and

“(iii) a violation of anti-abuse policies and procedures established pursuant to paragraph (3) of section 220541(a) and paragraph (2) of section 220542(a);

“(C) in communication with Congress; or

“(D) in the case of an amateur athlete, in communication with the Office of the Athlete Ombudsman.

“(12) ‘protected individual’ means any—

“(A) amateur athlete, coach, medical professional, or trainer associated with the corporation, a national governing body, or a paralympic sports organization; or

“(B) any official or employee of the corporation, a national governing body, a paralympic sports organization, or a grantee, contractor, or subcontractor of the corporation, a national governing body, or a paralympic sports organization”; and

(4) by inserting after paragraph (13), as so redesignated, the following:

“(14) ‘retaliation’ means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, carried out against a protected individual because of any protected disclosure, including—

“(A) discipline;

“(B) discrimination regarding pay, terms, or privileges;

“(C) removal from a training facility;

“(D) reduced coaching or training;

“(E) reduced meals or housing; and

“(F) removal from competition.”.

(b) RESOLUTION OF DISPUTES.—Section 220509 of title 36, United States Code, is amended—

(1) in subsection (a), in the first sentence, by inserting “complaints of retaliation or” after “relating to”; and

(2) by adding at the end the following:

“(c) RETALIATION.—

“(1) IN GENERAL.—The corporation, a national governing body, a paralympic sports organization, or any officer, employee, grantee, contractor, subcontractor, or agent of the corporation, a national governing body, or a paralympic sports organization, may not retaliate against any protected individual because of any protected disclosure.

“(2) REPORTING, INVESTIGATION AND ARBITRATION.—The corporation shall establish mechanisms for the reporting, investigation, and resolution (through binding third-party arbitration) of complaints of alleged retaliation.

“(3) DISCIPLINARY ACTION.—If the corporation finds that an officer or employee of the corporation, a national governing body, or a paralympic sports organizations (or any grantee, contractor, subcontractor, or agent of the corporation, a national governing body, or a paralympic sports organization) has retaliated against a protected individual, the corporation, national governing body, or paralympic sports organization, as applicable, shall take appropriate disciplinary action with respect to any such individual found to have retaliated against the protected individual.

“(4) REMEDIES.—

“(A) IN GENERAL.—If the corporation finds that an officer or employee of the corporation, a national governing body, or a paralympic sports organization (or a grant-

ee, contractor, subcontractor, or agent of the corporation, a national governing body, or paralympic sports organization) has retaliated against a protected individual, the corporation, national governing body, or paralympic sports organization, as applicable, shall promptly—

“(i) take affirmative action to abate the violation;

“(ii) reinstate the complainant to the former position with the same pay and terms and privileges; and

“(iii) pay compensatory damages, including economic damages (including backpay with interest) and any special damages sustained as a result of the retaliation, including damages for pain and suffering, reasonable attorney fees, and costs.

“(B) REIMBURSEMENT FROM NATIONAL GOVERNING BODY.—In the case of a national governing body or a paralympic sports organization found to have retaliated against a protected individual, the corporation may demand reimbursement from the national governing body or paralympic sports organization for damages paid by the corporation under subparagraph (A).

“(5) ENFORCEMENT ACTION AND PROCEDURES.—

“(A) IN GENERAL.—If the corporation has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

“(B) JURY TRIAL.—A party to an action brought under paragraph (A) shall be entitled to trial by jury.

“(C) RELIEF.—The court shall have jurisdiction to grant all relief under paragraph (4).

“(6) STATUTE OF LIMITATIONS.—An action under paragraph (2) shall be commenced not later than 2 years after the date on which the violation occurs, or after the date on which the protected individual became aware of the violation.

“(7) BURDENS OF PROOF.—An action under paragraph (2) or (5) shall be governed as follows:

“(A) REQUIRED SHOWING BY COMPLAINANT.—The corporation shall dismiss a complaint filed under this subsection and shall not conduct an investigation unless the complainant makes a prima facie showing that any retaliation was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(B) CRITERIA FOR DETERMINATION BY THE ARBITRATION.—The arbitration may determine that a violation of paragraph (1) has occurred only if the complainant demonstrates that the retaliation was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(C) PROHIBITION.—Relief may not be ordered under paragraph (4) if the corporation, national governing body, or paralympic sports organization, as applicable, demonstrates by clear and convincing evidence that the corporation, national governing body, or paralympic sports organization would have taken the same unfavorable personnel action in the absence of that behavior.

“(8) REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (4) or (5) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed

not later than 60 days after the date of the issuance of the arbitration decision of the corporation. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this paragraph shall not, unless ordered by the court, operate as a stay of the order.

“(9) RIGHTS RETAINED.—Nothing in this subsection shall be deemed to diminish the rights, privileges, or remedies of any employee or other individual under any Federal or State law, or under any collective bargaining agreement.

“(10) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES.—The rights and remedies provided for in this subsection may not be waived by any agreement, policy form, or condition of employment or association with the corporation, a national governing body, or a paralympic sports organization.

“(11) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to mean that the funds transferred by the national governing bodies and paralympic sports organizations to the corporation and the Center qualify as a grant.”.

(c) ELIGIBILITY REQUIREMENTS FOR NATIONAL GOVERNING BODIES.—Section 220522 of title 36, United States Code, amended—

(1) in paragraph (14), by striking “; and” and inserting a semicolon;

(2) in paragraph (15), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(16) provides protection from retaliation to protected individuals.”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 10 a.m., to conduct a hearing on the following nominations; Ian Paul Steff, of Indiana, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, Michael Graham, of Kansas, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2020, and to be a Member of the National Transportation Safety Board for a term expiring December 31, 2025, Carl Whitney Bentzel, of Maryland, to be a Federal Maritime Commissioner, Theodore Rokita, of Indiana, to be a Director of the Amtrak Board of Directors, and routine lists in the Coast Guard.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 10 a.m., to conduct a hearing.