

(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.