

proceed to the immediate consideration of Calendar No. 491, S. 4254.

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

The senior assistant legislative clerk read as follows:

A bill (S. 4254) to amend the Lobbying Disclosure Act of 1995 to clarify a provision relating to certain contents of registrations under that Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 4254) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4254

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 "Disclosing Foreign Influence in Lobbying Act".

SEC. 2. CLARIFICATION OF CONTENTS OF REGISTRATION.

Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended—

(1) in paragraph (6), by striking "and" at the end; and

(2) in paragraph (7), by striking "the offense," and inserting the following: "the offense; and

"(8) notwithstanding paragraph (4), the name and address of each government of a foreign country (including any agency or subdivision of a foreign government, such as a regional or municipal unit of government) and foreign political party, other than the client, that participates in the direction, planning, supervision, or control of any lobbying activities of the registrant.".

SPEAK OUT ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 493, S. 4524.

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

The senior assistant legislative clerk read as follows:

A bill (S. 4524) to limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Speak Out Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Sexual harassment and assault remain pervasive in the workplace and throughout civil society, affecting millions of Americans.

(2) Eighty-one percent of women and 43 percent of men have experienced some form of sexual harassment or assault throughout their lifetime.

(3) One in 3 women has faced sexual harassment in the workplace during her career, and an estimated 87 to 94 percent of those who experience sexual harassment never file a formal complaint.

(4) Sexual harassment in the workplace forces many women to leave their occupation or industry, or pass up opportunities for advancement.

(5) In order to combat sexual harassment and assault, it is essential that victims and survivors have the freedom to report and publicly disclose their abuse.

(6) Nondisclosure and nondisparagement provisions in agreements between employers and current, former, and prospective employees, and independent contractors, and between providers of goods and services and consumers, can perpetuate illegal conduct by silencing those who are survivors of illegal sexual harassment and assault or illegal retaliation, or have knowledge of such conduct, while shielding perpetrators and enabling them to continue their abuse.

(7) Prohibiting nondisclosure and nondisparagement clauses will empower survivors to come forward, hold perpetrators accountable for abuse, improve transparency around illegal conduct, enable the pursuit of justice, and make workplaces safer and more productive for everyone.

SEC. 3. DEFINITIONS.

In this Act:

(1) **NONDISCLOSURE CLAUSE.**—The term "nondisclosure clause" means a provision in a contract or agreement that requires the parties to the contract or agreement not to disclose or discuss conduct, the existence of a settlement involving conduct, or information covered by the terms and conditions of the contract or agreement.

(2) **NONDISPARAGEMENT CLAUSE.**—The term "nondisparagement clause" means a provision in a contract or agreement that requires 1 or more parties to the contract or agreement not to make a negative statement about another party that relates to the contract, agreement, claim, or case.

(3) **SEXUAL ASSAULT DISPUTE.**—The term "sexual assault dispute" means a dispute involving a nonconsensual sexual act or sexual contact, as such terms are defined in section 2246 of title 18, United States Code, or similar applicable Tribal or State law, including when the victim lacks capacity to consent.

(4) **SEXUAL HARASSMENT DISPUTE.**—The term "sexual harassment dispute" means a dispute relating to conduct that is alleged to constitute sexual harassment under applicable Federal, Tribal, or State law.

SEC. 4. LIMITATION ON JUDICIAL ENFORCEABILITY OF NONDISCLOSURE AND NONDISPARAGEMENT CONTRACT CLAUSES RELATING TO SEXUAL ASSAULT DISPUTES AND SEXUAL HARASSMENT DISPUTES.

(a) **IN GENERAL.**—With respect to a sexual assault dispute or sexual harassment dispute, no nondisclosure clause or nondisparagement clause agreed to before the dispute arises shall be judicially enforceable in instances in which conduct is alleged to have violated Federal, Tribal, or State law.

(b) **CONTINUED APPLICABILITY OF STATE LAW.**—Nothing in this Act shall prohibit a State or locality from enforcing a provision of State law governing nondisclosure or nondisparagement clauses that is at least as protective of the right of an individual to speak freely, as provided by this Act.

(c) **CONTINUED APPLICABILITY OF FEDERAL, STATE, AND TRIBAL LAW.**—This Act shall not be construed to supersede a provision of Federal, State, or Tribal Law that governs the use of pseudonyms in the filing of claims involving sexual assault or sexual harassment disputes.

(d) **PROTECTION OF TRADE SECRETS AND PROPRIETARY INFORMATION.**—Nothing in this Act shall prohibit an employer and an employee from protecting trade secrets or proprietary information.

SEC. 5. APPLICABILITY.

This Act shall apply with respect to a claim that is filed under Federal, State, or Tribal law on or after the date of enactment of this Act.

Mr. SCHUMER. I further ask that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 4524), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

STOP TIP-OVERS OF UNSTABLE, RISKY DRESSERS ON YOUTH ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 503, S. 3232.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3232) to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Tip-overs of Unstable, Risky Dressers on Youth Act" or the "STURDY Act".

SEC. 2. CONSUMER PRODUCT SAFETY STANDARD TO PROTECT AGAINST TIP-OVER OF CLOTHING STORAGE UNITS.

(a) **CLOTHING STORAGE UNIT DEFINED.**—In this section, the term "clothing storage unit" means any free-standing furniture item manufactured in the United States or imported for use in the United States that is intended for the storage of clothing, typical of bedroom furniture.

(b) **CPSC DETERMINATION OF SCOPE.**—The Consumer Product Safety Commission shall specify the types of furniture items within the scope of subsection (a) as part of a standard promulgated under this section based on tip-over data as reasonably necessary to protect children up to 72 months of age from injury or death.

(c) **CONSUMER PRODUCT SAFETY STANDARD REQUIRED.**—

(1) **IN GENERAL.**—Except as provided in subsection (f)(1), not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) in consultation with representatives of consumer groups, clothing storage unit manufacturers, craft or handmade furniture manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for clothing storage units; and

(B) in accordance with section 553 of title 5, United States Code, and paragraph (2), promulgate a final consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury, that shall take effect 180 days after the date of promulgation or such a later date as the Commission determines appropriate.

(2) REQUIREMENTS.—The standard promulgated under paragraph (1) shall protect children from tip-over-related death or injury with—

(A) tests that simulate the weight of children up to 60 pounds;

(B) objective, repeatable, reproducible, and measurable tests or series of tests that simulate real-world use and account for impacts on clothing storage unit stability that may result from placement on carpeted surfaces, drawers with items in them, multiple open drawers, and dynamic force;

(C) testing of all clothing storage units, including those 27 inches and above in height; and

(D) warning requirements based on ASTM F2057–19, or its successor at the time of enactment, provided that the Consumer Product Safety Commission may strengthen the warning requirements of ASTM F2057–19, or its successor, if reasonably necessary to protect children from tip-over-related death or injury.

(3) TESTING CLARIFICATION.—Tests referred to in paragraph (2)(B) shall allow for the utilization of safety features (excluding tip restraints) to work as intended if the features cannot be overridden by consumers in normal use.

(4) TREATMENT OF STANDARD.—A consumer product safety standard promulgated under paragraph (1) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(d) ADOPTION OF VOLUNTARY STANDARD.—

(1) IN GENERAL.—If a voluntary standard exists that meets the requirements of paragraph (2), the Commission shall, not later than 180 days after the date on which such determination is made and in accordance with section 553 of title 5, United States Code, promulgate a final consumer product safety standard that adopts the applicable performance requirements of such voluntary standard related to protecting children from tip-over-related death or injury. A consumer product safety standard promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058). Such standard shall take effect 180 days after the date of the promulgation of the rule, or such a later date as the Commission determines appropriate. Such standard will supersede any other existing consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury.

(2) REQUIREMENTS.—The requirements of this paragraph with respect to a voluntary standard for clothing storage units are that such standard—

(A) includes performance requirements that meet the requirements described in subsection (c)(2);

(B) is, or will be, published not later than 120 days after the date of enactment of this Act; and

(C) is developed by ASTM International or such other standard development organization that the Commission determines is in compliance with the intent of this Act.

(3) NOTICE REQUIRED TO BE PUBLISHED IN THE FEDERAL REGISTER.—The Commission shall publish a notice in the Federal Register upon begin-

ning the promulgation of a rule under this subsection.

(e) REVISION OF VOLUNTARY STANDARD.—

(1) NOTICE TO COMMISSION.—If the performance requirements of a voluntary standard adopted under subsection (d) are subsequently revised, the organization that revised the performance requirements of such standard shall notify the Commission of such revision after final approval.

(2) TREATMENT OF REVISION.—Not later than 90 days after the date on which the Commission is notified of revised performance requirements of a voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), the Commission shall determine whether the revised performance requirements meet the requirements of subsection (d)(2)(A), and if so, modify, in accordance with section 553 of title 5, United States Code, the standard promulgated under subsection (d) to include the revised performance requirements that the Commission determines meet such requirements. The modified standard shall take effect after 180 days or such later date as the Commission deems appropriate.

(f) SUBSEQUENT RULEMAKING.—

(1) IN GENERAL.—Beginning 5 years after the date of enactment of this Act, subsequent to the publication of a consumer product safety standard under this section, the Commission may, at any time, initiate rulemaking, in accordance with section 553 of title 5, United States Code, to modify the requirements of such standard or to include additional provisions if the Commission makes a determination that such modifications or additions are reasonably necessary to protect children from tip-over-related death or injury.

(2) PETITION FOR REVISION OF RULE.—

(A) IN GENERAL.—If the Commission receives a petition for a new or revised test that permits incorporated safety features (excluding tip restraints) to work as intended, if the features cannot be overridden by consumers in normal use and provide an equivalent or greater level of safety as the tests developed under subsection (c)(2) or the performance requirements described in subsection (d)(2)(A), as applicable, the Commission shall determine within 120 days—

(i) whether the petition meets the requirements for petitions set forth in section 1051.5 of title 16, Code of Federal Regulations, or any successor regulation implementing section 9(i) of the Consumer Product Safety Act (15 U.S.C. 2058(i)); and

(ii) whether the petition demonstrates that the test could reasonably meet the requirements of subsection (c)(2)(B), and if so, the Commission shall determine by recorded vote, within 60 days after the determination, whether to initiate rulemaking, in accordance with section 553 of title 5, United States Code, to revise a consumer product safety standard promulgated under this section to include the new or revised test.

(B) DEMONSTRATION OF COMPLIANCE.—Compliance with the testing requirements of a standard revised under paragraph (2)(A) may be demonstrated either through the performance of a new or revised test under paragraph (2)(A) or the performance of the tests otherwise required under a standard promulgated under this section.

(3) TREATMENT OF RULES.—Any rule promulgated under this subsection, including any modification or revision made under this subsection, shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

Mr. SCHUMER. I further ask that the committee-reported substitute be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment, in the nature of a substitute, was agreed to.

The bill (S. 3232), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CHIP-IN IMPROVEMENT ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 5059, introduced earlier today.

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

The senior assistant legislative clerk read as follows:

A bill (S. 5059) to improve the pilot program on acceptance by the Department of Veterans Affairs of donated facilities and related improvements to account for issues related to inflation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 5059) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 5059

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 “CHIP-IN Improvement Act of 2022”.

SEC. 2. IMPROVING PILOT PROGRAM ON ACCEPTANCE BY THE DEPARTMENT OF VETERANS AFFAIRS OF DONATED FACILITIES AND RELATED IMPROVEMENTS.

(a) IN GENERAL.—Section 2 of the Communities Helping Invest through Property and Improvements Needed for Veterans Act of 2016 (Public Law 114–294; 38 U.S.C. 8103 note) is amended—

(1) in subsection (b)(1)(A), by inserting “or for which funds are available from the Construction, Minor Projects, or Construction, Major Projects appropriations accounts”;

(2) in subsection (e)(1)—

(A) in subparagraph (A)—

(i) by striking “The Secretary” and inserting “Except as otherwise provided in this paragraph, the Secretary”; and

(ii) by inserting “or funds already generally available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts” after “that are in addition to the funds appropriated for the facility”;

(B) in subparagraph (B), by striking “subparagraph (A)” and inserting “this paragraph”;

(C) by redesignating subparagraph (B) as subparagraph (F); and

(D) by inserting after subparagraph (A) the following new subparagraphs:

“(B) UNOBLIGATED AMOUNTS.—The Secretary may provide additional funds to help an entity described in subsection (a)(2) finance, design, or construct a facility in connection with real property and improvements to be donated under the pilot program and proposed to be accepted by the Secretary under subsection (b)(1)(B) if—