

“(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.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 13, 2019, at 2 p.m., to conduct a hearing on the following nominations: Stanley Blumenfeld, and Mark C. Scarsi, both to be a United States District Judge for the Central District of California, Grace Karaffa Obermann, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years, and Stephen A. Vaden, of Tennessee, to be a Judge of the United States Court of International Trade.

AMENDING SECTION 442 OF TITLE
18, UNITED STATES CODE, TO EX-
EMPT CERTAIN INTERESTS IN
MUTUAL FUNDS, UNIT INVEST-
MENT TRUSTS, EMPLOYEE BEN-
EFIT PLANS, AND RETIREMENT
PLANS FROM CONFLICT OF IN-
TEREST LIMITATIONS FOR THE
GOVERNMENT PUBLISHING OF-
FICE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2851, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 2851) to amend section 442 of title 18, United States Code, to exempt certain interests in mutual funds, unit investment trusts, employee benefit plans, and retirement plans from conflict of interest limitations for the Government Publishing Office.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

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

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

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

The bill (S. 2851) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOVERNMENT PUBLISHING OFFICE.

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

“§ 442. 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.”.

ORDERS FOR THURSDAY,
NOVEMBER 14, 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, November 14; 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 Menashi nomination, with the postcloture time expiring at 1:45 p.m.; finally, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

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

The Senator from Wyoming.

UNITED STATES-MEXICO-CANADA
TRADE AGREEMENT

Mr. BARRASSO. Mr. President, I come to the floor today to shine a spot-

light on our strong, healthy, and growing economy. Specifically, my focus is on how this record-setting economy is helping and could continue to help all Americans.

Since Republicans took over and passed tax relief, there has been no end to the boon in jobs in our country. Republicans have put the U.S. worker in the driver’s seat. The October jobs report again beat all expectations. U.S. employers added a solid 128,000 jobs last month alone.

Even better, American workers are noting that their wallets are thicker and fatter. Wages are up 3 percent year over year. It is the fastest growth—faster than inflation.

We also continue to see record-low unemployment across the country. At 3.6 percent, the U.S. jobless rate is near a 50-year low. African-American unemployment is at a 50-year low. In fact, 3 years of Republican pro-growth policies have produced more than 6 million new jobs—actually, 6,700,000 new jobs. Today, the United States has nearly 160 million people working. That is another record high. Median household income is the highest in 20 years. No wonder a new poll by Gallup shows Americans are planning to spend more than ever this holiday season because they have the money. They have earned it, and they have kept more of their hard-earned money as a result of tax relief.

The U.S. stock market continues to set new highs, and that is welcome news for people when they look at their pensions, their retirements, and their 401(k)s.

Notably, trade optimism has been a major factor in the stock market’s climb to record highs, which brings me to my next point: How do we start the next chapter of the United States in terms of our success story? I believe it is through America-first trade victories.

Without question, the most important trade deal we need to pass right now is USMCA—the United States-Mexico-Canada trade agreement. In my view, it is vital to continuing our American prosperity. The U.S.-Mexico-Canada trade agreement was signed by all three countries’ leaders more than a year ago, so you would think, well, it should be in place. But it takes more than that. Mexico gave its final approval to USMCA in June. Canada is waiting for us—for the House and the Senate—to give the approval as well.

Without a doubt, USMCA is the best trade upgrade in 25 years. It is going to expand market access for a host of U.S. products, and it is going to sharpen U.S. exporters’ competitive edge. Above all, USMCA is a big benefit for American workers. It will protect and produce millions of U.S. jobs, and that is critical.

I predict it will pass the Senate with strong bipartisan support. So it has to get here. Yet we have not crossed the finish line. There is a roadblock, and the roadblock is at the other end of