

judge executive Wade White and my colleagues in the Kentucky and Tennessee congressional delegations to put a stop to this government interference. We introduced legislation to prevent the Army Corps from robbing our fishers and anglers of this beloved pastime and damaging this key component of the local economy. The measure passed with overwhelming support and was signed into law. It has been successful, but its provisions are set to expire soon.

That is why I worked with Chairman BARRASSO, Ranking Member CARPER, and the committee to secure a new 5-year extension of the Freedom to Fish Act in this year's water infrastructure bill. It is just another achievement among the many victories this bill will deliver for communities across the country.

I am grateful to the supporters of this legislation, such as the National League of Cities and the National Rural Water Association, and the bipartisan coalition of Senators who worked to craft it. I look forward to the committee's vote today and to supporting this bill once it reaches the Senate floor.

#### JOB GROWTH

Mr. McCONNELL. Now, Madam President, one final matter. This week, survey data showed that more Americans say it is a good time to find a quality job than at any point in the last 17 years.

Let me say that again. More Americans say it is a good time to find a quality job than at any point in the last 17 years.

Under President Obama, this number got as low as 8 percent. It never broke 50 percent during his administration, but today 67 percent of Americans say it is a good time to find a quality job.

Optimism has taken off for all groups since this President was elected and the Republican Congress was sworn in, but the injection of new hope has been felt the most among working-class Americans. This is a major distinction between the economic policies Democrats spent years putting in place and the new approach this Republican government has taken.

For nearly a decade, Democrats followed the standard liberal playbook: tax more, regulate more, and pile up more money and power right here in Washington. They cracked down on American businesses, imposed one new regulation after another, and looked to the Federal Government to pick winners and losers.

It is a familiar, old set of ideas. Here is what it produces: an economy that works very well for a few but leaves many more behind.

The Obama era was just fine for our Nation's biggest coastal cities. Roughly, three-quarters of all the new jobs created between 2010 and 2016 poured into the country's largest metropolitan areas, but outside of these places, taxes

and regulations created an anti-business climate that hurt American manufacturing, American coal communities, and small- and medium-sized businesses throughout our country.

So Republicans charted a new course. We understand that middle-class families know how to spend their own money better than the government; that American workers thrive when American job creators are expanding, hiring, and raising wages. We passed once-in-a-generation tax relief for American families and small businesses and are working at every turn to roll back runaway regulations. The result is an economic comeback that is reaching all kinds of communities, not just a favored few.

A record-high percentage of American manufacturers have said they have a positive economic outlook for their enterprises. Rural communities outpaced everywhere else in relative job creation last year. The total amount spent on employee compensation grew faster in 2017 than in any calendar year under President Obama.

This is what happens when Republicans implement a pro-growth, pro-opportunity agenda that gets Washington out of the way. Everyone shares in the prosperity.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2017.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

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

#### SANTA FE HIGH SCHOOL SHOOTING

Mr. DURBIN. Madam President, last Friday, America watched in horror as the news story broke of yet another school shooting, this time at Santa Fe High School in Texas.

Eight students and two teachers were fatally shot. Thirteen victims were

wounded in another devastating tragedy. The alleged gunman was a student who came into the school with his parents' shotgun and handgun and used them to commit mass murder.

Of course, we grieve for the families and victims in Santa Fe, and, of course, we are grateful for first responders who ran toward the sound of gunfire. But let's be honest—the shooting in Santa Fe High was, by one count, the 22nd school shooting in America this year. We are in the 21st week of this year. We have had more than one school shooting a week in the United States of America. America's schoolchildren, sadly, now go to school expecting that there will be a shooter on the premises.

After the Santa Fe High School shooting, a reporter interviewed a student named Paige Curry at the school. The reporter asked: "Was there a part of you that was like, this isn't real, this could not happen at my school?"

Paige Curry replied: "There wasn't." When the reporter asked why so, she said: "It's been happening everywhere. I've always felt it would eventually happen here too."

Can you imagine we have reached this point in America if that is how many of our Nation's high schoolers think? Sadly, in Paige Curry's case, she was right. Her school was the target last week.

On Sunday, the New York Times posted an article titled "New Reality for High School Students: Calculating the Risk of Getting Shot."

The article discussed how students across America, from Iowa to Oklahoma, from Illinois to Mississippi, from Seattle to New York, are now forced to go through their day planning what they would do if the shooting starts in their school.

The article quotes one student, a sophomore in a New York high school, describing how vulnerable her desks were in each class where she sat.

She started making mental calculations about when the gunman came to the door whether she would be in the line of fire. She said her English class is the safest class for her each day because it is down a hallway, and it makes it hard for the shooter to find it, but her math class makes her particularly vulnerable because she said she sits in the second desk in the second row in a direct path from the door. The student, whose name is Emily Rubenstein, said:

It's like the front lines of a war. Being seated in front of the classroom could be what makes you live and what makes you die.

It is not just high schoolers who think this way; my 6-year-old granddaughter came home and told her mom recently that she had been warned that if there is a shooter in the school—she is a first-grader—if there is a shooter in the school, stay away from the windows and get down on the floor as quickly as possible.

Is there any sane person in America who thinks our kids should be going

through this? Is there any sane person in America who believes this is expected by the Second Amendment to our Bill of Rights?

Let's be clear. Addressing our Nation's epidemic of gun violence and school shootings should be a top priority. About 300 Americans are shot every day, a third of them fatally. Gun violence is a public health crisis. It is traumatizing an entire generation of America's kids.

In recent weeks, students across the country have marched in the streets, walked out of their classrooms to call on us—elected leaders—to step up and do something to reduce gun violence. The students are having an impact. At least 15 States have passed legislation to close gaps in their State gun laws since February 14, which was the date of the Parkland shooting in Florida. Four States—Maryland, Florida, Vermont, and Washington—have passed bills to ban bump stocks. Congress has not. Seven States have passed bills to make it harder for domestic violence abusers to get guns—Kansas, New York, Ohio, Oregon, Utah, Vermont, and Washington. Congress has not. Three States have passed red flag laws to temporarily remove guns from people who pose extreme risks—Florida, Maryland, and Vermont.

These State-level reforms are significant, and they are even happening in States such as Florida and Kansas, which have a reputation of being friendly to the gun lobby. I hope my State of Illinois will soon join the ranks of the States that have passed meaningful State-level gun measures this year. We came close in Illinois when the General Assembly passed a landmark, bipartisan bill to provide more accountability for gun dealers' sales. Governor Bruce Rauner unfortunately vetoed that bill, but the General Assembly is working hard to put a revised bill back on his desk.

In addition to these State law reforms, the student movement has brought major changes in corporate behavior. Major gun retailers, such as Dick's Sporting Goods and Walmart, have voluntarily changed their sales practices. Companies such as Delta, United, Hertz, and Avis ended affinity relationships with the National Rifle Association. Institutional investors and financial companies are now pressuring the gun industry to change its behavior. These businesses understand that inaction is not an option. The student movement for gun safety has helped them realize this.

Unfortunately, it is extremely unlikely that this Congress will take any meaningful action this year to reduce gun violence in America. Why? Because President Trump and the Republican majority in Congress still won't push for any gun reforms that the gun lobby opposes. They are letting the gun lobby dictate Federal policy. That is a mistake. It is disgraceful. The gun lobby cares about one thing above all else: selling guns. They are not going to sup-

port any reforms that might reduce their sales.

On Sunday, the incoming president of the National Rifle Association, Oliver North—you may remember him from the Iran-Contra controversy—blamed everything from video games to Ritalin for our epidemic of school shootings. He blamed everything except guns.

In fact, rather than support efforts to strengthen our gun laws, the gun lobby is gearing up for their last big push this year to urge Congress to weaken our gun laws even further. On April 16, the Washington Examiner reported that longtime NRA board member Grover Norquist "said he has received assurance from the Republican leadership" that Congress will put the NRA's concealed carry reciprocity bill on the agenda this year before the August recess.

Make no mistake—as appropriations bills and the Defense authorization bill move through Congress, the gun lobby and their allies are looking to weaken the gun laws on the books even more than they already have. America, keep your eye on Congress.

To all the students and young people across America who are asking for leadership when it comes to reducing gun violence, many of us hear you loud and clear, and we are not giving up. Congress may not get the job done this year when it comes to closing the enormous gaps in our gun laws, but this movement of young people is making incredible things happen in statehouses across America. They are rapidly becoming a major force for change in corporate behavior, and they are soon-to-be voters. This movement is getting results, and Congress is going to have to choose whom it will listen to—the students who are spending their class time thinking about whether their desks are in the line of fire or the gun lobbyists who want to further weaken gun laws on the books so they can make more gun sales.

I know where I stand. I am going to keep doing everything I can to put the safety of my granddaughter, my grandson, and kids in our neighborhoods across America ahead of the gun lobby's agenda of selling more guns. We may not be able to stop every shooting in our schools and in our streets, but if Congress takes meaningful action to close the gaps in our gun laws, we will save lives.

#### FOR-PROFIT COLLEGES

Madam President, I would like to bring the Senate's attention to an article that appeared recently in the New York Times entitled "Education Department Unwinds Unit Investigating Fraud at For-Profits." That is right. Even while tens of thousands of students are still waiting for the Federal student loan discharges to which they are entitled under law because they were defrauded by for-profit colleges, such as Corinthian and ITT Tech, the Secretary of Education, Betsy DeVos, is dismantling the enforcement unit that was set up to prevent future fraud.

Corinthian and ITT Tech have become the most infamous examples of for-profit college predatory practices, but they are hardly unique in the industry. I have often said on the floor of the Senate—and the numbers have changed slightly over the years—that you can tell the story of for-profit colleges and universities if you know two numbers. This will be on the final. The first number: 9 percent of all post-secondary students go to for-profit colleges and universities—University of Phoenix, DeVry, Kaplan, similar universities. Nine percent go to for-profit colleges and universities, and 33 percent of all the federal student loan defaults are students from for-profit colleges and universities. Nine percent. Thirty-three percent. Why? Why is there such a dramatic difference between the percentage of students going to these schools and those who default on student debt, 33 percent of whom went to the same schools? There are two reasons. For-profit colleges and universities overcharge the students and produce a diploma that is virtually worthless when it comes to finding a job and paying off their student loan debt. That is the reality.

In the last 5 years, nearly every major for-profit college has been investigated or sued by more than one State attorney general and Federal agency for unfair, deceptive, and abusive practices. Thanks to Secretary DeVos, they don't need to worry about the Department of Education anymore. The writing has been on the wall for some time.

Last summer, Secretary DeVos hired former DeVry dean Julian Schmoke to be chief enforcement officer, where he would oversee the enforcement unit. I noted at the time that this was a particularly troubling decision given the enforcement unit's reported ongoing investigation into DeVry. The Times story confirmed my fears. They note that members of the enforcement unit have been marginalized, reassigned, and instructed to focus on other matters. What had expanded under President Obama to include around a dozen lawyers and investigators has now been reduced to three employees. According to the New York Times, the downsizing effectively killed investigations into several large for-profit colleges, including—you guessed it—DeVry.

In 2016, DeVry, which is based out of Chicago, agreed to pay \$100 million to settle a lawsuit with the Federal Trade Commission related to misleading advertising when it came to college students. Around the same time, DeVry agreed to a limited settlement with the Department of Education, but an enforcement unit investigation continued. According to the Times, the investigation became a point of contention between the Department staff and the new Trump administration.

DeVry isn't the only former employer of a top DeVos adviser to escape Department scrutiny. The Times article also reports that the enforcement

unit investigations of Bridgepoint Education and Career Education Corporation have gone dark. The cops are being taken off the beat.

Bridgepoint—owner of the notorious Ashford University—has a long record of abuse. Last year, the Consumer Financial Protection Bureau ordered the company to pay \$30 million for deceptive acts and practices, including lying to students about their obligations under student loans. Bridgepoint is currently being sued by the California attorney general for defrauding and deceiving students. It is also facing investigations by State attorneys general in Iowa, Massachusetts, New York, North Carolina, and by the U.S. Securities and Exchange Commission and the U.S. Department of Justice. The U.S. Department of Veterans Affairs has also taken action to withdraw Ashford's eligibility to participate in the GI Bill because of its failure to comply with VA regulations. But, as the New York Times article points out, Bridgepoint has friends in high places when it comes to the Trump administration. A former consultant for Bridgepoint is now the Director of Strategic Communications at the White House.

Then there is Robert Eitel, who was hired by Secretary DeVos in February 2017 as a special assistant. For the first 9 weeks of his Department of Education tenure, Eitel was actually on an unpaid leave of absence from Bridgepoint. You heard that right—he was an employee of the Department of Education and continued as an employee of one of the most predatory for-profit colleges in this country at the same time. ABC News reports Eitel had a hand in dismantling the Department's borrower defense rule, which would have helped students who were defrauded by for-profit colleges like Ashford. How is that for a fox guarding the henhouse?

But we are not done yet. Don't forget about Career Education Corporation, which reports that it is currently under investigation by 23 States attorneys general, including Lisa Madigan of Illinois. In 2013, Career Education Corporation agreed to pay \$10.25 million in a settlement with the New York attorney general over job placement rate inflation, an act of fraud. The company has been investigated by the FTC and the SEC. The Department of Education even placed one of its schools, American Intercontinental University, on heightened cash monitoring for concerns related to its administrative capability. But the enforcement unit's investigation into fraud by the company has come to a screeching halt, according to the New York Times. Who at the Department of Education is connected to Career Education Corporation? Well, in addition to working for Bridgepoint, Mr. Eitel was previously a top lawyer for that company, Career Education Corporation.

Then there is Diane Auer Jones, who was previously a senior vice president for Career Education Corporation and

was hired by Secretary DeVos to be her senior adviser on postsecondary education. Also, the Department's recently confirmed general counsel, Carlos Muniz, previously provided consulting services to the same company.

The DeVos-orchestrated takeover of the Department of Education by the for-profit college industry is an embarrassment. It is an affront to students, their families, and to taxpayers. The Trump administration and Secretary DeVos are more concerned with protecting their rich buddies in the for-profit college industry than protecting America's students and their families. They don't seem to care that taxpayer dollars are being wasted as long as those dollars are going into their friends' pockets. It is shameful. It is scandalous. It has become routine in the U.S. Department of Education.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. JOHNSON). The Democratic leader is recognized.

FOR-PROFIT COLLEGES

Mr. SCHUMER. Mr. President, first let me thank my friend from Georgia for being able to go first and also thank my friend from Illinois, who has been passionate, strong, and effective when it comes to these for-profit colleges. He laid out a strong case.

Let me just make one more point which sometimes my colleagues on the other side of the aisle and the Trump administration and Ms. DeVos seem to forget. Who loses money when these for-profits take advantage of the kids? The Federal taxpayers do because the vast majority, the overwhelming percentage of funds that go to these for-profit colleges are from Federal student loans. So this is a waste of taxpayer money. Somehow our Republican colleagues—not all but some—and the Trump administration are willing to have the Treasury basically, in certain ways, be looted. They shrug their shoulders and let the for-profits keep doing it. It is an amazing contradiction. So I thank my colleague Senator DURBIN.

ZTE

Now, on the issues that I came to speak about here, Mr. President, it was reported by the Wall Street Journal that the Trump administration has agreed to relax sanctions on the Chinese telecom giant ZTE and remove the ban on ZTE from selling components and software in the United States. Instead, ZTE will be required to pay a fine and reorganize its board. It appears that, in exchange, China will lift some tariffs on U.S. agricultural products.

First, let me say this. I said this repeatedly, but I will say it again. I feel much closer in my views on China and how they treat us in terms of economic issues to President Trump and his views than I was to President Obama and President Bush and their views, who I don't think did enough. I had

public arguments with both President Obama and President Bush on this issue.

When Donald Trump started talking about going after China and making them play fair, I felt that was a good thing. When his administration fined ZTE and then put sanctions on them so they couldn't get American components, I said: Finally, we are doing something tough on China.

You can imagine my disappointment with the reports last night that President Trump, being advised so wrongly by people like Treasury Secretary Mnuchin, is backing off on this toughness and just giving them a slap on the wrist, a fine. If the reports are true, the Trump administration will have suffered a great defeat. The fines and board changes do absolutely nothing to protect American national or economic security.

It is my view that China proposed this because they know it doesn't do the real job. When President Trump shows weakness and backs off on the area where he has been toughest with China, it signals to them that they can roll over us issue after issue, where they have been rapacious in terms of how they deal with our economy, our intellectual property, and the ability of great American companies not to sell things in China.

The April 2018 commerce order penalizing ZTE says plainly that past fines have not and will not deter ZTE because they are financially backed by China's government and putting in place board changes doesn't coerce a company that takes its orders from China's Government.

The proposed solution is like a wet noodle. It is outrageous. I hope that Democrats and Republicans will join together in making sure, as House Republicans did in the Appropriations subcommittee, that the proposed sanctions against ZTE of not letting them buy American products and not letting them sell here will stick, but I don't think they will. All the handwriting is on the wall.

I will not divulge anything, but I did have a half-hour conversation with President Trump about this on Friday and with some of his advisers. So I am truly worried.

The penalties that are proposed by Secretary Mnuchin are penalties in name only. They are a diversion from the fact that it seems President Xi has outmaneuvered President Trump and Secretary Mnuchin. It should be President Xi who writes the book "The Art of the Deal" because he has taken us to the cleaners on ZTE.

Let me explain why this is such a bad deal. ZTE was sanctioned in 2016 for violating U.S. sanctions against North Korea and Iran. The company was further sanctioned when the Commerce Department discovered that ZTE had lied to the United States about its plans to rectify the violations. President Trump and Secretary Mnuchin, according to reports, have inexplicably

excused ZTE of these inexcusable violations.

What the President and Secretary Mnuchin are doing sends a dangerous signal to businesses around the world that the United States is willing to forgive sanction violations or reduce penalties. It emboldens foreign companies to play fast and loose with U.S. sanctions when we should be putting the fear of God into these companies, especially one that is as brazen as ZTE. If we don't uniformly enforce sanctions—a critical diplomatic tool used by administrations of both parties to pressure our adversaries—then, they will be far less effective. None other than Secretary of State Pompeo and Interior Secretary Zinke wrote a letter to President Obama in 2016 making this point, urging him to crack down on ZTE for this reason.

Imagine if Obama were President today and doing this? You can be sure that our Republican colleagues would be hollering. You can be sure that President Trump—he wouldn't be President then—would be hollering.

Even more important are the national security implications of removing the ban on U.S. companies selling ZTE components and software. This is the No. 1 reason that I am opposed to any change in the sanctions against ZTE. Allowing ZTE to make deals with U.S. companies to sell its products here would allow a foreign, state-backed firm access to our telecommunications network, prying open the door for ZTE to steal American data, hack our networks, and even conduct espionage, both economic and national security.

Don't take it from me. Here are what some of our leading Republicans have said in the administration.

The Republican-led FCC has said that allowing ZTE into the United States would pose a national security threat, saying it would give state-backed Chinese companies "hidden backdoors to our networks" that would allow them to "inject viruses and other malware, steal Americans' private data, spy on U.S. businesses, and more."

We all know that China is involved in stealing our intellectual property. There is no better way to do it than through ZTE, and we are going to let them be here and slap them on the wrist with a fine? That is a dereliction of our duty here in the Congress and the President's duty to protect us.

The Pentagon has banned ZTE phones, saying in a statement that "ZTE devices may pose an unacceptable risk to the Department's personnel, information, and mission." If our Defense Department is banning these phones, why are we allowing them to come into our country to do industrial espionage and steal our intellectual property from our companies?

Here is what FBI Director Chris Wray, appointed by President Trump, told the Senate Intelligence Committee in February. He was saying that we shouldn't use ZTE products or services, period. Here is what he said:

We're deeply concerned about the risks of allowing any company or entity that is beholden to foreign governments that don't share our values to gain positions of power inside our telecommunication networks. That provides the capacity to exert pressure or control over our telecommunications infrastructure. It provides the capacity to maliciously modify or steal information. And it provides the capacity to conduct undetected espionage.

The head of the FBI says letting ZTE in here will provide "the capacity to conduct undetected espionage."

After all those statements and so many more, every American should be alarmed by the reports that President Trump may allow ZTE into American markets. Putting our national security at risk for minor trade concessions is the very definition of shortsighted. Frankly, it would be a capitulation on the part of the Trump administration.

President Trump's instincts are to be tough on China. He should not let Secretary Mnuchin lead him astray, or others in the administration who may be urging it. I know that there are some—Mr. Lighthizer and Mr. Navarro—who understand the dangers here, and they are in the administration too. From press reports, they are arguing on the other side.

President Trump ought to come to his senses and stick with being tough on ZTE, stick with his instinct.

That is what I say to you, Mr. President. Please stick to your instincts and be tough on ZTE. Don't let these other members of your Cabinet lead you astray for short-term reasons that will hurt America dramatically in the long run.

The deal President Trump seems to be making is exactly the kind of deal that Donald Trump, before he was President Trump, would call weak or the worst deal ever. I hope these reports aren't true, but if they are, Democrats and Republicans must do something about it.

I know there are Members on the other side—I saw Senator RUBIO's tweets this morning—who are concerned about the national security of the United States with respect to ZTE. I will be reaching out to my Republican colleagues and to Members of my caucus and to anyone who is willing to turn this ship around to see what we can do legislatively.

The Chinese are worried about their security. It is a different type of security. They don't want their citizens to get information. So they exclude our best companies, our Googles, and our Facebooks. Now they are raising a fuss when we want to exclude ZTE, which has violated our sanctions and would allow the Chinese Government to spy on us—what hypocrisy. Are we going to go along with that? I hope not.

#### RUSSIA INVESTIGATION

Mr. President, over the past few days, the White House has put extraordinary, unusual, and inappropriate pressure on the Department of Justice and the investigation into Russian meddling in the 2016 election.

On Sunday the President demanded a counterinvestigation of the Russia investigation, breaking longstanding and critical norms against political interference in law enforcement matters. Then, yesterday the President summoned the leaders of the Russia probe to the White House to pressure them into releasing sensitive and classified documents pertaining to the investigation by congressional Republicans. The White House planned to arrange a meeting where "highly classified and other information" will be shared with Members of Congress. It is highly irregular, inappropriate, and unprecedented. The President and his staff should not be involved in the reviewing or the dissemination of sensitive investigatory information involving any open investigation, let alone one about the activities of his own campaign. It is amazing. It is what you hear happening in third world countries. The leader says: No, I am above the law, and interferes with the process of law.

Congress has a right to oversight and to know what is going on after an investigation is complete. While an investigation is open and active, demands for oversight are tantamount to interference, especially when the folks demanding the information are the most biased, irresponsible actors. A man like DEVIN NUNES—I hear privately from my Republican colleagues that they think he is off the deep end—is going to get hold of this? We think that is fair, unbiased oversight?

Give me a break. If such a meeting occurs—and I don't believe it should, but if it occurs—it must be bipartisan to serve as a check on the disturbing tendency of the President's allies to distort facts and undermine the investigation and people conducting them.

Democratic Members of the House and Senate, the analogs of the Republicans selected to be in the room, should be in the room as well. So if DEVIN NUNES is there, ADAM SCHIFF should be there. To me, it is just amazing that it is happening.

One further point on this, again, the contradictory statements and opinions—the virtual hypocrisy of President Trump on these issues—are just mind-boggling.

President Trump, for instance, has been peddling the myth that a deep-state bias against his Presidency has animated the Russia probe. Of course, the idea is ridiculous. If there was such a deep state aligned against President Trump, why then was the active investigation into his campaign communications with Russian intelligence kept secret during the campaign? The deep state could have killed him in the election. If there was such a conspiracy against Donald Trump, why was the FBI investigation of his campaign under wraps, while at the same time, the FBI investigation into his opponent was in full view of the public eye? Whether or not you agree, Secretary of State and Presidential nominee Clinton believes that those comments by

the FBI about that investigation hurt her chances to win the Presidency. You may agree or you may disagree, but one fact is incontrovertible: The FBI talked publicly about the Clinton investigation and was silent about the Trump investigation. Yet the President says the deep state is out to kill him. It is not fair. It is not right. It is contradictory.

The truth is that the President and his allies only concoct these conspiracies—totally contradicted by well-known facts—to kick up dust, to obscure and obfuscate, to distort and distract, and when that is not enough, the President and his team directly interfere with the Russia investigation by asking its leaders to turn over documents to the most irresponsible actors in Congress—his ardent political allies. It ought to stop. It ought to stop.

The Justice Department doesn't take demands from the President. The special counsel's investigation must continue in search of the truth, the whole truth, and nothing but the truth.

#### TEACHERS

Mr. President, finally, for the better part of the 20th century, being a teacher in America meant being a part of the middle class. You worked hard, and you received decent pay and benefits—enough to afford a home, a car, a vacation, and to raise a family. But for the past 20 years, teachers' pay has been falling behind.

A 2016 report from the Economic Policy Institute found that teachers take home weekly wages that are 17 percent lower than comparable workers. That is why thousands of teachers across the country have organized and staged walkouts to demand fair pay, adequate resources, and better working conditions.

I have always felt that teaching is a vital profession. I know how my teachers at P.S. 197, Cunningham Junior High School, and James Madison High School affected me in such a positive way. They are great. So I believe that in the 21st century, teaching should be an exalted profession, sort of like a doctor or lawyer was in the 20th century. It is that important to the future of America, to the future of our children, and to the future of our grandchildren. But the pay sure doesn't reflect that.

That teachers' pay has fallen so far behind matters a great deal not just to teachers but to all of us. Education is the catalyst for economic mobility. It puts rungs on the ladders of opportunity. We need great teachers in every classroom so that our children have every opportunity to succeed.

As I said, in my view, teaching should be an exalted profession in the 21st century the way medicine and law were in the 20th century, and teachers' pay should more closely reflect their value to society.

Today, Democrats in the House and Senate will come together to announce our plan to offer our Nation's teachers a better deal.

I yield the floor.

I again thank my dear friend from Georgia for waiting and for listening to me.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I say to the Democratic leader, it is a pleasure.

#### VA MISSION BILL

Mr. President, I rise today to talk about a vote we will take in the Senate sometime later today, after 12 o'clock. It will be a cloture vote on the VA MISSION Act. After we adopt cloture, later this week, hopefully, it will lead us to the final vote to adopt the VA MISSION Act, which will be the final mosaic in the picture that was put together by the Senate Veterans' Affairs Committee, the House Veterans' Affairs Committee, and the administration and both the House and the Senate to address the VA benefits program for all of our veterans. We all know we have had the challenge to do better, and I submit that this is us doing our very best for those who have given everything for us.

Next week, on Monday, we will celebrate Memorial Day, where we honor those who have sacrificed their lives so that we can all be here today—you, Mr. President, as the Presiding Officer of this body and I as a representative of the people of Georgia. If it weren't for our veterans, we might be speaking Japanese or German today. We are speaking English today because we won those wars because our best and brightest volunteered their lives and sacrificed so that Americans can survive and be here. There is nothing less that we need to ask of ourselves than to see to it that they have the healthcare benefits we have promised them for so long.

The VA MISSION Act is an act that puts together and answers all of those questions that have been long on the front page of the newspapers for the last 2 or 3 years.

I thank JOHN MCCAIN. JOHN MCCAIN was really the inspiration for the Veterans Choice bill, which we started 4 years ago when I was on the committee. We finally passed a part of that program, and it has been in operation until now, but it has had a need for reform, a need to be fixed, and a need to be funded. With the passage of this legislation, we will do all of those things and make it even better.

I thank JON TESTER, the Senator from Montana, my ranking member on the committee, who has done everything one could ask. He was a team player who saw to it that we got through all of the minefields and sticky wickets you have to go through in the legislative process to get there. Senator TESTER has been an invaluable partner in putting together the VA MISSION Act and in making the VA a better organization.

I thank my staff, his staff, and my members of the committee from the Republican Party and his members from the Democratic Party. This is as

close to a unanimous effort as any effort we have done in the committee for some time. I thank them for their hard work and their effort.

I thank in advance the Members of the House and Senate for being with us on this venture today. I ask for your vote for cloture, and later in the week, I will ask for your vote for final passage.

Briefly, let me tell you what we are doing because what we are doing is critical.

One, we are making choice better for our veterans by repealing the 40-mile rule and the 30-day rule, which we passed 4 years ago. People will remember that veterans were waiting in some cases years to get their appointments with the VA, so we passed a rule that said: You can go to the private sector if you can't get an appointment within 30 days or if you live more than 40 miles away from the VA center that provided that service. But it became cumbersome and difficult. We had a number of problems with the third-party contractors we dealt with who were making the clearances and opening the gates for the veterans to go. Although we improved service and access for our veterans, we didn't make it everything it should be.

The MISSION Act does that because it makes the choice the veteran's choice in concert with the veteran's primary care doctor at the VA. If a veteran, because of quality, timeliness, distance, urgency, or need, needs to go to the private sector or wants to exercise that choice rather than go to a VA doctor, if there is one—or if there isn't one, go to the private sector because that is the only choice they have—they will be able to do so in concert with their VA primary care doctor.

So Choice is truly the veteran's choice. The VA continues to have the responsibility of keeping up with the veteran. The veteran has the choice he or she needs to make to see to it that they get timely, professional, and quality care. That is a huge step forward for us. That is a great step forward. Although the 30-day rule and the 40-mile rule were great starts, this is a great improvement for access for our veterans.

I am a Vietnam-era veteran. Vietnam-era veterans are now mostly in their late sixties or early to midseventies. They served our country a long time ago. The signature injuries of the Vietnam war were some of the most tragic in warfare that were survived for the first time ever because of our healthcare. There are a lot of those veterans living today who can't take care of the basic functions of life. They need assistance with eating, making their bed, getting up and down stairs, getting anywhere they need to go.

We have veteran programs for caregivers for almost every veteran around but not for the Vietnam-era veterans. This bill, the MISSION Act, applies the VA caregiver benefits to all veterans. So if a veteran needs that assistance,

that same incentive to help with the stipend for that service is available to that veteran. That is a giant step forward for all of us.

It is also very important to recognize that we consolidate the VA's seven community care funding sources into one single community care source. For the first time in 3 years, the VA will no longer announce every 3 months that they are running out of money. A lot of times, they use that little trick on us because they run out of money in one department, but there are six others that are loaded. So we merged them all together to see to it that all the funds are available and accessible all of the time for the veterans who have the need for the benefit—no more crying fire in a crowded theater, no more scaring us all by saying that we are not funding our veterans, but instead seeing to it that our veterans have access when it is timely and when they need it. That is a very important change, and that is a move forward we have needed to make for a long time.

It makes sense for us to make sure that our veterans have their choice based on quality, access, and timeliness. It makes sense that we make that a key part of the veterans' benefits to all veterans. It makes sense that we see to it that caregiver benefits are available to Vietnam-era veterans, as well as many others. It makes sense that we do all of the other things we have done in all of the VA acts to come together to totally reform the Veterans' Administration for our veterans who have served us. How many people is that? There are 22½ million people in America today who have served us at one time or another. There are 6½ million people who are served by the VA health services. That is a lot of people, but it is a small handful of people compared to the 350 million people in our country. Think about this: Less than 1 percent of our population served and defended us all and risked their lives.

So when you go to vote on this bill today, think about the veteran in your State, the VA service in your State, and the people in your State. Think about what you remember about World Wars I and II, what you remember about Vietnam, and what you remember about Iraqi Freedom in Afghanistan. Think about what you think you owe to those who signed on the bottom line. They weren't constricted. They weren't mandated. They volunteered. They went, they fought, and they died.

I want to leave you with a thought on two of those veterans because they are the two faces I see every day as the chairman of this committee I am working for.

One of them is Noah Harris. Noah was a cheerleader at the University of Georgia on 9/11/2001 when he watched, as you and I did, al-Qaida and the evils of that era take down the Twin Towers, and we had the first battle of the ultimate war between good and evil.

We fought that battle. We are still winning it. We are still fighting it, and

we will fight it for a long time. We have lost over 6,000 lives, individuals who sacrificed their lives in Iraq or Afghanistan or other places in the Middle East, and there will be others to come. They sacrificed so you and I can do what we are doing here today—the First Amendment protections of speaking our minds, as I am doing; the right to assemble, as our constituents do; and the right to defend ourselves and be safe. All those God-given rights we have were written on paper, but they were given life and protection for all of us by the veterans who volunteered and fought and died.

I remember Noah Harris because he was a cheerleader one day at the University of Georgia, and on 9/12/2001—the day after 9/11—he went down to the armory, signed up for OCS, went into the Army, and became an officer. Two years later, almost to the day, he died in Baghdad, the victim of an IED. He died defending the country he loved so much. He cheered for the football team, but he fought and sacrificed his life for the country.

I want Lucy and Rick—his mom and dad, in Ellijay, GA—to know that I haven't forgotten Noah and what he did for us. I sign most of my notes the same way Noah signed his note to me: "IDWIC, Noah Harris." "IDWIC" stands for "I do what I can." I want to have a chance to do what I can today. I want to vote for this bill for all the right reasons but principally for Noah Harris.

The other one is a veteran whose name is Roy C. Irwin. Roy died in the Battle of the Bulge in the Netherlands in 1944. When I went to the cemetery in Margraten, Netherlands, to visit the grave sites there and to check on the American battle monument, I walked with my wife down the rows of crosses and Stars of David just to pause for a second and give thanks for what the over 800 soldiers there in that cemetery did in the Battle of the Bulge to make our lives possible and to make it possible for me to enjoy the benefits I have enjoyed. We got to the end of row 23. I looked down, and there was a cross. It said: "Roy C. Irwin, New Jersey, private, December 28, 1944, KIA"—killed in action. I froze at that because I was born on December 28, 1944. The day Roy C. Irwin from New Jersey died in the Battle of the Bulge, my mother delivered me in Piedmont Hospital. I am almost 74 years old. I have had 74 wonderful years, including the opportunity to serve in the U.S. Senate, because a guy I never knew, when he was 18 years old, volunteered to go fight in the Battle of the Bulge in the Army for the United States of America. He paid the ultimate sacrifice, and because he did, I got the ultimate benefit.

When you think about your vote on this bill today, you think about all of those veterans who did the same for you, who have the same birthday or the same killed-in-action date as your birthday, and recognize that every one of us stands on the shoulders of our

veterans. We live, work, and pray on the shoulders of our veterans. I, for one, am going to vote for our veterans when we pass this bill so that the VA MISSION Act becomes the final mosaic in the beautiful patchwork of benefits for those who have sacrificed the most for all of us.

I yield back.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, I very much thank Chairman ISAKSON for his work on this bill. As a veteran, as the spouse of a veteran, as the mother of a young lady who will enter into the service this summer, and as the grandmother to a young man who will begin his enlistment this fall, I thank him for the work he has done. I appreciate your service as well. Thank you so much.

Mr. President, "We can and we must do better for our veterans."

I spoke those words during my first speech given here on the Senate floor just over 3 years ago. I also spoke about the need to fulfill the promises made to our veterans who have sacrificed everything for our country. At that time, the average wait for a mental health appointment at the VA was 36 days. There were, on average, 22 veteran suicides every single day in the United States. It underscored the troubles within the VA and the urgency to act immediately to help our veterans get the quality and the timely care that they have earned and that they deserve.

That is why I introduced on that very day my first bill, the Prioritizing Veterans' Access to Mental Healthcare Act. My bill would have eliminated the distance and the wait time requirements for veterans seeking mental healthcare under the current Choice Program. Every veteran should have the choice to receive care in the community, but they should not be burdened by bureaucratic redtape or strict guidelines that serve as roadblocks to receiving this type of care.

To illustrate how burdensome and sometimes ridiculous these guidelines are, I want to share a letter I received from a veteran in Ames, IA. The veteran wrote:

I am a disabled veteran who currently receives healthcare at the De Moines VA Hospital. I live 39.7 miles from the De Moines VA Hospital, which means I do not meet the 40-mile VA Choice criteria. While I have not had a bad experience at the De Moines VA, it is burdensome to travel approximately 40 miles when I have had surgeries that require a family member to transport me. I am unable to utilize a nonVA facility in my own backyard.

The frustration evident in this veteran's letter has been present in hundreds of letters and stories, and I have received many of those over the years.

I am frustrated too. Those who are willing to lay down their lives for our country shouldn't have to jump through hoops to receive the care they have earned.

I am thrilled that this week the Senate has the opportunity to do better for

our veterans. Just last week, the House passed the VA MISSION Act, which improves how veterans access community care. Under the VA MISSION Act, the VA remains the coordinator of a veteran's care. The VA would still be in charge of scheduling those appointments, ensuring that a veteran is going to followup visits, as well as ensuring that no veteran experiences a delay or a gap in their care.

The VA MISSION Act also makes significant improvements to accessing community care. A veteran will no longer be bound by strict distance and wait time requirements, just as I expressed from that veteran who lives in Ames, IA. Instead, that decision rests with the veteran and their provider. If a veteran and their provider determine that it is in the veteran's best medical interest, the VA will be required to offer access to community care. The VA MISSION Act ensures that veterans have a say and a choice in their care.

This legislation also includes my bipartisan Veterans E-Health and Telemedicine Support Act, also known as the VETS Act, which I introduced with Senator MAZIE HIRONO of Hawaii. VA providers will now be able to practice across State lines, expanding telehealth services, which can include critical mental healthcare and care desperately needed to veterans in rural and underserved areas.

The VETS act will also expand VA caregiver benefits to pre-9/11 veterans, create a commission to evaluate how to modernize VA facilities, increase resources to hire more providers, which is very important, and ensure prompt payment to community providers.

I am also pleased to report that this bill has bipartisan support and the support of over 30 veteran service organizations.

Funding for the Choice Program is expected to run out at the end of May—in a matter of weeks. The men and women who have put their lives on the line for the freedom of every American deserve better than the status quo. Again, I say that we can and we must do better for our veterans.

The VA MISSION Act is a positive step forward toward getting veterans the care they need. That is why I will be voting in support of it. I urge my colleagues to do the same and cast their vote in favor of the VA MISSION Act.

Thank you.

I yield the floor.

Mr. SHELBY. Mr. President, I ask unanimous consent to enter into a colloquy with Senator LEAHY, Senator ISAKSON, and Senator TESTER.

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

Mr. SHELBY. We rise today to speak about the VA MISSION Act, bipartisan legislation that would make much needed reforms to the VA Choice and VA Community Care programs. Among these reforms, the existing VA Choice program, funded as a mandatory program, will merge with a streamlined

Medical Community Care program, funded with discretionary dollars. I commend my colleagues for a job well done.

As chairman of the Appropriations Committee, however, I want to express my concern that this legislation authorizes significant discretionary spending for the VA without providing any way to pay for it under the spending caps imposed by the Budget Control Act, BCA. The Congressional Budget Office estimates this bill will cost \$49 billion over the next 5 years—roughly \$10 billion per year. Without relief from the caps plus an anticipated return to sequestration levels in 2020, this \$49 billion could come at the expense of existing programs, including those at the VA.

I am also concerned that the underlying bill only provides funding for the VA Choice program through May of 2019, with no funding plan for the new program which is expected to come online in fiscal year 2019. These problems are not insurmountable. They do, however, require funding above and beyond what was contemplated in both the caps deal and the BCA. Fortunately, there is existing law and ample precedent for adjusting spending caps to reflect changes resulting from a shift in mandatory spending to discretionary spending.

I want to ask Senator ISAKSON and Senator TESTER if it is also their understanding that this funding deficiency could imperil other VA funding and, if so, whether they will commit to assisting Senator LEAHY and me in enacting a solution when the Military Construction and Veterans Affairs Appropriations bill comes to the floor that will provide adequate resources for the programs authorized in this bill without doing harm to existing programs?

Mr. LEAHY. Mr. President, as vice chairman of the Appropriations Committee, I want to associate myself with Chairman SHELBY's remarks. Since the inception of the Choice Program in 2014, it has been riddled with delays, programmatic problems, and fiscal instability. In many areas of the country, the networks that were established left providers unhappy about the speed of reimbursement and veterans often trying to navigate a cumbersome system. Congress has had to provide \$4.2 billion within the last year alone, just to keep the program afloat. That is why I am pleased that Senators ISAKSON and TESTER worked in a bipartisan way to try and fix Choice by establishing a streamlined and consolidated program that will make non-VA care more efficient. However, to truly address these problems and provide the care that our veterans deserve, we need to not only fix the policy, but we must also provide the funding to enact that policy. This bill does not do that.

The MISSION Act appropriates \$5.2 billion in mandatory spending, \$1.3 billion of which will merely fill the fiscal year 18 shortfall in the current Choice

program. The remaining balance of \$3.9 billion will provide enough funding for Choice through May 2019, but leaves the program short between \$1 and \$1.5 billion for the rest of the fiscal year when the new program shifts to the discretionary side. According to CBO the cost only goes up in the out-years, with the major components of the new Community Care program costing another \$8.67 billion in fiscal year 20 and more than \$9.5 billion in fiscal year 21. This is unsustainable under the BCA non-defense discretionary caps, which are set in law and were negotiated prior to the passage of this bill and without accounting for these costs. We do our veterans no favors by promising care without backing it up with resources.

I will not stand in the way of the new policy created in this bill, as I do believe it creates a better Community Care program, but Chairman SHELBY and I have a proposal that will help us fulfill our promise to our veterans by allowing for an adjustment to the caps to help us pay for this program. We intend to address this issue when the Senate MilCon/VA appropriations bill comes to the floor by offering an amendment that keeps the promises we are making today, and I would like to ask both Senator ISAKSON and Senator TESTER for their full support with this effort.

Mr. ISAKSON. Mr. President, I want to thank Senator SHELBY and Senator LEAHY for their leadership on this issue and for their strong support of the VA MISSION Act. I understand their concerns regarding funding, and agree that the important reforms included in this bill require resources. I am committed to working with you to find an appropriate solution as the Military Construction and Veterans Affairs bill moves to the Senate floor. Our veterans deserve no less.

Mr. TESTER. Mr. President, as ranking member of the Committee on Veterans Affairs I continue to fight hard on behalf of new policies that will allow VA to better serve our Nation's veterans. As a former ranking member of the Appropriations Subcommittee on Military Construction and VA, I am also very mindful of the need to secure the resources necessary for VA to properly carry out those policies.

The Choice program has been a disaster in Montana, and I am proud that the VA MISSION Act streamlines VA community care in a manner that makes more sense for veterans and their doctors and for community providers, but as we provide the tools and authorities necessary for veterans to get the care they need, I agree that we also need to secure the resources necessary to achieve the goals of this legislation without short-changing other domestic priorities. I am therefore strongly supportive of including language in an upcoming appropriations bill that provides veterans with the certainty they deserve, and I remain committed to working with the chairman and vice chairman on this effort.

Mrs. ERNST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BLUMENTHAL. Mr. President, the Consumer Product Safety Commission is a small agency with a major mission. Its goal is to protect the public from the threats of injury or death associated with defective and dangerous products. That mission is more important today than ever before because consumers face dangers from fire, electrical, chemical, or mechanical hazards—not only consumers but their children and families.

The agency is already resource-starved. It is already depleted in terms of the support that it needs in Congress, and already it needs zealous and relentless advocacy.

The individuals who are members of that board should be dedicated to that mission and to the safety and well-being of consumers above all. That is their mission.

So, today, when we consider the nomination of Dana Baiocco, we should keep in mind that no matter how able and skilled and experienced a litigator she is, the question is whether she will devote those skills, ability, and experience to the mission of this agency.

Unfortunately, every sign that she has given indicates that her goal will be contrary to the agency's mission. I say that, first of all, because of her experience. She has participated in cases that are of extraordinary concern to Americans.

In 2007 she represented Mattel as a member of their litigation team when lead was discovered in the paint of 83 different Mattel toy products; I think nearly 1 million toys. In 2007, when she represented Mattel, I was the attorney general of the State of Connecticut. I remember that well because it was known as the Year of the Recall because of the frequency and the number of recalls involving unsafe products. In 2007, there were more than four recalls, on average, each week, and more than half of them were for children's products. It was a time when our Nation was facing this crisis in dangerous toys. Mattel ultimately was fined \$2.3 million for violating the Consumer Product Safety Act and knowingly selling children's toys with contaminated paint or surface coatings.

This decision was an important win for consumers and children. The Consumer Product Safety Commission did its job. Ms. Baiocco was on the wrong side of consumer safety in that case.

Similarly, in representing the Yamaha Motor Company, a manufacturer of off-road vehicles, she was on the wrong side, standing with the industry that violated basic safety stand-

ards, causing multiple injuries and lawsuits when consumers were seriously maimed, injured, and harmed in operating Yamaha Rhino off-road vehicles. Those injuries occurred while the CPSC was conducting a campaign on ATV safety. Ms. Baiocco's defense of Yamaha put her on the wrong side of that issue at a time when there were more than 330 ATV-related fatalities and 101,000 ATV-related emergency department-treated injuries in the United States.

Another area that I know well where she was clearly on the wrong side related to Big Tobacco. Ms. Baiocco represented R.J. Reynolds in the early part of this century—2007—in a class action lawsuit in Florida brought by injured smokers who were seeking to recover the damages they suffered as a consequence of Big Tobacco deliberately and purposefully addicting them, leading to lives of disease and addiction. She was on the wrong side of that issue as well—on the side of injury and industry against consumers. She was instrumental in those lawsuits, and R.J. Reynolds has been instrumental in lobbying to encourage the extensive use of flame-retardant chemicals in upholstered furniture to deflect pressure on cigarette makers to make a fire-safe cigarette. That issue is squarely within the CPSC's jurisdiction.

She lacks that dedication to this agency's mission that is critical for any Member to have. She may have skill, ability, and experience, but if it is devoted to the industry's well-being rather than consumers, she should be working for a different agency or continuing to work for a law firm that represents these industries.

In fact, she has worked for a very large law firm that represents many of those clients and industries, but she has refused to provide a full list of the clients and companies she has represented. The only way we have gained full knowledge of these clients is to go to the law firm's website—where, by the way, her profile cites as follows: "She is known for strategic business advice and high-intensity trials involving mass torts, consumer and industrial products, and medical devices in federal, state, and international courts." The clients are then listed in her profile.

Mr. President, I ask unanimous consent that this profile be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Jones Day]

PROFILE—DANA BAIOTTO, PARTNER

Clients describe Dana Baiocco as a "very smart and tough" litigator, who is "very responsive and thorough" and "provides efficient and effective legal counsel relative to some very difficult situations." She is known for strategic business advice and high-intensity trials involving mass torts, consumer and industrial products, and medical devices in federal, state, and international courts. Dana counsels clients on

minimizing risks, regulatory and reporting obligations, warranties, and CPSC product recalls.

Dana is go-to counsel for the Boston Red Sox. She led Vibram USA's defense in *Bezdek v. Vibram, et al.*, a putative class action based on allegations of false and misleading advertising regarding Vibram's extremely popular FiveFingers minimalist shoes, and she was the first chair trial lawyer winning a victory for Honeywell Safety Products and Bacou-Dalloz in New York state respirator litigation (*Wiacek v. 3M, et al.*) and for Parker Hannifin in aviation component part litigation (*Brewer v. Dodson [aff'd, 9th Cir.]*). She defended Yamaha in its Rhino product liability litigation nationwide and in a French tribunal. Dana is on Jones Day's Product Recall & Accident Response Team, a multidisciplinary legal group prepared to respond in recall or crisis situations.

Dana is a member of Brimmer and May School's Annual Fund Committee and the Carousel Ball Committee for Children's Hospital of Philadelphia. She is a former officer of the Pennsylvania Bar Association and the MDL Steering Committee for the Boston Bar Association.

EXPERIENCE

Fenway Sports Group defends personal injury action—Jones Day is representing Fenway Sport Group, parent company of the Boston Red Sox Baseball Club, in a personal injury action.

Electrolux attempts acquisition of GE appliances business—Jones Day represented Swedish appliance maker AB Electrolux as antitrust and labor counsel in its attempted \$3.3 billion acquisition of the appliances business of General Electric.

Honeywell legacy subsidiaries obtain dismissal of lawsuit alleging defectively designed products—On January 8, Jones Day obtained a compelling victory in a New York appellate court for Jones Day clients Willson Safety Products; Bacou-Dalloz Safety, Inc.; Bacou-Dalloz USA Safety, Inc.; and Dalloz Safety, Inc. (all owned by Honeywell International).

Vibram obtains First Circuit affirmation of class action settlement agreement related to its advertising—On December 31, 2015, the United States Court of Appeals for the First Circuit affirmed a \$3.75 million class action settlement involving Jones Day clients, Vibram USA, Inc. and Vibram FiveFingers LLC, makers of the popular FiveFingers shoes.

Goodman defeats class certification in putative consumer class actions alleging sale of failure-prone air conditioner components—Jones Day represents Goodman Global, Inc. and its affiliates, the manufacturers of central air conditioning and heating systems sold under the Goodman, Amana, and Daikin brands, in a series of putative consumer class actions.

ColdCypress acquired by division of Konica Minolta Business Solutions U.S.A.—Jones Day advised ColdCypress LLC in its acquisition by All Covered, a division of Konica Minolta Business Solutions U.S.A.

Yamaha wins Frye motion rejecting computer model of accident—Jones Day represented Yamaha Motor Co., Ltd. ("Yamaha") in a high-visibility case in Philadelphia where counsel from two of the lead national plaintiff's firms were seeking significant compensatory and punitive damages against Yamaha, the manufacturer of an off-road vehicle, the "Rhino."

Yamaha successfully defends nationwide litigation of product liability cases and claims involving the Rhino side-by-side ("SxS") vehicle—Jones Day leads Yamaha's defense of Rhino cases and claims pending in the United States.



Mattel settles voluntary toy recall litigation—Jones Day represented Mattel, Inc. (“Mattel”) in connection with a number of U.S. federal and state and foreign lawsuits and regulatory actions arising out of voluntary recalls of certain Mattel and Fisher-Price toys.

GE defends against putative nationwide class action alleging discrimination against women in executive pay and promotions—Jones Day represented General Electric Company in a nationwide putative class action, alleging discrimination against women in the executive band in pay and promotions.

Parker Hannifin wins Ninth Circuit dismissal of wrongful death claims involving single-engine plane crash—Wrongful death claims were filed against Jones Day client, Parker Hannifin Corporation, and others resulting from the crash of a single-engine Beech Bonanza that claimed the lives of the pilot, his wife, and two minor children.

U.K. corporate jet owner succeeds in coverage arbitration against London Aviation Insurance Market—Jones Day represented a U.K. private property company, owners of a Raytheon Premier 1 jet aircraft, in an arbitration against the London Aviation Insurance Market challenging declinature of a claim following constructive total loss.

Parker Hannifin obtains non-suit with prejudice in wrongful death action stemming from single-engine Cessna crash—Wrongful death claims were filed, but later voluntarily dismissed, in two separate actions in Hidalgo County, Texas (near the Mexico border) against Jones Day client Parker Hannifin Corporation and others as a result of a single-engine Cessna crash in which three individuals perished.

Safelite Glass wins summary judgment in unfair competition action against call center operations—Jones Day represented Safelite Glass (now Belron US Inc.) in an unfair competition lawsuit filed in 2002 by Safelite’s competitor, Diamond Triumph Auto Glass, attacking its call center operations and seeking tens of millions of dollars.

UAG defends against Tennessee and Mississippi class action involving “dealer reserve” revenues relating to automobile financing—Jones Day represented United Auto Group, Inc. in a multijurisdictional (Tennessee and Mississippi) class action settlement involving “dealer reserve” revenues relating to dealer-assisted automobile financing.

Forgital successfully defends against age discrimination claim—Jones Day advised Forgital USA, Inc. in an action brought by a former employee who claimed that his changes in job duties were a pretext for age discrimination.

SSB Maschinenbau defends against wrongful death and product liability litigation arising out of industrial machine accident—Jones Day defended German manufacturer SSB Maschinenbau GmbH in a wrongful death and product liability case arising out of an industrial machine accident in Erie, Pennsylvania.

Temple Inland defends against six wrongful death and personal injury actions arising out of explosion at particleboard manufacturing plant—Jones Day served as defense counsel to Temple Inland, Inc. in six wrongful death, personal injury actions in state and federal court arising out of an explosion at a particleboard manufacturing plant.

Textron obtains dismissals in silica exposure cases—Jones Day represented Textron, Inc. in 88 individual personal injury claims against more than 80 different defendants.

Parker Hannifin settles during appeal claims filed in wake of SilkAir crash—Parker Hannifin Corporation retained Jones Day to handle post-trial motions, damages trials, and appeals following an adverse ver-

dict in cases arising out of the December 1997 crash of SilkAir 185.

## PUBLICATIONS

November 2012

No Summer Vacation for Device Regulators: An Overview of Recent Legislation and FDA Activity, Part II

November 2012

No Summer Vacation for Device Regulators: An Overview of Recent Legislation and FDA Activity, Part I

Winter 2012

Aviation Crisis Management: Are You Really Ready?, Practice Perspectives: Product Liability & Tort Litigation

Summer 2007

The Americanization of Aviation Claims, Practice Perspectives: Product Liability & Tort Litigation

December 2006

Runway Safety and Airport Operations: Are You Responsible, The Public Record

March 2, 2006

Learning “Plane” English Can Help Lawyers in Aviation Litigation, Pittsburgh Business Times

2004

Implementing the Montreal Accord: Practical Implications of the Aviation Liability Treaty, Airline Business Report White Paper 2004: Charting a Course to Meet Today’s Market Challenges

July 2004

The Significance of Other Accidents in Aviation Trials, Aviation Litigation Quarterly

Spring 2003

Excluding NTSB Final Aircraft Accident Reports and FAA Airworthiness Directives at Trial, Air and Space Lawyer

## SPEAKING ENGAGEMENTS

February 13, 2012

The Commonwealth Institute’s Strategies for Success Program, keynote speaker—Boston, Massachusetts

June 22–23, 2011

American Conference Institute’s 3rd Annual Forum on Defending and Managing Aviation Litigation—Boston, Massachusetts

May 11, 2011, May 20, 2011

Pennsylvania Bar Institute presents: The Preparation and Trial of the Products Liability Case—Pittsburgh, Philadelphia, Pennsylvania

November 11, 2010

PBI Fundamentals of Products Liability Law—Pittsburgh, Pennsylvania

June 22–23, 2010

American Conference Institute’s 2nd Annual Forum on Defending and Managing Aviation Litigation—Boston, Massachusetts

May 23–24, 2007

The Changing Legal Climate Surrounding Ownership Structuring, Use, and Operation of Corporate Jets—Cleveland and Columbus, Ohio

February 14, 2007

The Americanization of Aviation Claims, IATA Legal Symposium 2007—Istanbul, Turkey

February 13, 2007

Global Environmental Initiatives—Where We Are Today, Where We Are Going Tomorrow, IATA Legal Symposium 2007—Istanbul, Turkey

January 31, 2007

Proven Strategies for Successfully Managing the Demands of a Law Practice and

Personal Life, Pennsylvania Bar Institute CLE program—Pittsburgh, Pennsylvania

September 14, 2006

Participant on a panel which discussed litigation and insurance issues arising out of fixed base operator negligence, 26th Annual Pennsylvania Aviation Conference—Wilkes-Barre, Pennsylvania

June 6, 2006

The Changing Legal Climate Surrounding Ownership Structuring, Use And Operation Of Corporate Jets—Pittsburgh, Pennsylvania

## EDUCATION

Duquesne University (J.D. 1997, cum laude; Justice Louis Mandarino Honor Society for Achievement in Trial and Appellate Advocacy; Order of Barristers); Ohio University (B.S. in Journalism 1988)

## BAR ADMISSIONS

Massachusetts, Pennsylvania, U.S. District Courts for the District of Massachusetts and Eastern and Western Districts of Pennsylvania, and U.S. Courts of Appeal for the First, Third, and Ninth Circuits

## CLERKSHIPS

Law Clerk to Judge Gustave Diamond, U.S. District Court, Western District of Pennsylvania (1996–1998)

## EXPERIENCE HIGHLIGHTS

Fenway Sports Group defends personal injury action

Electrolux attempts acquisition of GE appliances business

Honeywell legacy subsidiaries obtain dismissal of lawsuit alleging defectively designed products

## AREAS OF FOCUS

Business & Tort Litigation  
Product Liability Litigation  
Airlines & Aviation  
Class Action & Multidistrict Litigation  
Toxic Tort Litigation

## HONORS &amp; DISTINCTIONS

Legal 500—leading lawyer or recommended in litigation for product liability and mass tort defense: consumer products (including tobacco) (2013–2014), toxic tort (2014–2016), automotive/transport (2015–2016), and aerospace/aviation (2007, 2009–2011, and 2014)

Selected by American Lawyer Media as one of 35 Pennsylvania lawyers as a “2005 Lawyer on the Fast Track”

Named a “Pennsylvania Super Lawyer, Rising Star” by Philadelphia Magazine and Law & Politics (2005–2007)

Mr. BLUMENTHAL. I take this extraordinary step because she has failed to provide it in response to a specific question I asked in the written inquiries we submitted after her testimony. She said, in effect, she was “duty bound to maintain the confidential nature of legal advice sought by or provided to any client.”

This claim of attorney-client privilege is absolutely bogus and ought to insult this body because there is no reason for the name of the client to be kept confidential or that attorney-client privilege to be sustained.

I think invocation of attorney-client privilege in this way speaks volumes to the kind of member of this Commission she would be. In fact, she has refused to reveal her full list of consumer product clients, other than the ones like Mattel and Yamaha, which are available through court filings and other public records. I have entered many of those other clients into the RECORD, but we

have no assurance that we know that full list.

She has also refused to recuse herself from matters involving her current firm, Jones Day, or its clients for more than 1 year. The Office of Government Ethics requires 1 year of recusal from the time she last represented that client, but no more than that length of time, and she has committed no more than the bare minimum requirement by law. In addition, her husband has represented IKEA in a major product liability suit involving furniture tipovers. She has refused to recuse herself from matters involving IKEA.

We are in a perilous time, when the norms concerning conflicts of interest have been reduced, almost eviscerated. We have an obligation to protect consumer interests at the Consumer Product Safety Commission. That responsibility is to make sure serious defects, dangerous products, problems, and hazards that will face consumers as a result of deadly or defective products are prevented from reaching the market. Consumers may have no knowledge of how they are deadly or dangerous. The Consumer Product Safety Commission has the mission to protect consumers.

For someone who has the ability, skills, and expertise to represent wrongdoers which threaten consumers is the responsibility of admirable and able law firms, like Jones Day, and those skills and experience enable lawyers who work there. It is not the job of a Commissioner of the Consumer Product Safety Commission.

So it is really not about her personal ability, it is about the mission of this agency and who is qualified to serve on it and whether they have told us everything we need to know to hold them accountable if they are confirmed.

On all those scores, this nominee is lacking. Therefore, I urge my colleagues to vote no today on her nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The assistant majority leader.

ACCOMPLISHMENTS OF THE REPUBLICAN-LED CONGRESS

Mr. CORNYN. Mr. President, I am sure I am not unique in the fact that when I go home, my constituents ask: What in the heck is going on up there?

The truth is, amid the polarization, the misinformation, the arguments, the disagreements we naturally will have—because we represent different parties, different regions, and different points of view—it is really important to occasionally reflect on what it is we have actually done because, as I learned a long time ago as a journalism student, good news is not news.

What makes news is when there is conflict and disagreement. That is what people pay attention to. That is what reporters write about, that is what the cable TV channels run because they know people will watch it. They can sell advertising. That is sort of the way the system works.

Good news needs to be told and needs to be spread. So what I would like to do

is just reflect for a few minutes on the last 17 months and what has been accomplished during that year and a half by a Republican-led Congress and by the Trump administration working together.

I think, perhaps, the single biggest accomplishment that has benefited the most people broadly across this great land of ours is the new energized state of our economy. During the last administration, following the great recession of 2008, we had this ahistorical idea that slow economic growth was the new norm; that sub-2 percent economic growth each year—which isn't fast enough to create enough jobs to keep people employed—was something we were just going to have to live with. The fact is, since World War II, the economy has not grown at 2 percent or less; it has grown at about 3.2 percent.

What we are beginning to see is the slumbering giant of the American economy wake up and grow. People have confidence again and optimism in the future, which is a good thing. Unemployment fell to 3.9 percent recently, which is the lowest in 17 years, and 14 States hit record-low unemployment as well.

As I said, consumer confidence is high. As a matter of fact, it is at an 18-year high, and the tax reform package we passed last December has been the biggest, single game-changer. Although, I want to talk about regulations in a minute, the tax reform package got America back in the game. It made us more competitive globally as a place where people who want to invest money and create a business or grow their business—it is attractive, finally. We aren't chasing people off, having to move offshore in order to compete globally. They now see America as a favorable place to invest, and that benefits all of us.

Nearly 800,000 jobs have been created, 164,000 in April alone. To me, one of the most encouraging statistics is, in February, we saw more than 800,000 people rejoin the workforce. Unemployment statistics, as the Presiding Officer knows, can be a little bit misleading because sometimes when people quit looking for work, they are not reflected in the unemployment statistics, even though they are obviously unemployed.

The fact that 800,000-plus Americans decided to rejoin the workforce because they thought there was a real chance they could get a good-paying job ought to be enormously encouraging to all of us. It is to me.

In addition to the new jobs, in addition to more people joining the workforce, we have seen people who are working receive pay raises, more take-home pay. The retirement contribution their employers made to their 401(k) plan went up in hundreds of different cases.

We have also seen people see a reduction in their utility rates—the amount of money they pay for electricity—because the for-profit utilities saw a cut

in their taxable revenue, and because they are utilities they had to lower the rates in order to meet the requirements of the regulators. We have seen bonuses being paid by large companies, like AT&T in Texas, and commitments made to invest in more infrastructure. We have seen benefits across the board. The National Association of Manufacturers says that 77 percent of manufacturers in America intend to increase hiring, and 93 percent of them have a positive outlook for their companies. That is the kind of optimism I feel and hear when I travel back home.

In visits to Amarillo, College Station, Austin, and elsewhere, I have had the chance and taken the opportunity to sit down and talk to my constituents in those places and ask: How is it going? How are we doing? How are you doing? What I hear from small business owners regularly is the benefits they are seeing from the Tax Cuts and Jobs Act.

I have also had constituents write to my office, explaining how the boost in their monthly paychecks is making a big difference when it comes to making ends meet, buying groceries, paying their bills, or affording health insurance.

I alluded to this a moment ago, but one recent piece of news had the Southwestern Electric Power Company announce it had requested its utility rates be lower. Actually, it probably didn't request it be lowered, but they were lowered as a result of their lower overhead as a result of their tax bill going down.

Southwestern has more than 180,000 Texas customers and attributed the rate decreases directly to the Tax Cuts and Jobs Act. I would say that is a good thing. When seniors and people on fixed incomes actually see their utility rates go down, it helps them make ends meet. Entergy Texas, another electric utility, has similar plans to return tax savings to customers and support continued investment. Those two companies are just the tip of the iceberg.

The economy is booming, so much so that employers tell me it is hard to find qualified workers. We need to double down on our commitment to make sure we provide people access to the education and training they need to qualify for the new, high-paying jobs that exist. But, simply, those jobs can't always be filled because there are not enough trained workers to perform them.

It is not just the economy that deserves our mention. One of the most significant things that the Trump administration has done is nominate and see the Senate confirm a record number of judges—judges who, by the way, are committed to faithfully interpreting the Constitution and not legislating from the bench because of their personal preferences.

If you want to pursue a personal agenda or political agenda, you ought to run for Congress, not seek the Federal bench. We expect and demand

something different out of judges, which is faithful adherence to the law, not imposing their personal policy preferences. That is what President Trump has prioritized in his nominees and the nominees we have confirmed.

Twenty-one circuit court judges have been confirmed so far. That is roughly one-eighth of the appeals court judges in the United States. These circuit courts hear appeals from Federal district courts, trial courts, and, as the Presiding Officer knows, set binding precedent on a wide range of issues. I like to say that for all practical purposes, the circuit courts are the Supreme Court because the Supreme Court of the United States hears roughly 80 cases a year. They obviously set the precedent, but there are a lot of cases that never reach the Supreme Court, and their final court of last resort is the circuit court. That means the men and women presiding over those courts—the way they approach their judicial decision making—is making a real difference.

As I said, with the help of the Senate, President Trump has secured confirmation for 21 circuit court nominees. It is worth pointing out that President Obama's 21st circuit court nominee was not confirmed until he was in office for 33 months. It is not just that we are confirming good judges; it is that we are doing so at a good clip, comparatively speaking.

These judges include people like Don Willett, former justice of the Texas Supreme Court; Jim Ho, the former Texas solicitor general; and soon, Andy Oldham, the general counsel to Governor Greg Abbott, who has been nominated to the Fifth Circuit Court of Appeals.

That is not to mention the very talented district court judges we have confirmed as well. Two of them, Karen Scholer and David Counts, are Texans, and both my State and the entire Federal judiciary are lucky to have them.

The third thing I want to mention in terms of the economy is regulations because of what we have been able to do, working with the President when it comes to the regulatory state—the bureaucracy, the nameless, faceless entities that make life either easier or more difficult for small businesses. We have had a big impact. Specifically, we have repealed burdensome Obama-era regulations through the Congressional Review Act. It has been said before—and I will say it again—that in all of Senate history, it had been used only one time before; that is, to repeal the ergonomics rule. We have used it 16 times to eliminate agency rules that had found their way into law during the waning hours of the previous administration.

This effort—the Congressional Review Act effort—has been spearheaded by people like the junior Senator from Pennsylvania, among others. It has eliminated rules like coal mining regulation that would have put more than 100,000 jobs at risk and another one en-

acted by the Department of Education that undermined local control of schools and directly violated a Federal statute at least 7 times.

Our use of the Congressional Review Act has been referred to as a “regulatory wrecking ball” and the “most ambitious regulatory rollback since [President Ronald] Reagan.”

I don't agree it has been a wrecking ball. I think it has been more of a surgical operation. It has provided a signal to businesses, as well as real regulatory relief in those 16 specific cases. I think that is another reason for optimism in the sense that the Federal Government is no longer tying one hand behind the backs of our job creators.

Another important development has been finally rolling back some of the overregulation of Dodd-Frank. You will recall this was legislation that passed following the great meltdown recession of 2008. Like most things that happen in Washington, DC, the pendulum swung way too far.

I tell my community bankers and the credit unions in Texas: You weren't the target, but you were the collateral damage. They didn't cause the great recession of 2008, the subprime mortgage lending crisis; that was the big boys on Wall Street.

Thanks to Senator CRAPO and the Banking Committee and a bipartisan effort in the Senate, we finally pulled back some of the overregulation. If small community banks were going to be able to stay in business, they were required to hire people just to fill out the paperwork—not to make more loans but to fill out the paperwork. Many of them couldn't survive at all, so they had to merge or just go away. The people who got hurt the most were the people who needed access to credit—again, our small businesses.

Thankfully, this bill is now expected to pass the House this week, and it will be a big win for smaller financial institutions and make it easier for them to serve their communities by providing mortgages, providing credit, and lending to small businesses.

That is the past. Let's take a peek forward to this next week. This week, we will keep our commitment to our veterans—people who have worn the uniform of the U.S. military and who have served us so well and to whom we have a moral obligation, I believe, to keep our commitments to them—the promises we made to them when they were on Active Duty that when they left Active Duty, we would keep our commitments. We will do that when we vote on the VA MISSION Act this week.

This is a bipartisan, bicameral bill that will make significant reforms to the Department of Veterans Affairs. It will strengthen the healthcare and community care options that are available to America's veterans. It will provide \$5.2 billion to the much needed Choice funding program to prevent interruption of access to needed care for veterans.

In other words, we have said: If you are a veteran and can't get to a designated VA healthcare facility—a hospital or clinic—you can get treated in your community by a hospital or other healthcare provider, and we will pay the fee. If you have to wait too long in line, if you have to drive too far, you will have healthcare options. That is why funding the \$5.2 billion for the Choice Program is so important.

This bill will also provide caregiver assistance and consolidates the VA's seven community care programs into one streamlined program and will allow veterans, as I said, to seek care when and where it makes the most sense for them.

On the caregiver program, I can't help but remember when I visited Walter Reed, visiting some of our warriors injured in the line of duty in places like Afghanistan and Iraq. Frequently, the spouse of a wounded warrior has to quit his or her job to care for their loved one. It is an important aspect of the continuum of care necessary for them to recover and get back on their feet. We are going to provide greater access to caregiver assistance so that spouses and family members can do exactly that. It is the right thing for us to do.

Our VA MISSION bill also authorizes access to walk-in community clinics, removes bureaucratic redtape by authorizing local provider agreements, and eliminates barriers for VA healthcare professionals to practice telemedicine. In this new technological age, it makes no sense to have restrictions on the ability of people to get access to care through telemedicine, when and where appropriate.

I want to conclude by saying that I appreciate Chairman ISAKSON, Senator MORAN, and others working with the President and Acting Director Wilkie to get this done before funding runs out. I appreciate all of our colleagues who have worked on this on a bipartisan basis.

Last week, the House passed the bill, so now it is our turn. What a great sign of appreciation to our veterans it will be to get this bill passed and to the President's desk and have it signed before Memorial Day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### HEALTHCARE

Mr. JONES. Mr. President, I come to the floor today and rise to speak on a challenge that our rural health communities face both in Alabama and across the country. People living in rural areas often face difficulty in finding healthcare providers. The challenges of consistent, quality healthcare for rural America are exponentially more difficult than in any other area in the country. These persistent gaps in healthcare inevitably lead to poor health outcomes.

As a result, life expectancy for rural Alabamians is approximately 6 months lower than for those who reside in

urban areas and 3½ years lower than for people living in the rest of the country. In some parts of my State, the outlook is even worse. In Wilcox County, for example, life expectancy is 9 years lower than the national average. That is unacceptable. The county of your birth or where you choose to live should not dictate the quality of your life, much less your life expectancy.

Despite the prosperity some pockets of the country feel today, outcomes don't seem to be improving in many areas in rural America. Alabama's rural hospitals are at risk, and many are in immediate danger of closing. Sadly, some already have. Just last week, yet another hospital—this one in Jacksonville, AL—announced that they would close; it is about the 12th, I think, since 2011. It has become an all-too-familiar pattern in Alabama and in other rural areas in America. That means the quality and number of treatment options in these rural areas and in Alabama continue to decline. Fifty-two of Alabama's rural counties are facing primary care shortages, and those numbers get worse for specialty practitioners like dentistry and obstetrics.

Having spent nearly my entire life in Alabama—the only exception being 1 year in Washington, DC, working for this body on the Senate Judiciary Committee—I am acutely aware of the unique difficulties we face in keeping folks healthy. As I have traveled across Alabama over the last year, I have heard from folks who struggle to access medical care. I have heard from expectant mothers who didn't know if they would be able to make it to a hospital in time for delivery because the closest one was more than an hour away. I have heard from people who are impacted by the growing opioid epidemic and the lack of substance abuse and mental health treatment options in their communities.

When I came to the Senate, I knew I needed and wanted to make increasing access to quality, affordable healthcare one of my first priorities. I also knew that finding the Holy Grail of true healthcare reform in today's world of partisan politics is a difficult and complex task. I am proud to say that we have made some progress since I got here in January. For instance, through bipartisan efforts, the expired Children's Health Insurance Program, CHIP, which provides coverage to 150,000 Alabama kids as well as community health centers that serve 350,000 Alabamians, was funded for an additional 10 years in the future. I am proud that we secured an additional 3 years of funding for community health centers in that bill, which provides the primary source of healthcare in many underserved communities.

I was also a cosponsor of the Training the Next Generation of Primary Care Doctors Act, which was signed into law as part of the bipartisan budget deal. That legislation is critical for

folks in my State, both in the training it provides to doctors in community health centers and in rural health clinics, but also because it ensures that talented individuals who choose to stay in the healthcare professions stay and practice in their community.

Bipartisan legislation like that bill is one of the many ways that we can improve how folks receive healthcare in the United States. There is, of course, another option, which leaders in Alabama have failed to take, and that is to expand Medicaid. By failing to expand Medicaid, many of Alabama's most vulnerable citizens have been denied access to basic care, and we turned away literally billions of our own taxpayer dollars in the process. That decision just doesn't make sense. While I remain hopeful that my State's leadership will reconsider the shortsighted decision made solely for political reasons, I am going to continue to work to find ways to help. For example, I will continue to advocate for changes in the Medicaid wage index, which has been unfairly hurting Alabama healthcare providers and has been doing so for years.

For my part, today, taking one additional step, I am proud to say that my very first piece of original legislation will focus on improving rural healthcare through making government more efficient. Today, along with my colleagues Senators MIKE ROUNDS and TINA SMITH, I am introducing the Rural Health Liaison Act. I wish to thank and acknowledge Congresswoman CHERI BUSTOS for her leadership on this issue in the House and her offer to partner in this important effort.

The bipartisan Rural Health Liaison Act will streamline Federal investment in rural healthcare and improve coordination between Federal agencies and other healthcare stakeholders by creating a Rural Health Liaison within the U.S. Department of Agriculture.

I believe the USDA is an appropriate spot for such a position because the Department plays a major role in rural development efforts. For instance, the USDA has the capability to finance the construction of hospitals, to implement telemedicine programs, and to carry out health education initiatives. We want to make sure that these efforts are fully coordinated and leveraged with the U.S. Department of Health and Human Services and other Federal agencies, as well as other important healthcare stakeholders.

Among other things, the Rural Health Liaison would consult with HHS on rural health issues and improve communication with all Federal agencies. It will provide expertise on rural healthcare issues. It will lead and coordinate strategic planning on rural health activities within the USDA, and it would advocate on behalf of the healthcare and relevant infrastructure needs in rural areas.

I thank Senators ROUNDS and SMITH for their support on this important legislation, and I look forward to working

together with them and other colleagues to move this bill forward. This is a great example of how Senators from both sides of the aisle can come together to propose commonsense legislation to make government work better and more efficiently. It is exactly the kind of work that I hoped to do when I arrived here just a few months ago.

But this is just another step in a very complicated process. In the months ahead, I hope to have the opportunity to continue to work with colleagues on both sides of the aisle in this body to lower healthcare costs, to increase access to quality healthcare, and to improve the health and well-being of people living in rural Alabama, in rural America, and, in fact, for people all across this great Nation.

Thank you, Mr. President.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JONES. Absolutely, yes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. This Senator from Florida wants to thank his neighbor and colleague for his comments and to say how true it is that there is an underserved part in healthcare that is not only the underserved in the inner city but, clearly, also in rural America. This Senator wants to thank the Senator from Alabama for coming forward with that piece of legislation. I look forward to discussing it with him.

I also wish to thank the Senator for his comments about how shortsighted it is that the government, as he stated, in his State of Alabama, and, certainly, the government in my State of Florida, refuses to expand Medicaid and has so for almost 7 years, when, in fact, in the State of Florida, there is almost \$5 billion a year that is sitting on the shelf that is Florida taxpayer money that is going elsewhere if not accessed, and it has not been accessed in my State of Florida. That is 800,000 people—almost 1 million people—poor people and disabled folks who would be getting healthcare, and they otherwise are not getting healthcare.

Would the Senator believe that when they don't get healthcare through Medicaid, for which they are eligible under the law, when they get sick, what do they do? They end up going to the emergency room. By not having any preventive care, it is now an emergency. Of course, when treated at the emergency room, it is the most expensive place at the worst time. Lo and behold, it is uncompensated care, and the hospital can't eat all of that uncompensated care. So what happens? All the rest of us pay through increases in our premiums.

I thank the Senator for his statement about what is happening in my neighboring State of Alabama.

Mr. JONES. I say thank you to Senator NELSON. I appreciate that. Although our numbers are not as staggering in our State of Alabama, they are still significant for the State of

Alabama with regard to Medicaid. So I will state that I appreciate the Senators' comments very much, and I look forward to working with him on this bill and helping to move it forward.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Florida.

**Mr. NELSON.** Mr. President, I rise today regarding the nomination of Dana Baiocco to serve as a Commissioner on the Consumer Product Safety Commission, or, as we refer to it, the CPSC. It is a small, safety-focused agency. It has about 500 employees, but it has a critically important mission to keep Americans safe from potential defects in thousands of consumer products, many of which are imported from China.

We have seen the need to have a strong cop on the beat, and we have seen that many times over the years. For example, back in 2007, we saw what was referred to as a summer of recalls, when a number of children's toys were recalled for high levels of lead and other toxic substances.

In response to that summer of recalls in 2007, Congress almost unanimously passed a law, the Consumer Product Safety Improvement Act of 2008, to address the safety of toys and other children's products. But there is still a lot more to do.

Last summer, another tragedy played out in Florida, involving portable generators. People go and buy these portable generators in anticipation that they are going to lose electricity in their home, as is so often the case with a hurricane. In the wake of Hurricane Irma last year, 12 Floridians died and a number of others were injured by the use of portable generators because carbon monoxide poisoning is emitted from these portable generators. In many cases, the victims were just trying to clean up debris or provide power to their families after the storm, unaware that these generators give off large amounts of carbon monoxide, which is colorless, odorless, and deadly.

For years we have been calling on the CPSC to ensure that portable generators are equipped with mechanisms that limit carbon monoxide emissions and automatically shut off the generators when the carbon monoxide level reaches a high, dangerous lethal level in an enclosed area that could cause death. It is a small modification to generators that would not affect the performance but definitely would save lives.

This happens after every hurricane. People get generators because it is a number of days or weeks without electricity, and they still want to have electricity, and, of course, there are untold deaths. In the case of Florida, in the aftermath of Hurricane Irma, there were 12 deaths. If small modifications had been in place last summer, it is very likely that some of those Floridians who lost their lives would still be with us.

That brings me to Ms. Baiocco's nomination. She certainly has a distin-

guished legal career. She has been a partner of a major law firm, and I congratulate her on that.

When she was in front of our Commerce Committee, she was asked whether she would support a mandatory standard requiring that generators have mechanisms that limit carbon monoxide emissions or other devices that switch the generators off when the carbon monoxide level rises to dangerous levels. Her response was that we should defer to a voluntary industry standard.

I ask the Presiding Officer: Do you think the industry is going to voluntarily put on these shutoff mechanisms? Isn't the CPSC there for the purpose of protecting the public?

When the next hurricane hits—perhaps in the Presiding Officer's State—do we want another dozen deaths as has occurred in Florida? I don't think so. I think that is the role of the CPSC, and yet Ms. Baiocco said she wants it to be voluntary with the industry. Well, that is exactly what we have been doing for years, and we just keep seeing more deaths and more injuries because the industry doesn't change it. In some cases, whole families have been wiped out. That is not a pleasant thought.

Hurricane season starts June 1, and every day that the CPSC fails to act on portable generators, more Americans will die, especially where hurricanes hit. The place called "hurricane highway" is not only the peninsula of Florida but also the Gulf States and the Gulf coast, which includes the Presiding Officer's State. The fact that Ms. Baiocco cannot recognize the need for a mandatory standard in this area makes me wonder if she is going to do anything about other hazards that impact our families.

Mr. President, I ask for 60 more seconds.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. NELSON.** Mr. President, this is serious. There are things like potentially toxic flame-retardant chemicals in children's products. Remember all of those Chinese toys that were defective? Or what about recycled crumb rubber that is used in playgrounds that have high levels of toxic substances?

Sadly, it seems that with the administration's recent appointments to the CPSC, the Commission could soon become known as the "commission to protect shareholders and companies."

This Senator believes that the people appointed to protect us have to display a desire to protect the consumers first. The stakes are just too high. Unfortunately, this Senator, a member of the Commerce Committee, has concluded that Ms. Baiocco does not meet this standard. Therefore, I must oppose her nomination.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from South Dakota.

**Mr. THUNE.** Mr. President, I ask unanimous consent to be able to conclude my remarks regarding this upcoming vote prior to the vote.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. THUNE.** Mr. President, I rise today to voice my strong support for the nomination of Dana Baiocco to be a Commissioner at the Consumer Product Safety Commission. Ms. Baiocco has dedicated her career to product safety and liability matters, and it is my firm belief that her depth of experience and familiarity with consumer product safety issues will bring an important perspective to the Commission once she is confirmed.

Born and raised in Yorkville, OH, Ms. Baiocco attended the Duquesne University School of Law, graduating cum laude in 1997. While still in law school, Ms. Baiocco served as a law clerk for the U.S. District Court for the Western District of Pennsylvania. In 1998, she joined the law firm of Jones Day and became a partner in 2007, where she has dedicated her legal career to counseling clients on product safety and liability issues. In 2011, she became one of the founding partners of Jones Day's Boston office, which opened that same year.

Currently, the CPSC retains a 3-to-1 Democratic majority. While the Commerce Committee has favorably reported Ms. Baiocco's nomination, as well as Acting Chairman Anne Marie Buerkle's nomination twice this Congress, both have been unfairly held up by some on the other side. The CPSC deserves a fully constituted Commission of Senate-confirmed leaders. Ms. Baiocco's confirmation is a crucial measure of good governance to restore balance to the Commission.

To date, I have not heard a single argument against Ms. Baiocco's abilities. Notwithstanding her extensive qualifications to be an effective Commissioner at the CPSC, however, some of our colleagues on the other side have voiced concerns about her nomination on the grounds that her career representing business clients in the consumer product and liability space may impact her impartiality when considering issues before the Commission. A few have also raised concerns about her impartiality on the basis of her spouse's career as a litigator and partner at the law firm of White and Williams.

Well, to my colleagues who harbor such concerns, I would note that the Senate routinely confirms nominees who are lawyers with private practice backgrounds, and we expect such officeholders to advocate for the public interest just as zealously as they once advocated for their clients.

I would also remind our colleagues of the role the Office of Government Ethics plays in ensuring that nominees have resolved any actual or apparent conflict of interests before they are even considered by the Senate. The Office of Government Ethics has closely scrutinized Ms. Baiocco's financial disclosures to ensure compliance with all requirements and evaluated Ms. Baiocco's finances and background for conflicts of interest.

Further, Ms. Baiocco has formerly pledged in her ethics agreement that she would recuse herself from matters involving her firm, Jones Day, or its clients unless issued a waiver. She also specifically stated in her ethics agreement that she will not “participate personally or substantially in any particular matter involving specific parties in which [she knows] a client of her spouse is a party or represents a party” unless authorized. Additionally, she has complied with all matters concerning the management of her financial assets in the future.

It is my firm belief that Ms. Baiocco’s experience will afford a unique perspective as a commissioner and serve the CPSC well. There is no legitimate reason to delay her confirmation any further. I, therefore, urge my colleagues to support her nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). All time has expired.

The question is, Will the Senate advise and consent to the Baiocco nomination?

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Colorado (Mr. GARDNER) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Colorado (Mr. GARDNER) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Maryland (Mr. CARDIN), and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 103 Ex.]

YEAS—50

Alexander	Flake	Paul
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Capito	Hoeven	Rounds
Cassidy	Hyde-Smith	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—45

Baldwin	Casey	Gillibrand
Blumenthal	Coons	Harris
Booker	Cortez Masto	Hassan
Brown	Donnelly	Heinrich
Cantwell	Durbin	Heitkamp
Carper	Feinstein	Hirono

Jones	Murphy	Smith
Kaine	Murray	Stabenow
King	Nelson	Tester
Klobuchar	Peters	Udall
Leahy	Reed	Van Hollen
Markey	Sanders	Warner
McCaskill	Schatz	Warren
Menendez	Schumer	Whitehouse
Merkley	Shaheen	Wyden

NOT VOTING—5

Bennet	Duckworth	McCain
Cardin	Gardner	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate’s action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 2372, a bill to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes.

Johnny Isakson, Roger F. Wicker, John Thune, John Cornyn, Richard Burr, Mike Crapo, Tom Cotton, John Boozman, Thom Tillis, Jerry Moran, Joni Ernst, David Perdue, Roy Blunt, John Hoeven, Bill Cassidy, Dan Sullivan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 2372, a bill to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Colorado (Mr. GARDNER) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Colorado (Mr. GARDNER) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Maryland (Mr. CARDIN), and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 4, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—91

Alexander	Graham	Paul
Baldwin	Grassley	Perdue
Barrasso	Harris	Peters
Blumenthal	Hassan	Portman
Blunt	Hatch	Reed
Booker	Heinrich	Risch
Boozman	Heitkamp	Roberts
Brown	Heller	Rubio
Burr	Hirono	Sasse
Cantwell	Hoeven	Schatz
Capito	Hyde-Smith	Schumer
Carper	Inhofe	Scott
Casey	Isakson	Shelby
Cassidy	Johnson	Smith
Collins	Jones	Stabenow
Coons	Kaine	Sullivan
Corker	Kennedy	Tester
Cornyn	King	Thune
Cortez Masto	Klobuchar	Tillis
Cotton	Lankford	Toomey
Crapo	Leahy	Udall
Cruz	Manchin	Van Hollen
Daines	Markey	Warner
Donnelly	McCaskill	Warren
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young
Fischer	Murphy	
Flake	Murray	
Gillibrand	Nelson	

NAYS—4

Lee	Rounds
Merkley	Sanders

NOT VOTING—5

Bennet	Duckworth	McCain
Cardin	Gardner	

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 4.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:03 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

VETERANS CEMETERY BENEFIT CORRECTION ACT

The PRESIDING OFFICER. Cloture having been invoked, the clerk will report the House message to accompany S. 2372.

The senior assistant legislative clerk read as follows:

House message to accompany S. 2372, a bill to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell amendment No. 2246 (to the House amendment to the bill), to change the enactment date.

McConnell amendment No. 2247 (to amendment No. 2246), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Veterans Affairs, with instructions, McConnell amendment No. 2248, to change the enactment date.

McConnell amendment No. 2249 (to the instructions) amendment No. 2248), of a perfecting nature.