

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 BAIocco, 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 decline 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 Forgit 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 & 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