

onto a letter of dissent, a memo of dissent, actually, arguing that the Executive order “will immediately sour relations with much of the Muslim world . . . [and] increase anti-American sentiment” from seven countries from which not a single refugee has ever committed an act of terrorism in America, not a single one.

Today, even more than yesterday and over the weekend, we have reason to overturn this Executive order. I urge my Republican colleagues to rethink their position, to join us on Senator FEINSTEIN’s bill to rescind the order. Then we can actually get to work, actually protecting our country with a smart, thoughtful, and effective policy against terrorism—not with what seems good on a tweet.

I asked a unanimous consent request yesterday because this order is so bad for our safety, for our security, for our troops, for our country, and for the moral leadership that we have always held. There is even a greater need today because we saw what Sally Yates said and the President’s actions.

The need to rescind this order is even greater today than it was yesterday, so I am pleading with my colleagues. I know many of you have doubts about this order. You have expressed them. Let’s rescind it and really get to work on tightening up our laws and making America safe from terrorists.

UNANIMOUS CONSENT REQUEST—S. 240

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senator FEINSTEIN’s bill, S. 240; that there be 2 hours of debate equally divided; and that upon the use or yielding back of time, the bill be considered read a third time and the Senate proceed to vote on passage of the bill; finally, that there be no amendments, motions, or points of order in order to the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Reserving the right to object, I feel like Yogi Berra when he said “It’s déjà vu all over again.”

Just 18 hours ago, the Senator from New York and I stood here, and he made the exact same request, and I objected to it. And I will object again. I will object tomorrow, and I will object for as long as he wants to make these requests.

I will point out, though, that the business of the people is not being done. For all of you up there in the Gallery, we just started 20 minutes ago. That is the regular order under which the Senate starts when it can’t reach agreement on when to start earlier. We typically would start around 9:30 or 10, but the Democrats refused to allow us to come in earlier today to start processing some of the President’s nominations.

You may have heard on TV that Democrats on the Finance Committee have boycotted their hearing this morning. They refused to show up to do their job to confirm some of the President’s nominees.

I don’t know how long they plan to do this. I don’t know if they intend to abscond out of the district, if we are going to have to vote to have the Sergeant at Arms track them down and haul them into work to do their business. I see him standing right over there. He has a distinguished record in military and law enforcement. He could probably do that effectively.

I wish, though, that they would simply show up and have a debate and do their work and confirm the President’s nominees in an orderly process.

The Senator from New York mentioned State Department officials who had left work last week. Well, there is a simple solution for getting political accountability at the State Department, and that is for this body to confirm Rex Tillerson to be the Secretary of State.

Finally, I just want to make a few points about Ms. Yates’s firing last night, since that is the only thing that has changed since the Senator from New York and I were on the floor yesterday.

Ms. Yates, in her letter about the President’s order, did not cite any provision of the Constitution, any Federal law that suggested the President’s order was unlawful or unconstitutional, nor could she because her own Office of Legal Counsel, which provides legal guidance for the executive branch, had already reviewed the order before it was issued for its form and its legality and had signed off on it. Her decision was a policy decision, which is not a decision of the Attorney General—certainly is not a decision of a holdover Acting Attorney General—to make.

She was grandstanding. She should have been relieved. I am glad the President relieved her.

The American people deserve to have a politically accountable Attorney General to make these decisions, which we would have, yet again I say, if the Democrats would simply do their job and process these nominees in an orderly fashion.

So, as I said, on behalf of the Republican Conference, I object. I will object tomorrow. I will object for as long as we make these frivolous, dilatory requests.

The PRESIDING OFFICER (Mr. CRUZ). Objection is heard.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the nomination of Elaine Chao to be Secretary of Transportation, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elaine L. Chao, of Kentucky, to be Secretary of Transportation.

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate, equally divided in the usual form.

The Senator from South Dakota.

Mr. THUNE. Mr. President, I have sought recognition to speak in support of Secretary Elaine Chao to be the Secretary of Transportation.

It would be hard to come up with a more qualified nominee than Secretary Chao for this important role. In addition to serving for 8 years as the U.S. Secretary of Labor, Secretary Chao has also served as the Deputy Secretary of the Department that she has now been tapped to lead. Her extensive experience also includes the United Way of America, the Peace Corps, and the Federal Maritime Commission.

The Commerce, Science, and Transportation Committee, which I am honored to chair, held a hearing on Secretary Chao’s nomination on January 11 of this year. To no one’s surprise, she demonstrated her experience, her thoughtfulness, and her commitment to working collaboratively with Congress on the challenges facing our transportation system.

Last week, the Commerce Committee acted by voice vote to report her nomination favorably to the floor, and I am hopeful that the Senate will confirm her overwhelmingly today.

The agency Secretary Chao has been nominated to lead plays a vital role in facilitating and promoting the safe and efficient movement of goods and people throughout the country and around the world.

Our economy is truly dependent upon a thriving transportation sector. Without a robust and efficient transportation sector, rural States like mine would be unable to get their goods to the market.

Increasing the capacity and the efficiency of our Nation’s highways, rail lines, pipelines, and ports is crucial and will have to be a top priority for the next Secretary of Transportation.

A continued focus on safety must also be a top priority for the next Secretary. While our Nation’s pipelines, railroads, airways, and highways have a strong record of safety, improvements can and should be made. Many of the strong safety improvements the Commerce Committee advanced as part of the FAST Act and the PIPES Act last Congress are yet to be implemented, and we will expect our next Secretary of Transportation to work with us to ensure speedy implementation.

We will also have the opportunity to collaborate on safety improvements when we revisit the authorization of the Federal Aviation Administration later this year. The next Secretary of Transportation will also have a unique opportunity to show Federal leadership in the advancement of transportation innovation. V2V technology, autonomous vehicles, and unmanned aircraft systems, to name a few, have great promise to promote safety, improve efficiency, and spur economic growth in this country.

Secretary Chao will have a momentous opportunity to transform America's transportation network by promoting safety and innovation, growing our Nation's freight network, advancing needed improvements to our infrastructure, and ensuring that all users—both rural and urban—benefit equally.

Secretary Chao has consistently proved her willingness to roll up her sleeves and address the challenges facing our Nation. That is why I look forward to her confirmation as the next Secretary of Transportation, and I urge my colleagues to support her nomination.

I see my colleague from Florida, the distinguished ranking member on our committee, Senator NELSON, is here. He also participated, as did members on both sides. Frankly, I think every member of our committee, both Republicans and Democrats, had an opportunity to ask questions of Secretary Chao when she was in front of our committee.

As I said before, she has been carefully vetted, thoroughly vetted through so many different positions that she has held throughout previous administrations.

I certainly welcome the opportunity to work with her, as I know my colleague from Florida does, in meeting the transportation challenges that our Nation has as we move into the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I would echo what our chairman, Senator THUNE, has said about Elaine Chao. She certainly has the qualifications to be our next Secretary of Transportation. Clearly, she is a part of the Senate family; as the spouse of the majority leader, we know her well—and her government experience as the previous Secretary of Labor and Deputy Secretary of Transportation. The Office of Government Ethics, which is the independent agency that vets the nominees, has certified that she is in compliance with all the laws and regulations governing conflicts of interest.

This Senator intends to vote for her confirmation, as I did in the committee.

Since the Senator from Arkansas, in his objection to the unanimous consent request of the Democratic leader, made note of the absence of Democratic members from the Finance Committee markup of a couple of the Cabinet nominees, I want to bring to the attention of my colleagues that indeed, there was new information that came to light overnight in a publication in the Wall Street Journal of additional information about the nominee for the Department of HHS, which needs to be cleared up before the committee proceeds. So I wanted to put that on the record and make clear one of the reasons that the Finance Committee members objected to proceeding.

I think it interesting also that this Senator, as the ranking member of the

Commerce Committee, had some additional questions for Secretary Chao—not questions in any kind of defensive or offensive way but additional information. Those questions were proffered Sunday night or early Monday morning. This Senator, not having heard all day from Secretary Chao, called Secretary Chao. She promptly returned the call last evening, and, lo and behold, the transition team for the Secretary of Transportation had not even given her the questions.

One of the questions that this Senator had for Secretary Chao was this: Given the chaos in the airports over the weekend, was she as Secretary of Transportation concerned about the orderly administration of those airports when such an unusual order had come down? In addition, what about the lost tickets on getting refunds for passengers and what about the changing of flight crews that might cause extra expenses? These are all items that a Secretary of Transportation would be concerned with going forward. What I found out in conversation was that the nominee to be Secretary of Transportation had not been consulted by the White House—not in advance, during, or after the implementation of those orders having to do with the entry into the United States of refugees and other immigrants.

I think we need Secretary Chao as someone who has the experience, who has common sense, and will be in a position to offer level-headed, good, experienced-based advice to the government going forward. It is just the latest example of some of the fallout from this weekend's activities.

I recommend to our Senators that we approve the nomination of Secretary Chao, and I hope that upon her confirmation today by the Senate, she will be sworn in forthwith.

I yield the floor.

Mr. LEAHY. Mr. President, today, the Senate considers the nomination of Elaine Chao to be the Secretary of Transportation. Ms. Chao has served in a number of roles in both the public and private sectors throughout her career, ultimately serving as the Secretary of Labor during the administration of George W. Bush. I look forward to working with Secretary Chao as we find solutions to modernize and grow our country's crumbling infrastructure.

We can all agree that investment in our country's transportation infrastructure means safe bridges, paved roads, completed railways, and expanded airports. We can also all support innovative approaches to meeting these needs while guarding public health and environmental protections. With a long-term vision, Congress is not only repaving roads, but it is investing in the future of our vibrant communities. In a rural State like Vermont, it is essential that rural communities have the transportation options they need to access basic things like grocery stores, doctors' of-

fices, schools and churches, and banks. These investments are essential to connecting rural America to the economic opportunities they need for success.

The importance of this connection was made clear in Vermont after the devastation of Tropical Storm Irene in 2011. Entire communities were isolated for days and weeks after the storm until temporary bridges and roads were able to reconnect us. It was because of substantial Federal and State commitments that Vermont rebuilt and improved our dams, roads, wastewater facilities, and rail lines across our State. As disruptive as the storm was to the rhythm of our everyday lives, it provided Vermont an opportunity to assess our State's vulnerabilities and to invest in upgrades. But it should not take a category 4 storm to allow a State the opportunity to improve its transportation services.

That is why I was encouraged by the Obama administration's continued investment in programs that were formed as a response to the financial crisis of 2008. The Transportation Investment Generating Economic Recovery, TIGER, grant program is providing funding to States for multimodal programs not considered under traditional transportation programs. Vermont has received several grants through this program. Under Secretary Foxx's leadership, there has also been a renewed focus on transit investment, not only in facilities, but in technology. Vermont has relied on these programs to enhance our services for the elderly and disabled, as well as to launch new programs like Green Mountain Transit's mobile phone application that delivers bus arrival times and schedule information. Finally, Vermont has 12 State-owned airports that continue to contribute to Vermont's economic engine. If not for the commitment to rural airport investment, Vermont would not have been able to fund our airports' expansions and improvements necessary to grow and add to our State's commerce and tourism.

America is starving for infrastructure investment. I hope that Secretary Chao will work with Congress to establish a long-term investment plan that propels our transportation infrastructure and technology in both urban and rural areas into the 21 Century.

Mr. INHOFE. Mr. President, I rise today in strong support of the Honorable Elaine Chao to serve as the next Secretary of Transportation. She has proven she has the experience and the drive to help her accomplish President Trump's goals to address our nation's infrastructure needs heads on. I have known Elaine for many decades as a dedicated civil servant and a talented negotiator and have no doubt she will again prove to be a highly effective asset to the Executive branch. Elaine Chao was born in Taiwan and, at the age of 8, came with her family to America by cargo ship where, at the age of 19, she became a U.S. citizen.

From those humble beginnings, she went on to receive degrees from Mount Holyoke College in Massachusetts and Harvard Business School.

Elaine Chao began her executive career at the U.S. Department of Transportation in 1986, as Deputy Administrator of the Maritime Administration, then as Deputy Secretary from 1989 to 1991. She served as the Director of the Peace Corps, in 1991, where she brought the Peace Corp programs to the liberated countries of Latvia, Estonia, and Lithuania; and as president and CEO of the United Way of America where she helped restore fiscal responsibility to an organization that had been damaged by mismanagement.

In 2001, she became the 24th U.S. Secretary of Labor, the first Asian Pacific American woman to be appointed to the President's cabinet in American history, in President George W. Bush's cabinet. During her 8-year tenure at the Department of Labor Department, she proved she has the skills to manage large multifaceted organizations as well as to initiate needed reforms and new programs that help create jobs and competitiveness in the workforce. Quite frankly, she was the best Secretary of Labor the United States has ever had.

During her tenure, the Department updated the white collar overtime regulations under the Fair Labor Standards Act, which has been on the agenda of every administration since 1977. The most significant regulatory tort reform of President Bush's first term, the new regulations provided millions of low-wage vulnerable workers with strengthened overtime protection.

In 2003, under her leadership, the Department achieved the first major update of union financial disclosure regulations in more than 40 years, giving rank and file members enhanced information on how their hard-earned dues are spent. The Department set new worker protection enforcement records, including recovering record back wages for vulnerable low-wage immigrant workers. The Department also launched comprehensive reform of the Nation's publicly funded worker training programs, to better serve dislocated and unemployed workers.

I have complete confidence in her abilities and look forward to working with her in her new capacity as the 18th U.S. Secretary of Transportation.

Mr. VAN HOLLEN. Mr. President, I support the nomination of Elaine Chao to be Secretary of Transportation.

Ms. Chao has proven a capable manager. She has served in several administrations, including as Secretary of Labor and Deputy Secretary of Transportation. Her experience will serve the Transportation Department and the Cabinet well.

At the Department of Transportation, Ms. Chao will be responsible for implementing one of President Trump's most ambitious agenda items—a massive investment in infrastructure. During the campaign, Mr. Trump proposed to invest \$1 trillion to

rebuild infrastructure over the next decade. And on November 9, 2016, President-Elect Trump said, "We are going to fix our inner cities and rebuild our highways, bridges, tunnels, airports, schools, hospitals. We're going to rebuild our infrastructure, which will become, by the way, second to none. And we will put millions of our people to work as we rebuild it."

While we have received few details on the plan, I hope that Ms. Chao will work closely with Congress to identify needs within our States and invest broadly in roads, bridges, airports, rail, and transit. While I believe that public-private partnerships can be one avenue to drive transportation projects, we cannot rely on them to be the backbone of a transportation plan, as many communities would struggle to assemble the financing necessary to make such projects viable.

Our Nation's public infrastructure has historically been a bipartisan priority. It must remain so.

I appreciate Ms. Chao's commitment during her hearing to enforce the Davis-Bacon Act's requirement to pay fair wages to ensure that our Nation's construction jobs can sustain workers and their families. commendably, Ms. Chao also emphasized her dedication to safety.

Maryland has a number of critical transportation priorities, including the Port of Baltimore, the MARC commuter rail, and increasingly congested highways like I-270 and I-81. We have also worked closely with the Federal Transit Administration on safety improvements to the Washington Metro, our Nation's subway, and have pushed for the creation of the Purple Line. I look forward to working with Secretary Chao to build a 21st century, multimodal transportation system that works for all of my constituents in Maryland.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, with respect to the pending Chao nomination, we yield back the remainder of our time so that we can proceed to the vote.

The PRESIDING OFFICER. Time is yielded back.

Mr. NELSON. Mr. President, we yield back our time as well.

The PRESIDING OFFICER. All time is yielded back.

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

Mr. GRASSLEY. 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 senior assistant legislative clerk called the roll.

Mr. McCONNELL (when his name was called). Present.

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—93

Alexander	Fischer	Murphy
Baldwin	Flake	Murray
Barrasso	Franken	Nelson
Bennet	Gardner	Paul
Blumenthal	Graham	Perdue
Blunt	Grassley	Peters
Boozman	Harris	Portman
Brown	Hassan	Reed
Burr	Hatch	Risch
Cantwell	Heinrich	Roberts
Capito	Heitkamp	Rounds
Cardin	Heller	Rubio
Carper	Hirono	Sasse
Casey	Hoover	Schatz
Cassidy	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johnson	Shaheen
Coons	Kaine	Shelby
Corker	Kennedy	Stabenow
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCain	Warner
Durbin	McCaskill	Whitehouse
Enzi	Menendez	Wicker
Ernst	Moran	Wyden
Feinstein	Murkowski	Young

NAYS—6

Booker	Merkley	Schumer
Gillibrand	Sanders	Warren

ANSWERED "PRESENT"—1

McConnell

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HELLER). 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.

The Senator from West Virginia.

#### ORDER OF PROCEDURE

Mrs. CAPITO. Mr. President, I ask unanimous consent that following disposition of the Chao nomination, the Senate resume consideration of the Tillerson nomination postclosure, and the Senate recess until 2 p.m., with the time during recess counting postclosure on the Tillerson nomination.

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

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the nomination of Rex W. Tillerson to be Secretary of State, which the clerk will report.

The senior assistant legislative clerk read the nomination of Rex W. Tillerson, of Texas, to be Secretary of State.

#### RECESS

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

Thereupon, the Senate, at 1:11 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).