

the wildlife refuge as a refuge and basically the purposes for the refuge and instead saying that drilling would happen and thereby destroy the refuge.

I know today there are going to be scientists from across the country who are going to give word and testament to the fact that it is too dangerous to have drilling in the same place as a wildlife refuge, that they cannot coexist, that it will destroy the refuge. Apparently, that is what my colleague from Alaska already believes because she is now going to say that to do drilling, you have to change the status of the refuge.

I definitely believe there are much better ways in America to get revenue than basically destroying the wildlife habitat of caribou and of Arctic wildlife that is so treasured in the United States of America.

I certainly think there are better ways to do it than raising taxes on middle-class families, in both my State and your State that don't have an income tax and would rather continue to have the deductibility. I hope our colleagues will look at both of these ideas and go back to the drawing board. It is not where we need to be. We need to be protecting things that are so near and dear to us.

We definitely don't need to fund tax breaks for millionaires by destroying wildlife habitat. Instead, we should be going back to the drawing board on things that are going to help our economy grow in the future.

I hope the public is well aware that this is kind of dark-of-night tactics, where they want us to leave town on Thursday night only to come back on Monday and start in on a tax policy we haven't even seen. We haven't even seen the language yet.

I think we can do better than to have a rush-rush approach to give tax breaks to corporations and certainly not do it on the backs of working-class families in America—taking away from them viable deductions for education, for housing, for property taxes, for expenditures that they make. We can do better than to leave here and come back on Monday to rush-rush a tax break for corporations while raising taxes on middle-class families and destroying a wildlife refuge that scientists say is so important to our ecology to keep.

I thank the Presiding Officer.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, the Senate, at 12:03 p.m., recessed until 1:46 p.m. and reassembled when called to order by the Presiding Officer (Mr. SASSE).

#### 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 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 nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

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 nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Kentucky (Mr. PAUL) and the Senator from Kansas (Mr. ROBERTS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The yeas and nays resulted—yeas 87, nays 9, as follows:

[Rollcall Vote No. 269 Ex.]

#### YEAS—87

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

#### NAYS—9

Blumenthal	Merkley	Udall
Booker	Sanders	Warren
Gillibrand	Schumer	Wyden

#### NOT VOTING—4

Menendez	Roberts
Paul	Tester

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 9.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise today to voice my strong support for the nomination of Derek Kan to be Under Secretary for Transportation Policy at the Department of Transportation. The Commerce Committee held a hearing on his nomination on June 8, 2017, and reported his nomination favorably out of Committee on June 29, 2017, by voice vote.

It is now November 9—over 4 months since the nomination was reported out of Committee. This noncontroversial, well-qualified nominee has been languishing in the Senate for far too long. It is truly unfortunate that we have to go through the cloture process on this particular nominee, who is well known to many of us in the Senate due to his previous work as a Senate staffer.

To illustrate how noncontroversial and well-qualified this nominee is, less than 2 years ago, Mr. Kan was confirmed by voice vote in the Senate to be a director on the Amtrak Board of Directors. The only thing that has changed in the 2 years since Mr. Kan was previously confirmed is that some on the Democratic side have decided to hold this nomination hostage, as well as the nomination of Ronald Batory to be Administrator of the Federal Railroad Administration—a very important position, I might add—and the nomination of Adam Sullivan to be Assistant Secretary of Transportation for legislative affairs, pending assurances that the Trump administration will approve and fund the multibillion dollar Gateway project in New York and New Jersey. While no one questions the importance of this corridor, there are many other important projects that are also awaiting approval and funding at the Department. No project should get to cut the line based on the machinations of a handful of our Democratic colleagues.

As I mentioned, Mr. Kan previously served as a director on the Amtrak Board of Directors, and before that, he served as a general manager for Lyft, the transportation network company. Earlier in his career, he served as a staffer to the Republican leader and as chief economist for the Senate Republican Policy Committee. Before becoming a Hill staffer, Mr. Kan served as a Presidential Management Fellow at the White House Office of Management and Budget.

Once confirmed, Mr. Kan will be Transportation Secretary Elaine Chao's chief policy adviser on legislative and regulatory matters across all modes of transportation at the Department. With the ambitious agenda that

has been laid out before the Department under the Trump administration, I believe Mr. Kan will be well positioned to address the many challenges before the agency, including approving and funding important projects.

Now that we have had to go through this multimonth process to have a cloture vote—again, the vote was just recorded; it was 87 to 9—I urge my colleagues to support his nomination to be Under Secretary for Transportation Policy at the Department of Transportation. Getting these important positions staffed and filled is long overdue, and it is high time the games and politics that are being played with these nominations come to an end.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Madam President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time on the Kan nomination be yielded back and the confirmation vote on the Kan nomination occur at 5:30 p.m. on Monday, November 13.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 254, Steven Bradbury.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 383, David Zatezalo.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 300, Joseph Otting.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

Mitch McConnell, John Barrasso, David Perdue, Tom Cotton, John Kennedy, Luther Strange, Roger F. Wicker, Roy Blunt, Cory Gardner, John Hoeven, Mike Rounds, Thom Tillis, John Barrasso, John Thune, James M. Inhofe, Bob Corker, John Cornyn.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 313, Donald Coggins.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows: