

unchartered waters with this administration. They have not proposed a normal Cabinet. This is not even close to a normal Cabinet.

I have never seen a Cabinet this full of bankers and billionaires, folks with massive conflicts of interest and such little experience or expertise in the areas they will oversee. Many of the nominees have philosophies that cut against the very nature of the Department to which they were nominated.

Let me give you two examples this morning: Betsy DeVos, the nominee for the Department of Education, and Andrew Puzder, nominee for the Labor Department.

First, Betsy DeVos. When you judge her in three areas—conflicts of interest, basic competence, and ideology, views on education policy—it is clear that Betsy DeVos is unfit for the job of Education Secretary.

In all three areas, ideology, competence, and conflicts of interest, she rates among the lowest of any Cabinet nominee I have ever seen. At her hearing, she didn't seem to know basic facts about Federal education law that guarantee education to students with disabilities. She didn't seem to know the basic facts of a long simmering debate in education policy measuring growth proficiency. And in her ethics agreement, which was delivered to the committee after her first hearing, it was revealed that she would keep interests in several companies that benefit from millions of dollars in contracts from the Department of Education, which she would oversee.

There was a rush to push her through—one round of questions, 5 minutes each. Why? Why did someone generally as fair as the chairman of that committee do that? My guess, an educated guess: He knew how incompetent this nominee was, how poorly she fared under normal questions, and the idea was to rush her through.

Well, that is not what we should be doing on something as important as this. And if the nominee can't withstand a certain amount of scrutiny, they shouldn't be the nominee.

The glaring concerns have led two of my Republican colleagues, the Senators from Maine and Alaska, to pledge a vote against her confirmation, leaving her nomination deadlocked at 50 to 50. I believe both of them cited the fact that in their State, charter schools are not the big issue; it is public schools. How are we going to treat public schools? Particularly in rural areas, as I am sure my friend the Presiding Officer knows, there is not a choice of schools outside the major metropolitan areas, the major cities. If you don't have a good public school, you have nothing. So particularly people from the rural States should be worried, in my judgment, about our nominee's commitment to public education.

For the first time ever, we have the chance that the Vice President and a pending Cabinet nominee, the nominee for Attorney General, Senator SES-

SIONS, are casting the deciding votes on a controversial Cabinet position for Betsy DeVos. Mr. President, this has never happened before.

The White House will, in effect, get two deciding votes in the Senate on a nominee to the President's Cabinet: the Vice President and the nominee for Attorney General, our friend Senator SESSIONS.

It highlights the stunning depth of concern this nominee has engendered in Republicans and Democrats alike. It is clear now that Senators of both parties agree she is not qualified to be Secretary of Education. And I would hope that my colleagues on the other side of the aisle—this is such an important position; the nominee is so laddered on issue after issue after issue that we could get someone better. I don't think it will be that hard. It will be President Trump's nominee. It will not be us deciding, but it will be someone who has basic competence, fewer conflicts of interest, and, above all, a commitment to public education.

So I urge my Republican colleagues, friends, to stand up and reject Betsy DeVos, as the Cleveland Plain Dealer urged in an editorial this morning.

This is not a normal nominee, once again. In my view, when I dipped into her record and how she performed in her brief hearing, she has not earned and should not receive the Senate's approval.

Second, the nominee for the Department of Labor, Andrew Puzder. The hearing for his nomination has now been delayed four times because he still hasn't submitted key paperwork laying out his disclosures and detailing a plan for divesting, if necessary, to avoid conflicts of interest. But that might be the least of the Senate's concerns.

This is a nominee who is being sued by dozens of former employees due to workplace violations. This is a nominee who has repeatedly attacked the minimum wage, opposed the overtime rule, and advocated for more automation and fewer jobs. He talked about—I think in very positive terms—robots and how they may run the fast food industry. This is a nominee for Secretary of Labor who not only wants workers to earn less, he wants fewer workers.

For several of these Cabinet positions, it seems the President has searched for candidates whose philosophies are diametrically opposed to the very purposes of their Departments. For Education, pick someone with no experience in public schools and has spent her career advocating against them. For Labor, pick someone who has spent his career trying to keep the wages of his employees low and advocated against policies that benefit workers.

Again, I repeat: This is not your typical Cabinet. This is highly, highly unusual.

So when my Republican colleagues come to the floor every day to complain about delays and holdups, I would

remind them that this is very serious. These Cabinet officials will have immense power in our government and wield enormous influence over the lives of average Americans: their wages and the education of their children, for instance.

To spend a few more days on the process is well worth it. And if they prove unfit for the austere and powerful roles they are about to take up, then it is our responsibility, as Senators who advise and consent, to reject their nomination.

UKRAINE

Mr. SCHUMER. One final point: I want to take a moment to mention Ukraine.

Yesterday Rex Tillerson was sworn in as Secretary of State. In addition to dealing with the fallout from the President's first engagements with Australia and Mexico, I want to call the Secretary's attention to the situation in Ukraine.

Since President Trump's call with Mr. Putin last weekend, there has been a significant increase in violence. I hope Secretary Tillerson will ensure that there is a strong statement from the Trump administration condemning these escalatory actions by the Russians.

I also hope my Republican counterparts will start doing what they did last year every time this happened: Come to the floor and demand that the Senate act on tough sanctions against Russia. As I have said before, Russia remains a strategic threat to our Nation, and countering them needs to remain a deeply bipartisan effort.

Mr. President, I yield the floor.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 38, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 6 hours of debate, equally divided in the usual form.

The Democratic whip.

NOMINATION OF NEIL GORSUCH

Mr. DURBIN. Mr. President, I listened carefully this morning to the statement made by the Republican majority leader, and I was a little bit curious as to what he was trying to say because he talked about a judicial nominee who rated unanimously "well qualified" by the American Bar Association, who received kudos from Republicans and Democrats alike, including Members of the Senate, who went