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No. 19

Senate

The Senate met at 6:30 a.m. and was called to order by the Honorable RON JOHNSON, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who has ordained the seasons of our lives, thank You for the steadfastness of Your mercy and long-suffering. Inspire our lawmakers to open themselves to the gift of Your presence, remembering that You are always with them. Where there is fear, give courage. Where there is anxiety, give peace. Where there is despair, give hope. Where there is sadness, give joy. May our Senators joyfully encounter You on a daily basis. Inspire them to hear Your words and obey Your commands.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 3, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RON JOHNSON, a Sen-

ator from the State of Wisconsin, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. JOHNSON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

NOMINATION OF BETSY DEVOS

Mr. SCHUMER. Mr. President, very briefly because I know we have to vote, the nominee for the Secretary of Education is one of the worst nominees who has ever been brought before this body for a Cabinet position. On the grounds of competence, on the grounds of ideology, and on the grounds of conflict of interest, she scores very, very low. That is why my good friend, who has great integrity, the Senator from Tennessee, had to rush her hearing through. Five minutes of questions and nothing else—they were so afraid to hear what she might or might not know.

So I would urge my colleagues over the weekend—those who have committed and those who have not—to look into their consciences. Sometimes loyalty to a new President demands a bit too much. With this nominee, it does. Please think about it over the weekend. This person, Mrs. DeVos, does not deserve to be Secretary of Education.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 41, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers."

The ACTING PRESIDENT pro tempore. All time is expired.

The joint resolution was ordered to a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

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

The ACTING PRESIDENT pro tempore. 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. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—52

Alexander	Collins	Ernst
Barrasso	Corker	Fischer
Blunt	Cornyn	Flake
Boozman	Cotton	Gardner
Burr	Crapo	Graham
Capito	Cruz	Grassley
Cassidy	Daines	Hatch
Cochran	Enzi	Heller

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Hoeven	Murkowski	Sessions
Inhofe	Paul	Shelby
Isakson	Perdue	Sullivan
Johnson	Portman	Thune
Kennedy	Risch	Tillis
Lankford	Roberts	Toomey
Lee	Rounds	Wicker
McCain	Rubio	Young
McConnell	Sasse	
Moran	Scott	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NOT VOTING—1

Markey

The joint resolution (H.J. Res. 41) was passed.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Pat Roberts, Roy Blunt, John Boozman, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

The ACTING PRESIDENT pro tempore. 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 Elisabeth Prince DeVos, of Michigan, to be Secretary of Education 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.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 52 Ex.]

YEAS—52

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

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

The PRESIDING OFFICER (Mrs. FISCHER). On this vote, the yeas are 52, the nays are 48.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, with this vote, the Senate will move early next week to confirm the nomination of Betsy DeVos to be the U.S. Education Secretary. In my judgment, she will be an excellent and important Education Secretary for this country.

The No. 1 job of the U.S. Education Secretary is to help create an environment in which our 100,000 public schools succeed, because that is where 9 out of 10 of our children go.

When I was Education Secretary for President George H.W. Bush in the early 1990s, I had the privilege of working with a man named David Kerns, who had been the chief executive officer of the Xerox Corporation. He came in as the Deputy Education Secretary at a time when he was not only one of the country's leading businessmen, but he was also the leading businessman who tried to help change public education. David Kern's belief was that it was very difficult to help children by changing public education if you try to do it from within. As all of us do, he respected the teachers, the parents, and the students who work within the pub-

lic education system, but over the last 30 years, as this country has worked to try to improve our public schools, much of that energy has come from outside the public school establishment. Among those were the Governors of the country.

In the mid-1980s, all of the Governors met together—in 1985 and 1986—on one subject for a whole year. The purpose was, how can we help improve our public schools? I was chairman of the National Governors Association that year, Bill Clinton was the vice chairman, and we did that in a bipartisan way. We did that from outside the schools. Since that time, many Governors and many business leaders have worked hard in support of our public schools, trying to help them have even better opportunities for our children. Among those has been Betsy DeVos. The Governors I spoke of are Governors who are familiar names in this country. I think of Gov. Jeb Bush, Gov. John Engler of Michigan, Gov. Mitt Romney, and the work they did in their respective States to make their public schools better and to create other opportunities for children. All of the three Governors I mentioned—Bush, Romney, and Engler—support Betsy DeVos.

As chairman of the Senate's Education Committee, there are 22 Governors who have written letters to me supporting Betsy DeVos. They see her as someone from outside the system of public education who, as they worked for 30 years, can help change and improve it.

Madam President, I ask unanimous consent to have printed in the RECORD following my remarks the names of the 22 Governors who support her. They come from Alabama, Arizona, Arkansas, Florida, Illinois, Indiana, Kansas, Kentucky, Maine, Michigan, Mississippi, Missouri, North Dakota, Nebraska, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

The Governors of all those States support Betsy DeVos. Four of the last Education Secretaries support Betsy DeVos. Bill Bennett, Rod Paige, Margaret Spellings, and I support her. Joe Lieberman, who served in this body and worked on the DC voucher program for many years, endorsed her. She has strong support from the Governors who for 30 years have been working hard to successfully improve our public schools.

Some have said: Well, she has spent her time working on giving children choices of schools other than public schools.

She has done that, and it has always puzzled me as to why anybody would criticize that. The idea that a low-income child should have the same opportunity or more of the same opportunities as a wealthy family has would seem to me to be a very all-American idea. Not only does it seem to be, it is an idea that underlies the most successful piece of social policy our country has ever enacted, arguably—the GI