

DeVos One Step Closer to Department of Education, But Questions Remain

January 31, 2017

Today the Senate Health, Education, Labor and Pensions (HELP) Committee voted along party lines to [forward the nomination of Betsy DeVos](#) to the full Senate. The vote was 12-11 in favor of moving the nomination. Republicans hold a slim majority on the HELP Committee, having lost one committee spot due to the 2016 elections.

The nomination now moves to the Senate floor for consideration. That vote has yet to be scheduled but should take place in short order.

The HELP Committee confirmation is notable for a couple of reasons. First, two Republican members of the committee signaled that DeVos has work to do in order to secure their support in the full Senate vote. Senator Susan Collins (R-ME) and Lisa Murkowski (R-AK) voted to support DeVos on the grounds that all senators should be given the option for an up-or-down vote on Cabinet nominees. Senator Murkowski noted the "thousands" of communications she received in opposition to the nomination and said DeVos "has not yet earned my full support." DeVos needs the support of 51 senators to be confirmed, and Republicans control 52 seats.

The second interesting part of the hearing was the level of contention between Chairman Lamar Alexander (R-TN) and Ranking Member Patty Murray (D-WA). While the two had formed a collaborative relationship during the consideration of the Every Student Succeeds Act, there was a definite rift over the process and substance of the DeVos nomination hearings. Things came to a head today over Murray's characterization of DeVos' "opaque" finance filings and the fact that Alexander refused to further delay the hearing, citing the fact that DeVos had answered more than 800 written questions.

It remains to be seen how this nomination (and the pending Obamacare repeal fight) will affect the prospects for reauthorization of the Higher Education Act.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. When advising companies, our attorney-client relationship is with the company, not with any individual. This content may have been generated with the assistance of artificial intelligence (AI) in accordance with our AI Principles, may be considered Attorney Advertising and is subject to our [legal notices](#).

Key Contacts

Vince Sampson Washington, DC	vsampson@cooley.com +1 202 728 7140
---------------------------------	--

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.