

they want a better life, because they want a say in their future and have bravely made these aspirations clear.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

CONGRATULATING THE NEW ENGLAND PATRIOTS

Ms. HASSAN. Mr. President, before getting to the matter at hand, I thought I would take a minute to congratulate the New England Patriots, the Kraft family, Bill Belichick, Tom Brady, and all of the Patriots players and fans everywhere for the greatest comeback victory in Super Bowl history. They really demonstrated the grit and determination and resilience that New Hampshire and New England is known for, and we are very, very proud of them.

Mr. President, I rise today to join my colleagues in opposing the nomination of Betsy DeVos to serve as the Secretary of Education. Our Nation recognized early in its history that public education is a necessary foundation for our democracy. It is critical that we continue to support a strong public education system that prepares all of our young people to participate in our democracy and to compete in the 21st century workforce.

All public officials, regardless of their party affiliation, should share a reverence for the importance of public education to our country's success, both now and into the future. They must show a commitment to enforcing our laws so that all students have the opportunity to succeed. I agree with my colleagues that Mrs. DeVos has not shown a commitment to or an understanding of these principles, and that is why I oppose her nomination.

This nomination process has been extremely disappointing from the start. Mrs. DeVos failed to provide critical information on her finances. Members of the HELP Committee were only given 5 minutes to question Mrs. DeVos on her views on our Nation's education system.

In the questions she did answer before the committee, Mrs. DeVos demonstrated a complete lack of experience in, knowledge of, and support for public education. She was unable to address basic issues—issues any New Hampshire school board member could discuss fluently.

She showed that she lacks an understanding of issues facing students with disabilities. She has potential conflicts of interests that she still has not answered basic questions about. She supports diverting taxpayer dollars to private schools without accountability requirements.

As Governor of New Hampshire, I supported public charter schools. They play an important role in driving innovation in education and in providing additional opportunities for nontraditional learners, but they must meet the same standards as other public schools.

In Detroit, Mrs. DeVos led efforts to oppose accountability requirements,

even for for-profit charter schools. In her testimony before the HELP Committee, she declined to support enforcing accountability requirements. It is clear that Mrs. DeVos would pursue policies that would undermine public schools in my home State of New Hampshire and across our Nation.

In the past several weeks, thousands of Granite Staters—including students, parents, teachers, principals, and superintendents—have called and written into my office. They have shared their concerns about Mrs. DeVos. They understand that she is completely unqualified for this position. Our children, their families, and our Nation deserve better than a Secretary of Education who does not value public education.

Ensuring access to public education for every student is an issue that is deeply personal to my family. Shortly after my husband Tom and I welcomed our first child into the world, our son Ben, we found out that he had severe and pervasive physical disabilities. It became clear to Tom and me that we were going to need a little bit of extra help if our son was going to have the kind of future we all want our children to have.

We were lucky because we found that help in our community—not only among friends and neighbors but in a public school system that welcomed Ben. I still remember the day that a schoolbus pulled into our driveway. We wheeled Ben onto the lift and up into the bus, and off he went at age 3 to his first day of preschool—a publically funded, inclusive preschool. As I sat on the stoop and watched the bus pull away, I found myself thinking that if Ben had been born a generation or two earlier, Tom and I would have been pressured to put Ben in an institution. There wouldn't have been the resources in our community or in our school system to include Ben.

But because of the work of the champions—the families, the advocates—who went before the Hassan family, Ben was able to go to school in his hometown. He was able to learn and to make friends, to do what we all want our children to do. That is the power of public education. It is the power of making sure that all kids are included.

Our family was able to live like any other family and feel like any other family because Ben could go to school in his hometown. As Ben went from preschool to elementary school to middle school to high school, we found that his peers accepted him, interacted with him, and grew with him. I still remember a day when I got a call from one of Ben's teachers, saying that the tire on his power wheelchair had gone flat. That is the type of call that a parent of a child with complex needs dreads because it means that you have to stop everything—because if the wheelchair can't move, your child can't go through their day.

But instead of my needing to take a day off from work and pursue the re-

pair of Ben's chair, it was other students in our Career and Technical Education Center in Exeter who came forward and said: "We can fix that." Their education preparing them for a trade and a career served Ben's needs that day beautifully. Both Ben and his peers learned that day. Ben's experience in public education was made possible because of so many advocates, educators, and families who came before our family.

But this was not always the case for students who experience disabilities. When I served in the New Hampshire State Senate, I grew to know a woman named Roberta. Roberta, born in the early 1950's, had spent a good portion of her life in our State's school for individuals with disabilities. Roberta left that State school as we began to work, after the passage of the IDEA, to bring people out of institutions and into the communities.

Later, as Roberta learned to advocate for herself and tell her story, she recorded some of her memories from the Laconia State School, the separate school—so-called school—for students with disabilities. Roberta wrote:

Some of the attendants and residents at the Laconia State School sexually, verbally, emotionally and physically abused and assaulted me. The staff said they did this to me because I misbehaved or acted silly. The attendants and residents there hit and kicked me with their hands and feet. They pulled my hair, whipped me with wooden or metal coat hangers, wet towels, hair brushes, mop and broom handles, hard leather belts, straps, rulers and hard sticks, stainless steel serving utensils and clothes.

Roberta adds:

Additionally, they bullied me by laughing at me and calling me names. They spat at me, bit and pinched my arms and other body parts causing me pain. The employees and supervisors at the institution threw buckets of cold water on my body, clothes and all. They said that the cold water would calm me down.

Roberta's experience was, unfortunately, what life was like for some students with disabilities before IDEA. Years later, after Roberta left Laconia State School, after she was re-integrated into her community, she appeared before a State senate committee that I was chairing because she was the main proponent of a law that we passed in the New Hampshire State Senate to remove the word "retarded" from all of our State statutes. Roberta knew that it was the judgment of people who first interacted with her, people who believed she had intellectual disabilities, that caused her parents to believe that they had to put not only Roberta but her sister Jocelyn in an institution. Both Roberta and Jocelyn happened to have the misfortune of being born with disabilities.

It is that contrast between Roberta's experience and my son's that keeps me focused on the importance of making sure that we include all children in our public school system but also that we have the laws in place to ensure that they get the free appropriate education that all American children deserve.

Unfortunately, Mrs. DeVos has demonstrated a lack of understanding of the challenges facing students with disabilities. At our hearing earlier this month, I questioned Mrs. DeVos on whether she would enforce IDEA. Not only did she decline to assure Senators that she would enforce the law to protect students with disabilities, but she was confused about whether IDEA was indeed a Federal law to begin with.

While I am pleased that Mrs. DeVos later clarified that she is no longer confused about whether IDEA is a Federal law, she has done nothing to reassure me that she would enforce it or that she understands how fragile the gains we have made under IDEA are.

The voucher system that Mrs. DeVos supports has often, intended or not, hurt individuals who experience disabilities. Children and families lose legal protections enshrined in the IDEA. In some cases, students and their families have to sign away their civil rights before they can receive their vouchers. Yet many of the private schools that take those vouchers—the schools that Mrs. DeVos wishes to push students to—lack basic resources or accommodations for children who experience disabilities.

So if a family determines that the school that has accepted their voucher really does not have the resources or the expertise to educate their child, they have no legal recourse. Mrs. DeVos's unfamiliarity with IDEA, her comments on students with disabilities was something my office heard about often from Granite State parents who contacted the office with concerns about her nomination.

A mother from Hopkinton, NH, wrote to tell me about her daughter who attends Hopkinton High School and experiences severe disabilities—is non-verbal and requires assistance for all aspects of her daily care.

This mother wrote:

Despite all of this, because of the extraordinary support we have received, she is living a rich and loving life at home and is part of the public school system. I have no confidence that Betsy DeVos would understand or support the role that public schools have for taking care of all students.

This mother also called Mrs. DeVos's lack of understanding of IDEA "appalling."

I also heard from a parent from Concord, NH, who said:

My stepdaughter currently has a 504 plan for both a physical and cognitive disability at Concord High School, who, incidentally, are doing an excellent job of working with her to make sure her learning needs are met. My children deserve a future and so do all children.

This parent said she was feeling "vulnerable" as a result of Mrs. DeVos's nomination. Parents all across our Nation deserve to know that the rights of their children will be protected, and they are rightfully concerned with Mrs. DeVos's nomination.

In New Hampshire, I am proud of our work to build a future where every child can get the kind of education

they need to be competitive and successful leaders in the 21st century economy. Just last week, I visited Souhegan High School in Amherst, NJ. Souhegan has become a pioneer in competency-based education. I visited numerous classrooms where students were doing hands-on lessons in Earth science, in literature to make sure they could master the material before them in a way that would stick with them.

They were great examples of what we have learned about the importance of hands-on, project-based learning, how much better students retain information, knowledge, problem-solving skills, when they actually have a problem to solve, and how important it is for them to learn to collaborate with their fellow students, just the way we expect people to collaborate as a team in the workplace.

After I visited the classes, the students at Souhegan had formed a panel to talk with me. There, students with a variety of interests, backgrounds, and education levels talked to about how important it was for them to have control of their own learning, to learn in a way, in a style that worked for them to work with their peers and build off of each other's strengths and learn from each other.

I also talked with them about New Hampshire's pilot, project-based competency assessment program called PACE, something that New Hampshire received waivers to do over the last year, and they are in the process of continuing right now. New Hampshire is piloting a program that moves us away, just as was recommended and foreseen by the Every Child Succeeds Acts from high-stakes, one-time testing to project-based assessments that are built into the project-based competency learning they are doing.

We are seeing great success with this pilot, and schools across the country are beginning to adopt it as well. That is the power of strong, innovative public education. This was an approach developed by teachers and parents and students and our Department of Education and our statewide school board as well as local school boards together. Just as we have important initiatives surrounding project-based learning in New Hampshire, we also have strong public charter schools.

I still recall a visit to our North Country Charter School in one of the more rural parts of New Hampshire, a school that was formed—a regional effort—to allow students for whom traditional high school was not working, whether it be because of their learning style, because of particular events that were happening in their home, or other emotional or developmental issues.

It allows them to come together and go to school in a way and in a place that works for them, keeping them in school, helping New Hampshire meet its goal set in law that no child drop out of high school before age 18.

The strength of the students I saw at the Country Charter School graduation

was extraordinary; students who would overcome particular challenges, whether it was personal, whether it was academic—speaking for themselves and about themselves and their vision of their own future to a crowded, excited room of friends and family.

That is another kind of public education that supplements our statewide public education system and is something we can work together to do, holding all schools accountable. The vision that Mrs. DeVos, on the other hand, outlined and has devoted much of her work to, would dismantle the progress we have made, diverting taxpayer dollars to private, religious, and for-profit schools without accountability requirements.

Mrs. DeVos advocates for a voucher system that leaves out students whose families cannot afford to pay additional tuition costs, and leaves behind students with disabilities because the schools do not accommodate their complex needs. In his book, "Our Kids," Robert Putnam notes that education should be a mechanism to level the playing field, but today the inequality gap is growing because affluent students start better prepared and are more able to pay.

Putnam also points out that daycare and transportation needs constrain the amount of choice that poor parents have when it comes to voucher programs. We should all be working to fix that gap, but the voucher programs that Mrs. DeVos advocates for threaten to increase the gap. The system that Mrs. DeVos advocated for in Detroit, MI, has undermined public schools and hurt students in the process.

In 2014, Michigan taxpayers spent \$1 billion on charter schools, but laws regulating them are weak and the State demands little accountability. The Detroit Free Press reported on the Detroit school system, finding a system where school founders and employees steered lucrative deals to themselves or to other insiders, where schools were allowed to operate for years despite their poor academic records.

The Detroit Free Press described a system with no State standards for those who operate charters and where a record number of charter schools, run by for-profit companies, refuse to detail how exactly they are spending taxpayer dollars.

One Detroit mother said that Mrs. DeVos's "push for charter schools without any accountability exposed my children and their classmates to chaos and unacceptable classroom conditions."

In Florida, the McKay Scholarship Program voucher for students with disabilities that Mrs. DeVos has pointed to also raises significant concerns, including no due process rights for students under IDEA, no accountability requirements for participating schools, and absolutely no evidence of student success.

Additionally, the McKay voucher often does not cover the full cost of the

private school, leaving parents responsible for tuition and fees above the scholarship amount, not to mention responsibility for transportation. This puts students and their families at risk. Rather than taking the approach we have in New Hampshire, where charter schools supplement a strong public education system, this system of unaccountable schools destabilizes and undermines public schools.

Now, given that Mrs. DeVos's goals for K–12 education are what they are and the fact that we were only given 5 minutes to question her at the hearing, many key issues facing American students were not discussed at all in her confirmation hearing. In particular, we did not talk about higher education. When I was Governor of New Hampshire, I was proud of our work to make college more affordable, building a 21st century workforce pipeline for our businesses.

We froze tuition for the first time in 25 years at our public university system, and we actually lowered it at our community colleges. We engaged in increasing and more robust job training efforts, where we partnered businesses with community colleges or other learning centers to make sure we were engaged in the kind of job training that would prepare students for the 21st century economy.

I was hoping that at our hearing for Mrs. DeVos's confirmation, we would discuss higher education, but issues relating to higher education have been lost altogether in this discussion. What is clear, though, is that Mrs. DeVos has absolutely no experience in higher education. Her written responses following our hearing were troubling. On student debt, Pell grants, reauthorization of the Higher Education Act, and job training efforts, her responses were vague and offered no vision for issues that are critical to millions of Americans. When asked about for-profit colleges, which have had a history of taking advantage of students, including but not limited to our veterans, Mrs. DeVos said she was agnostic—that is her word—about the tax filing status of higher education institutions. That is just not acceptable.

I believe we should be expanding Pell grants. We should lower the interest rates on student loans. We should be expanding apprenticeship and job training opportunities. We need to crack down on predatory for-profit colleges.

We need an Education Secretary who understands and is able to focus on higher education, and it is clear that Mrs. DeVos does not have that experience or focus.

Mr. President, our Founders understood that public education for our citizens was essential to the functioning of our democracy. In 1786, Thomas Jefferson wrote:

I think by far, the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom, and happiness.

Generation after generation has worked to build on those ideals, includ-

ing, as we do that work, more and more Americans in the process and creating a system that gives all students an opportunity to succeed.

We need an Education Secretary who is committed to upholding that principle, not rolling our progress back, and we should all be working together to ensure that we have strong neighborhood public schools, not dismantling them.

I join with my colleagues here today and the thousands from my State who have made their voices heard. We need just one more vote to defeat this nomination and to make clear that the Senate truly values our Nation's public schools.

I surely hope that there is another Senator willing to break with the President and vote against this woefully unqualified nominee.

We all have learned in this wonderful country of ours, with each generation, as we include more and more people who have been marginalized, left out, who weren't counted, that when we include them, we certainly honor their freedom and dignity—important and sufficient, of course, in its own right. Then when we do that, we also unleash the talent and energy of everyone, and that strengthens us all, helps us thrive, helps our economy grow, and makes sure that America not only leads but deserves to.

It is our job in the Senate to listen to the thousands speaking up for our children and for the public education system that serves all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

Mr. DONNELLY. Mr. President, I rise today to speak about the nominee for Secretary of Education, Betsy DeVos. I am here not only to reiterate my concerns about Mrs. DeVos but to share some of the letters and emails I have received from Hoosiers about her nomination.

Every Hoosier and every American deserves access to a quality education. It prepares our students to enter the workforce, to secure good-paying jobs, and to succeed. As I have said, after reviewing the record of Mrs. DeVos, I believe she lacks the commitment to public education needed to effectively lead the Department of Education. I am deeply concerned that she will not focus on priorities important to Hoosier families: expanding access to early childhood education, improving our public schools, and addressing increasing student loan debt.

Now I want to share some of the concerns I have heard from people all across Indiana about Betsy DeVos.

A current undergraduate student at Purdue wrote to me, urging me to vote against Betsy DeVos. The student wrote as follows:

I am concerned that she will cause major damage not only to our public K–12 schools, of which I graduated from, but also to federal student aid programs, which allow many of my fellow students and I to attend our nation's fantastic public universities.

A mother of three children in Fishers wrote:

I believe our democracy needs well-funded and accountable public schools for all. Mrs. DeVos demonstrates zero interest in supporting strong public education. For the future of our children, our democracy, and our standing in the global economic system, I ask that you vote against Mrs. DeVos.

A soon-to-be college graduate who is pursuing a career in public education wrote:

I will be graduating from Indiana Wesleyan University in Marion. I have spent the past semester student teaching at a local school district in Gas City, IN.

One of the largest reasons that I wanted to embrace a career in public education is to push students to see their potential, just as I had a teacher do the same for me. Teaching is not simply facilitating learning, but rather it is taking the time to fully invest in the students. Getting to know their students, listening to what they have to say, and using the resources presented to best prepare students to succeed.

I have been able to see this firsthand and put this into practice as I have been in three different school districts throughout my time at Indiana Wesleyan University. . . . As a soon-to-be teacher in the state of Indiana, I ask you to consider voting no for the nomination of Betsy DeVos for Secretary of Education.

I chose this path as it directly impacted me, and I want to see students find success. With the right reform, we can see this happen, but with the suggested reforms of Betsy DeVos, we will not be able to help students succeed.

Here's another story. This one is from Muncie.

As a mother and public education advocate, I am writing to request that you vote no to the appointment of Betsy DeVos as Secretary of Education. As you are aware, there are many challenges facing education in the United States. . . . Ms. DeVos' track record in the state of Michigan would be devastating to the country as a whole if she were to be given the position of Secretary of Education. For the sake of my children, their dedicated teachers and children across the nation, I respectfully request your "no" vote to her appointment.

A woman in Zionsville wrote as follows:

I feel that the DeVos agenda plans a dangerous voucher program that robs public schools of money and allows unprecedented support of K–12 programs with opaque standards, curriculum and accountability. In Indiana we have struggled with the skills gap and graduating students that are prepared for the available workforce positions. . . . I beg you to speak out against the appointment of Ms. DeVos as Secretary of Education.

Hoosiers have the right to an educational system that strives for high standards, transparency, and success, and I do not believe the DeVos model will be able to deliver on any front.

A retired special education teacher who taught in Mishawaka for 24 years wrote:

I implore you to vote “no” on the confirmation of Betsy DeVos as Secretary of Education. Her selection by Donald Trump was clearly an attempt to further dismantle the public school system in the United States. The poor, the disadvantaged, and the disabled would suffer great educational setbacks with her as Secretary of Education.

A woman in West Lafayette wrote:

As a future special education teacher, I find it horrifying that [Ms. DeVos] seems to be unaware of the IDEA Act, which protects the rights of millions of children with disabilities. It is completely unacceptable that our country should have someone in charge of education who is unaware of this monumental law. Education is so important for the future of this country and everyone deserves equal opportunity to get a good education. . . . This is why I ask you to please vote no for DeVos.

In a letter from Greenwood, a woman wrote:

As a mother of two children, one with severe disabilities, please know I do not support Betsy DeVos as Secretary of Education. I can only hope that you will bear with me as I offer the story of my son below.

My son was born full-term and healthy. From 18 hours until two weeks old, he fought for his life. At two weeks old, a heart defect was discovered. Next was heart surgery, recovery, and he was home at exactly one month old. Saying we were ill-prepared for the future would be an understatement, to say the least.

We had no way of knowing the repair to his heart would not also repair all the damage to his brain and body. He was eventually gifted multiple diagnoses: cerebral palsy, congenital heart disease, significant mental and physical disabilities and severe GERD. To match the diagnoses, he was also provided coordinating medical equipment: wheelchair, communication device, standing equipment, a special seating device, feeding pump, and leg braces.

Skip ahead to today and you'll discover a 15-year-old doing his absolute best to find his place in this quick-paced world. It took a long time, but over the past 3 to 4 years, he mastered his communication device and has shown he is capable of learning and understanding.

While it took all this time for him to show us, it took the relentless dedication of very special teachers to really make it happen. His teachers worked tirelessly to develop extremely specific Individualized Education Plans for him. I am certain without the Individuals with Disabilities Act and Free Appropriate Public Education, he would not have achieved his current level of learning. I also feel his teachers would not have been able to get him to this level without the right educational tools in our public schools.

I wanted you to feel my emotions and how difficult his life truly is. Please don't make his education any harder than it already has been.

A former public schoolteacher in Indianapolis wrote:

I watched all of Betsy DeVos's Senate confirmation hearing. As the minutes churned by fear, fury, and grief built within me. I will not sit back and watch as a nominee for Secretary of Education prepares to take the helm who does not commit to protecting children in public schools. I hope you stand with me to firmly reject Betsy DeVos for Secretary of Education. We must commit our care, our love, and our attention to up-

holding the promise that all kids deserve a shot at success through education.

These kids are our future, and we owe it to them to lead wisely. Unfortunately, Ms. DeVos will not lead us to that future.

A mom in Evansville wrote:

I have one child in college and two others in public elementary schools. My children have received and are getting very good education in public school and are in advanced classes. I am very concerned about the appointment of a woman who has been advocating against our public school system for years. We must do better for our children. Please fight for our public schools and our children, and do everything in your power to keep Betsy DeVos from becoming our Secretary of Education.

This is just a small sampling of the letters and emails I have received from Hoosiers all over our State who are deeply troubled and who are opposed to Betsy DeVos. They wrote to me not as Republicans, Democrats, or Independents but as concerned Hoosiers, as moms and dads who love their kids. They are worried about an issue we should all be able to agree on: the importance of ensuring our children have access to a quality education.

While I said I would vote against Betsy DeVos's nomination, I will continue to fight for our public schools, our teachers, and our students. I will continue fighting for them because ensuring our students have access to good schools and good teachers lays a foundation for our students to reach their potential, and it is fundamental to their success and in turn our country's success.

We love our schools, we love our kids, and all we want is the best for them and an extraordinary education. That is why I will be voting against Betsy DeVos for Secretary of Education.

Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER.

The PRESIDING OFFICER. The Senator from New York may accept 18 minutes.

Mrs. MURRAY. Mr. President, 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.

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

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

Ms. HARRIS. Mr. President, I rise to speak about the nominee for the Department of Education, Betsy DeVos. I cannot vote for her confirmation.

The mission of the Department of Education, as mentioned, “is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.” The Department achieves this by establishing policies on Federal financial aid for education and distributing as well as monitoring those funds, collecting data on America's schools and disseminating research, focusing national at-

tention on key educational issues, prohibiting discrimination, and ensuring equal access to education. After considering that mission, I do not believe Betsy DeVos should be the next Secretary of Education.

Surely we can agree that every child in the United States should have access to a first-rate education to ensure a chance of a good job and good pay. I know this from my own life experiences and, in particular, the impact that a good teacher can have on a young child. You see, my first grade teacher, Mrs. Frances Wilson, God rest her soul, attended my law school graduation. I would not be standing here were it not for the education I received, and I know that to be true for so many of our colleagues in the Senate.

After I reviewed Betsy DeVos's nomination, including her record and confirmation testimony, and after speaking with teachers and students and parents from across California, it is clear she does not understand the importance or the impact of a public school teacher like Mrs. Frances Wilson.

Why? Well, first and foremost, our country needs a Secretary of Education who has demonstrated basic competency when it comes to issues facing children. They just need to know what they are talking about. When questioned in the hearing by my colleague Senator FRANKEN, it was clear Mrs. DeVos didn't know the difference between two basic theories of testing: proficiency and growth. This, in fact, is one of the biggest debates occurring in the education community today, and she was unaware of the significance of the nuances and the difference between the two. As we know, proficiency essentially asks whether a student has a basic competency or understanding of a subject; looking at a child and asking: Is that third grader reading at third grade reading level?

Growth. It is a question of whether a student is progressing from year to year or asking if a third grader who started their year reading at first grade level can now read at second grade level. Has there been progress? This debate will define how we are judging schools across the country, and her lack of knowledge and fluency demonstrates her complete lack of experience, understanding, and curiosity about one of the hottest issues in modern education.

Now let's talk about guns in schools. At first, she at best showed ambivalence toward gun-free school zones, but it gets better. She went on to say that she does not have any questions, and that without any questions, she does not believe you need guns in schools. Then she went on to say, well, but we need guns in schools, yes, because grizzly bears may pose a significant threat to the safety of our children and perhaps their education.

I say Ms. DeVos poses a far greater threat to public education.

Let's talk about title IX. Another moment in her hearing is when the

nominee refused to commit to actually enforcing title IX. Now, let's be clear that title IX was brought into being because our country had a rampant policy of discrimination against women in our education system. For example, women were not being admitted to the University of Virginia. Even Luci Baines Johnson, the daughter of President Johnson, was barred admission to Georgetown University after she got married because it was common perception at that point in time that if she was married, then that is what she should pursue. She should pursue a career in the home and could not be capable of doing that as well as working outside the home. Title IX is a law that guarantees women and girls the right to a safe education, free from discrimination.

Let's be clear how title IX helps today. It is title IX that required universities to prioritize a safe environment for girls—safe from abuse and sexual assault. We know this is a real issue. In fact, the Department of Education estimates that one in five women has been sexually assaulted during her college years.

As attorney general of California, I was proud to bring together colleges and local law enforcement agencies to create protocols for investigating and prosecuting sexual assaults. It has helped schools and law enforcement implement changes to California law to better protect survivors of sexual assault. I championed new methods to allow California to process rape kits and clear a longstanding backlog of rape kits in the State crime labs. I fought to ensure that survivors have the support they need and that their attackers face swift accountability and consequences for their crimes.

There is no question that ending campus sexual assault should be a moral imperative for our country, and it should be a priority for the next Secretary of Education of the United States. For that reason, it is unfortunate—and, yes, troubling—that Mrs. DeVos will not guarantee enforcement of title IX.

Then let's talk about the Individuals with Disabilities Education Act, or IDEA. I know my colleague Senator HASSAN has spoken extensively about this. This act has been around for decades—four decades, to be exact. Before it existed, we were not prioritizing these children. We did not give them the services they needed. We had written off a whole population of our children. When asked by my colleague MAGGIE HASSAN about this piece of legislation, the nominee showed a complete lack of knowledge about how it is implemented. That is simply unacceptable. We cannot go back to a time when we wrote off a whole population of people, and it cannot only be the parents of those children—but all of us, as the adults of a society and a country—who look out for our most vulnerable children.

Then, let's talk about for-profit colleges, which I know something about

since I had to sue one of the biggest for-profit colleges, which was defrauding students as well as taxpayers. I know about the reality of abuses of for-profit colleges, and I applaud my colleague ELIZABETH WARREN, who asked whether or how she would protect against waste, fraud, and abuse at for-profit colleges. She asked this of the nominee, and it was troubling to see that the nominee was equivocal at best.

Now, let's talk about the nominee's record as it relates to the children of her home State of Michigan. Since the growth of charter schools, Michigan has gone from performing higher than average on the National Assessment of Educational Progress in the year 2000 to below average by the year 2015. A 2015 Federal review found an “unreasonably high” number of charters in Michigan which were among the bottom 5 percent of schools nationwide. According to a report from Chalkbeat, an education publication, when the Michigan legislature attempted to add oversight for both charter schools and traditional public schools in Detroit, the nominee's family opposed the measures and poured \$1.45 million in the legislature's campaign coffers—an average of \$25,000 a day for 7 weeks. The oversight measures, she is happy to say, never made their way into the legislation. We cannot have someone who wants to lead our highest Department of Education who does not support the importance of oversight, of making sure that the children are getting the benefit of their bargain.

According to data released from the Michigan Association of Public School Academies in 2015, only 17 percent of Detroit charter school students were rated proficient in math, compared to 13 percent of students in traditional public schools. Even Eli Broad, a great Californian and strong supporter of dramatic education reforms, has expressed strong concerns about the nominee's nomination. That should tell us all something.

Now let's talk about the impact on California. During the campaign, President Trump said he would take \$20 billion from existing Federal education programs—which, by the way, is more than half of the Department's budget for K–12 education—and instead put that money into a voucher-like system. The President also committed to getting rid of the Department of Education in its entirety, which would put half a million teachers out of work. The nominee has committed to working with him on these plans.

Let's be clear. This plan would be devastating for public schools, including the schools in California that serve over 6 million students. This also means California students could lose \$2.3 billion in Federal education funding, which could end critical programs. For example, the Individuals with Disabilities Education Act serves thousands of California's disabled students and serves them well. But his plan

would slash \$1.3 billion in Federal funding—money that our children rely on. The Trump proposal to cut the Department of Education budget would also harm California's students. Some \$3.8 million in Pell grants for California students could be lost, 43,000 or more teacher positions in California could be eliminated, and \$8.96 billion in student loans could be at risk for California's college students.

The bottom line is this—fewer teachers, fewer resources for students and parents, and less aid to make college affordable. Maybe one school will cut their after-school program or stop teaching the arts, or it doesn't have a guidance counselor or decides they will just let class size balloon because they don't have enough teachers. We know that is not good enough for any of us.

There is a clear connection between public education and public safety. When I was the district attorney of San Francisco, there was a rash of homicides one year. All of us in a position of leadership were rightly concerned, and we did the predictable and the right thing: We figured out how to put more cops on the street, we looked at our gang intervention strategies, and we figured out very predictable and good ways of reacting to these crimes after they occurred.

But I asked a question. I asked a member of my staff: Do an assessment and tell me who are these homicide victims? In particular, who are the homicide victims under the age of 25? The reason I asked that question is pretty simple. There were just a lot of them. Sure enough, the data came back to me. It included the fact that, of the homicide victims under the age of 25, 94 percent were high school dropouts.

Over the years, I have taken a closer look at this issue. I have learned that 82 percent of the prisoners in the United States are high school dropouts. I have learned that an African American man who is a high school dropout between the age of 30 and 34 is two-thirds as likely to be in jail, have been in jail, or dead. There is a direct connection between what we do or do not do in our public education systems and the price we all pay in terms of our public safety. I say to everyone concerned: There are good reasons to care about the education of children. If nothing else, be concerned about why you have to have three padlocks on your front door. If we don't educate our children in our public school system, we all pay the price.

Mrs. DeVos's agenda means fewer teachers and resources and worse schools. Fundamentally, her lack of understanding of the rights teachers have today, the rights parents have today, and the rights students have today mean one thing: She cannot—and will not—uphold the law if she does not understand the law. Her testimony has made clear that she does not understand IDEA, she does not understand initiatives like gun-free zones in schools, and she does not understand the history or the need for title IX.

If Betsy DeVos gets her way and cuts funding for public schools, that means fewer teachers. If she does what she did in Michigan, that will mean poor outcomes with fewer high school graduates. What we know is that these are the kinds of policies that prevent us from actually achieving all that we know we can be as a country, which is about paying attention to all the members of our society, and, in particular, our children, and investing in them with the education they so richly deserve so they can one day stand in this Chamber as a Member of the Senate, doing the best of what we know we can do as a country.

Simply put, I will say this. It is clear from her testimony that Betsy DeVos has not done her homework. She hasn't done her homework in terms of preparing for the job, and she did not do her homework in terms of preparing for her hearing. I say that right now the Senate must do our job, we must do our homework, and we must refuse to confirm her as the next Secretary of Education.

Mr. President, I yield the floor.

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

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

Mr. BENNET. Mr. President, I wish to begin by congratulating our new Senator from California for her first speech in the Chamber. I know it is not her first official speech, but she is here on this important night to talk about the state of public education in this country and this confirmation process. So I thank her for her remarks. I also want to thank the ranking member of the Education Committee of the Senate, Senator MURRAY from Washington State, who is here tonight as well. I know she has been here all day today and was here all day on Friday as well, because the set of issues we are discussing are so important.

As I sat here listening to the Senator from California, I was thinking about the work we have done recently on the committee on which we both serve—the Health, Education, Labor, and Pensions Committee—with the leadership of Chairman ALEXANDER, a Republican from Tennessee, and Ranking Member Senator MURRAY, from Washington State, to pass a new reauthorization of No Child Left Behind—a bill that if you said: Let's have a rally on the steps of the Capitol to keep No Child Left Behind the same, not a single person in the United States would have shown up for that rally. It took this body 7 years—7 years after we were supposed to reauthorize No Child Left Behind—to actually do the work. But when we did the work, we were able to get it through the committee once unani-

mously. This committee has on it, among other people, Senator BERNIE SANDERS from Vermont and Senator RAND PAUL from the Commonwealth of Kentucky. They seldom agree on anything, but they agreed on that bill. We got it out of the committee almost unanimously, and then passed it on the floor of the Senate with over 80 votes. It passed with a huge bipartisan vote in the House of Representatives, and it was signed by the President. It was 7 years too late, but we were able to do it in a bipartisan way—which is what education issues should always require. It is a shame that tonight we are here with a partisan divide because of the selection President Trump has made to lead the Department of Education.

So I just want to say thank you again to Senator MURRAY for her leadership.

Since our first days before we founded this country, education has been an American value. In Massachusetts, Pennsylvania, and elsewhere, colonists recognized their collective responsibility to educate their children. They wrote into law that children, both wealthy and poor, must be taught to read and write, and to learn a skill, like blacksmithing, weaving, or shipbuilding, to secure their economic independence. As democracy took root in early America, public education became not just an ideal but an imperative. An enlightened public, the Founders believed, was essential to self-government.

Thomas Jefferson wrote that we must “educate and inform the whole mass of the people. . . . They are the only sure reliance for the preservation of our liberty.”

Benjamin Franklin believed: “The good education of Youth has been esteemed by wise Men in all Ages, as the surest Foundation of the Happiness both of private Families and of Commonwealths.”

With education, the common man would be able to select leaders wisely and fight back against the tyrannical instincts of those in power. He would be able to understand, maintain, and protect his rights, so that government could not usurp authority and devolve into despotism.

In a country “in which the measures of Government receive their impression so immediately from the sense of the Community as in ours,” George Washington explained, “knowledge . . . is proportionally essential.”

This set of beliefs represented a fundamental break from the aristocratic ways of the old world. A republic that was “for the people” and “by the people” required an educated people.

With this new world also came a new conviction that individuals could determine their own future, that their birth or circumstance no longer limited their potential. This foundational idea grew to become the American dream: Every child, regardless of who her parents are or where she came from, could achieve an education and grow up to achieve a better life.

Over time, as our Republic became more and more democratic, as the right to vote and lead was secured by African Americans and women, education became the fundamental means by which Americans sought to secure their liberty and their equality.

Perfecting our Union by expanding education has not come without struggle, but we have often succeeded because we have recognized that symbiotic relationship among the needs of our country and the success of individual Americans and our aspiration to move forward. This included the need for a universally literate workforce in the 1830s and the creation of Horace Mann's Common School Movement; the demand at the turn of the 20th century to replace out-of-date Latin schools with progressive high schools that prepared students for the emerging industrial workforce; the challenge of providing World War II veterans with a career path and the creation of the GI bill for college education; and the need to tear down the barriers of Jim Crow school systems in the 1950s and 1960s.

Too often, as a country, we confronted these challenges too late and at the tragic expense of our fellow American's potential. “With all deliberate speed” has proven not fast enough, especially for children living in places like the Mississippi Delta and South Central Los Angeles.

At each of these turning points, we have asked for more from our public schools. To their credit, our educators—teachers, specialists, and principals—have risen to the challenge, many times much sooner than the rest of us. They have helped us build a nation admired for our forward progress, for opportunity, and for equality.

That is the American ideal from our founding until today. I come to the floor tonight with a sense of urgency because our generation is at risk of being the first American generation to leave less opportunity to our children than we inherited. If we do that, we will have broken a fundamental American promise to our children.

In our Nation, education is supposed to be at the heart of opportunity, but today our education system fails far too many kids. Schools that once were engines of opportunity and democracy are now too often traps for intergenerational poverty.

As a result, only 3 out of 10 children born to very low-income families in the United States will make it into the middle class or higher. Only 4 out of 100 will make it to the top 20 percent of income earners. Already, the United States has less social mobility than at least 12 other developed countries—among them, Canada, Japan, and Germany.

In America, children growing up in poverty here hear 30 million fewer words than their more affluent peers by the time they reach kindergarten. In fourth grade, only one in four of our students in poverty is proficient in math, and fewer than that can read at

grade level. As few as 9 will receive a bachelor's degree by age 25.

As a nation, we are falling behind the rest of the world. When George Bush, the son, became President in 2000, we led the world in college graduates. Today we are 16th in the world. American 15-year-olds score lower than their peers in 14 countries in reading, 36 countries in math, and 18 in science.

Much of the rest of the developed and developing world is figuring out how to produce more and more educated citizens, while the United States is standing still and therefore falling behind. We must refuse to accept outcomes that are a tragedy for our children, a threat to our economy, and an immeasurable risk to our democracy.

To make change, we need to stop treating America's children as if they belong to someone else. To meet our children's needs, we must invent a 21st century approach to education, a system for the delivery of free, high-quality education built for the future, not for the past.

We must have the courage to shed old ways of thinking, abandon commitments to outdated approaches, and explore new ideas. This reenvisioned system must focus like a laser on what is best for kids, not what is convenient for adults. It must be comprehensive and integrated from early childhood to postsecondary education.

A 21st century system of public education must set high expectations, demand rigor, and create meaningful accountability. This system must embrace different kinds of schools and create a culture that is focused on continuously learning from each other—among traditional, charter, and innovation schools, and across districts, cities, and States.

We need to change fundamentally how we prepare, recruit, place, train, retain, and pay teachers and school leaders. That entire system belongs to a labor market that discriminates against women and said you have two professional choices: one is being a teacher and one is being a nurse. So why don't you come teach Julius Caesar every year for 30 years of your life in the Denver Public Schools, where we are going to pay you a wage far lower than anybody else in your college class would accept.

Those days are gone. We had discrimination in the labor market that actually subsidized our school system because very often the brightest students in their class—very often women—had no other career options and therefore were willing to teach.

That whole system needs to be transformed in the 21st century. We have 1.5 million new teachers whom we have to hire over the next 6 to 8 years in this country, and we have no theory about how to hire them or how to keep them. Fifty percent of the people are leaving the profession now in the first 5 years.

This new system of public education should embrace technology and personalized learning. We must create space

for innovation in school autonomy, and we must also provide choice to parents and kids, but our goal is not, and should not be, school choice for choice's sake.

For a youngster in a low-income family, there is no difference between being forced to attend a lousy school and being given the chance to choose among five lousy schools. That is no choice at all. It is certainly not a meaningful one. The goal is, and must be, to offer high-quality education at every public school so parents can choose among grade schools in their neighborhood and throughout their cities and towns.

We must refuse to accept the false choice I have heard over and over again during this confirmation process that you either support school choice in whatever form or you defend the status quo, just as we must reject the idea that you cannot support public schools and advocate for change.

This old rhetoric and manufactured political division will not work for our kids. We need to rise above the narrow, small politics that consume our attention and permit and prevent us from making tough choices. Instead, we need to recognize that a 21st century education can and should look very different than a 19th century education or a 20th century education, and no matter what approach or method of delivery, it must be high quality.

The good news is, we know it is possible to reverse course and create meaningful change. Several cities around the country have already begun creating roadmaps to this 21st century approach. Denver is one of them.

In Denver, we made a deal—create a public choice system that authorizes charters, creates innovation schools, and strengthens traditional schools. We empowered schools through autonomy and worked to create a culture of shared learning and innovation focused on all ships rising. We demanded quality, and we implemented strong accountability. High-performing schools were rewarded, replicated, and expanded. Low-performing schools had to be improved or be shut down.

We made tough decisions. We closed schools. I sat in living rooms, classrooms, and gymnasiums with parents urging them to demand more from the school district, even if it meant that their child had to go to a different school. Along with concerned citizens, teachers, and principals, I went door-to-door to enroll kids in new schools.

Denver created innovative teacher and school leadership policies. We tried to rethink the tired model of the last century and create a new career for this one. That is why today in Denver you will find teachers teaching other teachers and being paid for it, knowing that their job is not only to educate their students but also to improve the honorable craft of teaching so our kids can achieve even more.

We used the levers of Federal law, strong accountability, and civil rights

protections as the backbone of change. We cannot have made the changes we did had it not been for the national demand for improvement in our schools—the civil rights impulse that underlies the Federal involvement in public education, as well as the courage of our community to demand something better for our children. Denver has begun to see the results of hard work.

Over the last decade, Denver Public Schools students' achievement growth increased faster than the State's in both math and English. This outcome was achieved by students qualifying for free and reduced-price lunch and also students not qualifying for free and reduced-price lunch. Latino and African-American students' achievement in English and math grew faster than their counterparts' throughout the State.

Sixty-one percent more students graduated in 2016 than in 2006. We have a long way to go, but I would suspect that if we could say of every urban school district in America that we are graduating 60 percent more students this year than we were a decade ago, we would be feeling a lot better about where we are headed as a country. In Denver, over that time, the overall ontime graduation rate increased almost 30 points, and the ontime graduation rate for Latino students has doubled since 2007.

Since 2006, Denver Public Schools' enrollment has increased—many cities have lost enrollment—over 25 percent, making it the fastest growing urban school district in America, partly because Denver has grown but also because parents and kids and families have now found schools that are responsive to their families' needs and supportive of their children.

I am the first to say, and I always will be the first to say, that we still have a lot of work to do to make sure the ZIP Code Denver's children are born into doesn't determine the education they receive. But cities like Denver are moving in the right direction. Now we need to move a nation in the right direction.

Tonight, as we stand here in this marbled Chamber among these statues that tie us to our past, I am thinking of our future. I am thinking of the millions of poor children across time zones our Founders could not have imagined, heading home after a long day at school, shifting their backpacks of books to find a comfortable spot, sharpening pencils for math and pastels for art, clearing a space on a busy dinner table for homework. I am thinking about children teaching other children, older brothers and sisters teaching their younger siblings, expecting that they will have more opportunity than their parents. I am remembering the naturalization ceremony I attended just last Friday at Dunn Elementary School in Fort Collins, CO, where Kara Roth's fifth grade class welcomed 26 new Americans from 13 countries to the United States. I am thinking about

teachers and principals and students—while we are here speaking—who are up tonight, planning for tomorrow, and hoping for a future that allows them to review at home before they teach tomorrow the best lessons for teaching the productive and destructive forces of volcanoes, what Scout learns in “To Kill a Mockingbird,” or the mathematical reasoning that calls on us to invert the second fraction when we divide. I am imagining a country that fulfills our generational responsibility by providing quality early childhood education to every American family who wants it—a K-12 school for every child to which every Senator would be proud to send his or her child or grandchild and access to college and skills training that prepare students for economic success without shackling them to a lifetime of debt.

All of that leads me to comment briefly on President Trump’s nomination for Education Secretary. I have no doubt that Mrs. DeVos sincerely cares about children. It is not her fault that President Trump nominated her. So let me be clear that I am addressing the President and not Mrs. DeVos when I say that this nomination is an insult to school children and their families, to teachers and principals, and to communities fighting to improve their public schools all across this country.

Even with the limited questioning allowed at the education committee hearing, it quickly became clear that Mrs. DeVos lacks the experience and the understanding to be an effective Secretary of Education. The bipartisan progress of American education achieved over the last 15 years was predicated on a deep commitment to three principles: transparency, accountability and equity.

Mrs. DeVos’s testimony and public record failed to establish her commitment or competence to protect any of these foundational principles. Her “let a thousand flowers bloom” approach asks American school children to take a huge step backward to a world without the high expectations and transparency that we need to give parents and taxpayers the information they deserve on how our schools are performing. Those high expectations, paired with the clear commitment to accountability, ensure that our successful schools should be replicated and our struggling schools should be held accountable for improvement, regardless of whether it is a choice school or a district school.

Finally, we know that the Secretary of Education holds the sacred job of ensuring that every child in America gets the resources and the support they deserve, regardless of their income, background, or educational needs. This commitment to equity is at the core of the Elementary and Secondary Education Act. Mrs. DeVos has shown no evidence of her commitment to be the torch bearer for both excellence and equity. Her ideology and dogmatic approach communicates a lack of under-

standing and appreciation of the challenges we face and the depths of solutions they demand.

A commitment to choice without a commitment to quality serves ideology rather than improvement, and a commitment to competition without a commitment to equity would forsake our democratic ideal that a free, high quality public education must open the doors of opportunity for all. For the first generation of students to whom that promise feels elusive, they deserve an Education Secretary who has the courage, competence, and commitment to orient our mighty education system to build opportunity for all. Mrs. DeVos shows none of those skills, and our young people cannot afford to wait 4 years for their chance at the American dream.

Millions of Americans recognize this, which is why this nomination has generated more controversy than any other. I look forward to working with anyone—as I have over the years, including even Mrs. DeVos—anyone interested in improving our children’s opportunities and taking seriously the future of our democracy. But I will not support her nomination. I will vote no on this nomination and urge my colleagues to do the same.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, over the course of this debate, over the last 9 hours, plus 6 hours on Friday of the 30 hours that we have on this, many Senators have come to the floor to talk about their concerns about the nomination of Betsy DeVos to be Secretary of Education.

There are open questions about her extensive financial entanglements. There are open questions and a clear concern about her lack of understanding of basic education issues. We have heard that time and again, as well as the many ways in which her vision for our education system is really at odds with where families and communities nationwide want us to go.

But let me take just a moment to focus on one major concern in particular. It is a public health threat that I know is deeply concerning for families and communities across this country, and that is the epidemic of sexual violence on our college campuses. One out of five women and 1 out of 71 men are sexually assaulted while in college. In 2013 alone, college campuses reported 5,000 forcible sex offenses, and a recent study indicated that number could be much greater.

There should be no question that sexual violence on our campuses is a great, widespread, and unacceptable

problem—one that I expect any incoming Secretary of Education to be informed about, to be concerned about, and committed unequivocally to confronting head-on.

Much of the discussion so far has been about the commitment of a Secretary of Education to our K-12 system. Serious concerns have been raised, but it is important to know in this debate that the Secretary of Education also has responsibility over our higher education institutions.

In our hearing, Betsy DeVos actually agreed with me that President Trump’s horrifically offensive leaked comments from 2005 describe sexual assault. She was clear. But I was deeply disappointed, to say the least, in Mrs. DeVos’s responses to simple questions about whether she would seek to continue the Obama administration’s work to protect students and stand with survivors. When she was asked whether she would uphold the guidance issued under the Obama administration to hold schools accountable for stronger, more effective investigations of sexual assault, she wouldn’t commit to that. She would not commit to that. When I asked her whether she would continue key transparency measures, like weekly public reports on active investigations into potentially mishandled sexual assault cases, she dodged the question.

These answers are especially concerning given that Mrs. DeVos has gone so far as to donate to an organization dedicated to rolling back efforts to better support survivors and increase accountability. Let me tell you that again. Mrs. DeVos has gone so far as to donate to an organization dedicated to rolling back efforts to better support survivors and increased accountability.

Let’s be clear. The epidemic of sexual assaults on our college campuses means that in States across the country, students’ basic human rights are being violated. I am deeply proud to see the work that has been done on this issue over the last few years. Survivors have bravely stepped up to make clear they expect far better from their schools and their communities. By speaking out, by being courageous and speaking out, they have shown other survivors they are not alone.

Key university leaders have made fighting campus sexual assault a top priority by developing new partnerships in their communities and prioritizing prevention. New measures to increase transparency and awareness went into effect in 2013 thanks to the reauthorization of the Violence Against Women Act. These are hard-won steps forward on an issue where some Democrats and Republicans have finally been able to find common ground.

There is much more to do. The next Department of Education should not be standing on the sidelines, much less taking us backward on an issue that is so critical to student safety on campus.

So I hope that as my colleagues are listening to the debate here today, tonight, and tomorrow, that they consider what Mrs. DeVos's leadership at the Department of Education means on this issue, the issue of making sure men and women on our college campuses can go there to learn and not be worried about being a victim of sexual assault and having nowhere to turn and not have the confidence that their voices will be taken seriously.

On another area, nominees for Secretary of Education have largely been people, over the past, who were very committed to our students, who had long careers dedicated to education, and who were focused on keeping public education strong for all of our students and for all of our communities.

Public education is a core principle that our country was founded on, that no matter who you are, where you come from, or how much money you have, this country is going to make sure all young people get an education. That is how our country has been strong in the past. That is how our country has to be in the future. Free public education.

Well, Betsy DeVos is a very different nominee. She has spent her career and her fortune rigging the system to privatize and defund public education, which will hurt students in communities across our country. She is not personally connected to public school—except, by the way, through her work over the years trying to tear them down. She has committed herself for decades to an extreme ideological goal to push students out of our public schools and weaken public education.

I can talk at length about Betsy DeVos's record of failure and her devastating impact on students, but all people really need to do is watch her hearing in our Health, Education, Labor, and Pensions Committee. Just go back and watch the hearing. This was a hearing that people across the country heard about—and for good reason—from local newspapers, to local news, to “The Daily Show,” to “The View,” and posts that went viral on social media. A lot of people in our country heard Betsy DeVos for the first time in that hearing. They were not impressed.

She refused to rule out slashing investments in our public schools. She was confused that Federal law provides protections for students with disabilities. She did not understand the basic issues in education policy or the debate surrounding whether students should be measured based on their proficiency or their growth. She argued, as we have all heard, that guns needed to be allowed in schools across the country to “protect from grizzlies.” Even though she was willing to say that President Trump's behavior toward women should be considered sexual assault, as I just talked about, she would not commit to actually enforcing Federal law protecting women and girls in our schools. Her hearing, quite frankly,

was a disaster. It was so clear to millions of families how little she really understood about education issues.

I have to tell you, as a former preschool teacher myself and a former school board member, someone who got my start in politics fighting for strong public schools, as a Senator committed to standing strong for public education in America, as a mother and a grandmother who really cares deeply about the future of our students and our schools, I know that we can and we must do better for our children and our students and our parents and our teachers.

The decision we are making here on whether to confirm Betsy DeVos for Education Secretary will help set the course for our public education system for years to come. So I hope, again, that our colleagues are listening to this debate and thinking about it and not just voting rotely on this. This is so important.

Quite frankly, I am disappointed that our Republican colleagues have moved us so fast into this debate. I have been in the Senate a long time. I know what the usual practices are when we go through hearings and listen to nominees from Presidents who are Republican and Democrat, Republican majorities and Democratic majorities. I was here when the Senate was 50-50. There are practices we have to make sure that all Senators get the information they need so they can make a wise decision with their vote for which they will be held accountable.

Quite frankly, the usual practices here were really being ignored. The right thing to do was being ignored. This nominee was jammed through like I have seen none other. Corners were being cut. The minority was being brushed aside. I really think that is wrong.

Earlier this month, Republicans on the Health, Education, Labor, and Pensions Committee scheduled Mrs. DeVos's hearing even though she had not yet finished her standard ethics paperwork and even though she had not and still, by the way, has not answered my questions about her financial disclosures to our committee. In fact, when we started the hearing, the Republican chairman, the senior Senator from Tennessee, whom I have worked with greatly—we worked together to pass the replacement of No Child Left Behind. I have a tremendous amount of respect for him. But I was shocked and surprised when he preemptively declared that he would be limiting questions for each Senator to just 5 minutes—a shocking and disappointing breach of committee tradition, clearly intended to limit public scrutiny.

Mrs. DeVos is a billionaire. She has extraordinarily complicated and opaque finances, both in her own holdings and those in her immediate family. We know that she has invested in education companies, for-profit companies, for decades. Over 100 conflicts were identified. Her ethics paperwork

raises questions about the company in which she plans to remain invested. She still, by the way, has not fully answered my questions about her committee paperwork.

As I told the Republican chairman at our markup, the process that has taken place on Mrs. DeVos's nomination is a massive break in the tradition of this body. We should not have had a vote in this committee until all Senators had received appropriate responses to reasonable questions and until a second hearing was held so that Senators could get these serious concerns addressed and do their job scrutinizing the nominee.

Understand, we had a hearing. We were limited to 5 minutes each. And we did not have all of the paperwork, so we could not do our homework to make sure we were asking the questions we needed that needed to have a public debate. So, again, that is another reason I am deeply concerned about this nominee. We do not yet know whether there are conflicts of interest.

For a Secretary of Education who wields tremendous power over our K-12 system and our higher education system—as we all know, there have been tremendous questions over the past decade about access to higher education; whether you go to college and get the degree you have been promised; whether institutes have been responsible and accountable; and how we as the Senate and House can come together to make sure that when a student takes out a student loan or invests in a higher education institution, they know they are getting their money's worth and if there are taxpayer dollars involved, that the taxpayers are getting their money's worth as well. So conflicts of interest are extremely important to this nominee. To this point right now, here we are voting tomorrow, and we don't have the answers to those questions.

So these are just a few things. I have been out here on the floor to talk about them. We have heard from many of our other colleagues. It is no surprise to me that this has lit a firestorm across the country. Having a Secretary of Education, someone who is responsible for our children's education—schools are the center of our community. Community members own those schools in their minds. This is where they send their kids to school, where they have basketball games, music concerts. It is where the community comes together. Yes, we all complain about public education. Who hasn't? But at the end of day, we love our local schools, and we want them to know that the Secretary of Education—the highest person in the land to oversee them—has that love, too, and is there because they want to make them better, not because they want to tear them down.

So, yes, this nominee has taken off like no other because of her hearing, because of her conflicts, because she has attacked and gone after basic public education, which so many people

are proud of in their own communities and want to make better. So I, like everybody else, have heard from many of my constituents, more than I can ever remember in my entire Senate career. This has ignited a public storm. I want to share some stories from my constituents who have reached out and urged me to vote against Betsy DeVos because they know better than anybody why their school is so important to them, why their teachers are so important to them, why their children's public education is so important to them.

One of the major concerns I have continued to hear from my constituents about is her disconnect from the working class.

A woman from Marysville, WA, said: Betsy DeVos, a billionaire herself, does not represent the working class and certainly not her family experience with public education.

Betsy DeVos never attended public school or even sent her own children to public school.

In Olympia in my State, an employee at a high-poverty public school says she works with some of the most in-need children in the area. She is very concerned that Betsy DeVos's push toward a privatized public school system would only benefit those in wealthy communities and leave her most vulnerable students behind. She believes Betsy DeVos would absolutely not look out for their best interests.

In our rural communities, there is no private school to get that voucher and send your kids to. The policies she is pushing only mean that those schools will have taxpayer dollars taken away from them to send to other kids with vouchers to go to private schools, who live nearby or have the additional resources to use those vouchers to go to school.

A teacher in Seattle wrote to me with a story that I can't get out of my head. It really inspires me to keep going in this fight. This teacher serves preschoolers with special needs who face a number of challenges. She teaches at a title I school, where most families are low income, and many of them are immigrants and non-native English speakers.

She believes that her children deserve access to the best educators out there and that if DeVos's agenda was put in place—a system of privatized public education—her students would be failed, because without strong public schools, we would fail students who are low income or living with disabilities or impacted by trauma or who belong to racial or ethnic minorities. She says Betsy DeVos does not have her students' best interests in mind, and her students deserve the best, as I believe all of our students do, no matter their financial status, their race, their religion, or any other difference they might have from their peers.

A mother in North Bend wrote to me expressing her worry that vouchers only benefit the wealthy, leaving the

middle class and poor without the benefit of a good education. Being part of a middle-class family herself, she is proud that her first grader is already mastering addition and subtraction and is reading and writing sentences all because of her local public school.

My constituent in Auburn said that money and ZIP Code should not determine who gets a better education, and she said that Betsy DeVos's worrisome policies would make that the case. She is strongly urging me to reject a nominee who doesn't look out for those who are the most in need.

A man in Kelso wrote in, saying that the public school system is what ensures we all get a good education. It is what gives so many parents hope that their child can have an even better life than they had, that public education is a great equalizer for everyone to have a chance to succeed, and I couldn't agree more.

Those are just a few of the letters I have gotten from people who are worried that the nominee's push for taking public tax dollars and using them for private schools and for-profit schools only, robbing our public schools of the resources they need, will not be the right choice for public education.

I wanted to share a few other letters from my constituents who wrote to me regarding Betsy DeVos's nomination. One of them was from Seattle. She emphasized how important it is that our Secretary of Education be dedicated to providing a quality education to all students and to strengthening our public education institutions. She strongly believes that Betsy DeVos will not be that kind of Secretary.

A retired teacher in Federal Way asked me to work as hard as I can to protect public education because she believes every child's right to a free and quality public education is at risk with Betsy DeVos's nomination.

Many constituents expressed their disbelief that the nominee for Secretary of Education has absolutely no experience in public education. Her children never even attended a public school.

One, a teacher in Bellingham, is fearful of an Education Secretary who doesn't truly understand what the needs of kids look like today. She asked how someone with no experience can be expected to lead our country's education system.

A woman in Puyallup wrote to me, saying that education is the greatest gift we can give to our children, and she thinks that confirming Betsy DeVos, with her plans to weaken public education, will rob so many children of that gift.

Mr. President, those are just a few of the letters I am getting. There are many more, and later this evening, I will be reading from some of those letters because they tell the story better than I do.

I know some of our colleagues are wondering why this woman set off such a firestorm when her nomination came

up and why so many people are calling and writing and rallying and letting their voices be heard.

It is not easy to rally the public. This came from within. This came from many people in this country who understand, as so many of us do, that public education and the right to an education, free—free education is critical and fundamental and a core philosophy of this country that all of us want to be successful and want to be great again.

To have a Secretary of Education who doesn't agree with that, who in fact promotes the exact opposite, who has said that our public education system is a dead end, who has proposed, promoted, and paid for campaigns to take public tax dollars to send to private, for-profit schools, that is not what our country was built on. It is not the foundation that our forefathers put out in front of us.

They said: We are going to build a system unlike any other, where no matter who you are or where you come from or how much money you have or what you look like, in this country, we are going to make sure you get an education, a free education, paid for by all of us, to go to school in your community and to be who you want to be. That is a dream of this country, and we will not stand by and give our votes to a Secretary of Education who does not share that philosophy.

That is why there is a firestorm. That is why parents and teachers and students and grandparents and community leaders and superintendents from across the country are writing us and asking us to vote no. It is not too late. If we have one more Republican who votes no, then we will be able to say to the President: Mr. President, we reject this nominee, and we ask that you send us one who will work with all of us to make sure our public education system is a core principle of this country, is valued by this country, and is pursued by the top person in the Department of Education, our Secretary of Education. It is not too late.

With that, I have many more letters that I will be reading later. I know some of our other colleagues will be over here. Again, I ask everyone to stop and think. This is a critical nomination. It has hit a chord in our country because people do care. They want our country to be strong. They want this country to be great, and they know our public education system is an absolutely critical part of that.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROUNDS). Without objection, it is so ordered.

Mr. FRANKEN. I thank the Presiding Officer.

Mr. President, I rise this evening in opposition to the nomination of Betsy DeVos to be our next Secretary of Education. This is one of the most important jobs in our government. The Department of Education bears responsibility for making sure that every child in America has the opportunity to fulfill his or her potential, which means that the Secretary of Education has an enormous amount of power to shape our Nation's future. This is not a job for amateurs.

President Obama's first Secretary of Education was Arne Duncan, who had spent 7½ years building a record of accomplishment as CEO of Chicago's public school system, previous to which he had been director of a mentoring program and the founder of a charter school.

When Secretary Duncan stepped down, he was replaced by Dr. John King, Jr., the recipient of a doctorate in education administrative practice. He had served as Deputy Secretary under Arne Duncan and was previously the education commissioner for the State of New York. Each brought to the job a background in public education that informed their understanding of what students, parents, teachers, and administrators need in order to succeed, which brings me to Betsy DeVos.

There are reasons to be skeptical about Mrs. DeVos's nomination right off the bat. As my Republican colleague, Senator COLLINS of Maine, put it: "The mission of the Department of Education is broad, but supporting public education is at its core."

Well, in Mrs. DeVos, President Trump sent us a nominee with no experience in public education. Mrs. DeVos has never been a public school superintendent or a public school principal or a public schoolteacher. She has never attended a public school. She has never sent a child to a public school. Mrs. DeVos has no formal background in education, no classroom experience, and no demonstrated commitment to supporting public education whatsoever.

In fact, Mrs. DeVos has a long history of actively undermining public education. She and her family have spent millions of dollars advocating for an ideology that would steal funds from public schools in order to fund private and religious education. Let's take a moment to talk about what that means.

Mrs. DeVos ran a political action committee called "All Children Matter," which spent millions in campaign contributions to promote the use of taxpayer dollars for school vouchers. The argument was that these vouchers would allow low-income students to leave the public school system and attend the private or religious school of their family's choice. Mrs. DeVos has described this as "school choice," claiming that it would give parents a chance to choose the best school for their children, but that is not how it

works. In reality, most school vouchers don't cover the whole cost of private school tuition, nor do they cover additional expenses like transportation, school uniforms, and other supplies, which means the vouchers don't create more choices for low-income families; they simply subsidize existing choices for families who could already afford to pay for private school.

As it happens, we have a real-life test case that we can look at to determine whether Mrs. DeVos's argument holds water. Mrs. DeVos heads up a voucher program in the State of Indiana, and guess what happened. Today, more than half of the students in the Hoosier State who received vouchers never actually attended Indiana public schools in the first place, which means that their families were already in a position to pay for private school. Indeed, vouchers are going to families earning as much as \$150,000 a year.

I am sure these families appreciated the extra help, but as of 2015, nearly half of Indiana's children relied on free and reduced-price lunch programs. These are the kids Mrs. DeVos claims would be helped by school vouchers; instead, taxpayer dollars were taken away from public schools that remain the only choice for these low-income families and given to families who could already afford private school, who were already sending their kids to private school. That is the reality of school vouchers.

That is why after Mrs. DeVos developed a similar proposal for a voucher program in Pennsylvania and an analysis projected that, just like in Indiana, the vouchers would mostly benefit kids already enrolled in private schools, voters rejected it on multiple occasions. Yet Mrs. DeVos and her family continued their fight for school vouchers. In fact, she has been such a fervent advocate that her political action committee, "All Children Matter," received the largest fine for violating election law in Ohio's State history—a \$5.3 million fine that nearly a decade later she still hasn't paid.

Why do this? The evidence is clear that Mrs. DeVos's voucher obsession doesn't help low-income families. Quite to the contrary, it represents a serious threat to the public school system—a system that as many as 90 percent of the children rely on—but Mrs. DeVos describes as "a dead end."

The truth is that Mrs. DeVos's education advocacy isn't really about education at all. She describes her goal as follows: to advance God's kingdom. Now many families choose to send their children to religious schools, and many children receive an excellent education at religious schools, but it is the public school system that the Secretary of Education is supposed to focus on, and that is not the part that Mrs. DeVos and her family have put at the forefront of her advocacy.

Mrs. DeVos spent a decade serving on the board of the Acton Institute, which seeks to infuse religion in public life,

beginning with public education. She and her family have devoted millions to promote the institute's work, including promoting ideas like this:

We must use the doctrine of religious liberty to gain independence for Christian schools until we train up a generation of people who know there is no religious neutrality, no neutral law, no neutral education, and no neutral civil government. Then they will get busy in constructing a Bible-based social, political, and religious order which finally denies the religious liberty of the enemies of God.

Those are the words of Gary North, a Christian Dominionist for whom the Acton Institute serves as a forum.

Of course, not everyone who believes in the potential of parochial schools shares his view, but this is the kind of stuff Mrs. DeVos and her family have spent millions and millions of dollars promoting. It is fine for someone to hold strong religious views and to advocate for those views and to spend their family fortune encouraging others to adopt, but it is entirely fair to ask whether the mission of building a Bible-based social, political, and religious order is compatible with the mission of the Department of Education. So, yes, based on Mrs. DeVos's radical ideology, I was skeptical when her nomination was sent to the Senate, but I understand that others in this body may not have shared my discomfort.

Within this Chamber we have important differences when it comes to education policy and, for that matter, the appropriateness of using taxpayer funds to advance God's Kingdom. And do you know what? That is fine. But we all have the exact same responsibility when it comes to vetting the President's Cabinet nominees.

Each of us is called upon to determine not just whether we agree with the nominee's ideology but whether that nominee is free from relevant conflicts of interest and, critically, whether the nominee is competent, whether he or she is capable of doing the job. Making that call is our job, and that is why we have the process that we have. It is why we ask to see the nominee's financial information. It is why we ask them to submit written answers to questionnaires about their experience and their record. And it is why we have them come to the Senate to sit in front of committees and to answer our questions.

Unfortunately, during her hearing, Mrs. DeVos proved beyond a shadow of a doubt not only that her ideology is fundamentally incompatible with the mission of the Department of Education but that she is fundamentally incompetent to be its leader. Throughout the hearing, she was unable to answer basic questions about her views on important issues, she was unfamiliar with basic concepts of education policy, and she was unwilling to make basic commitments to continue the Department's work on behalf of our most vulnerable children.

Let me give you one example of what I mean. During my 5 minutes of questioning, I asked Mrs. DeVos to weigh in

on the debate about measuring growth versus measuring proficiency. I am going to take a few moments right now to make sure that everyone here and everyone watching at home understands what this debate is about and just how central it is to the future of education policy. The difference between the two approaches, proficiency and growth, is very easy to explain.

Let's say a fifth grade teacher has a student who comes into the classroom reading at a second grade level. Over the course of the school year, the teacher brings the student up to a fourth grade level. If we are measuring growth, we would say: Well, that teacher brought that student up two grade levels in 1 year. That teacher is a hero.

If we are measuring for proficiency, we would say: Well, that student is still reading below grade level. That teacher is a failure.

That is the difference between measuring growth and measuring proficiency. It took me all of 30 seconds to explain that, but I could spend all night talking about what this debate means for students, teachers, school leaders, and our entire education system.

Everyone agrees that there should be accountability in our education system—accountability for school systems, schools, teachers. We want to know we are getting results. That was the core idea behind all the standardized testing in No Child Left Behind. The problem was that No Child Left Behind set up a system in which we assessed student learning by measuring proficiency and only proficiency. As the law was implemented, all sorts of problems emerged from taking this approach.

For example, teachers in Minnesota would tell me how measuring proficiency would lead to what they called “a race to the middle.” See, measuring proficiency only measures whether or not students are performing at grade level—at this line of proficiency, at grade level—and a teacher is measured by what percentage of her students or his students are above proficiency or at proficiency. A teacher does not get credit for helping kids who were already well above grade level to perform better, and they don't get credit for helping kids who are way below grade level start to catch up. So we had this race to the middle because it is a yes-or-no question: Did this student achieve proficiency or not? A teacher's entire career could depend on how many of his or her students met that arbitrary goal.

So under this system, understand this, please. A teacher had a strong incentive to ignore all of the students at the top who were already going to meet proficiency. No matter what you did to that kid, that kid was going to beat proficiency in the No Child Left Behind test at the end of the year. They had a strong incentive to ignore all the kids at the bottom because, no matter what you did, that student wouldn't reach

proficiency. The only thing—or one of the only things—I liked about No Child Left Behind was the name. And we were leaving behind the kids at the top and the kids at the bottom because of the insistence on proficiency.

I can't overstate how central this issue is to education, and I can't tell my colleagues how important it is to educators across America. If you talk to any State education secretary, any district superintendent, any local school board member, any principal, any classroom teacher—and, heck, parents—they will have an opinion on measuring growth versus measuring proficiency.

So when Mrs. DeVos came before the HELP Committee, I asked for her opinion on this very basic—this extremely basic—extremely important question, and she had no idea what I was talking about. Let me be clear. She wasn't reluctant to declare her opinion. She wasn't trying to strike a middle ground. She did not know what I was talking about.

We would not accept a Secretary of Defense who couldn't name the branches of the military. We would not accept a Secretary of State who couldn't identify Europe on a map. We would not accept a Treasury Secretary who doesn't understand multiplication. In fact, in nearly any circumstance, if a candidate for a job is asked a question that basic and that important and simply whiffs on it the way that Mrs. DeVos did, there is no second question. There is just a thank you for your time, and we will let you know, and will you please send in the next candidate.

Earlier this year, the University of Minnesota hired a new head football coach. I wasn't there for the interview. But imagine if the first question for a candidate for football coach of your university was as follows: How many yards does it take to get a first down? And imagine if the candidate answers as follows: Thank you for your question, Mr. Athletic Director; I can pledge to you that I will work very hard to get as many first downs as possible to make sure, we hope, that we lead the team to touchdowns.

This wasn't the question. The question was this: How many yards does it take to get a first down?

Well, thank you again for the question. I can tell you this: I will look forward to working with you to prevent the other team from getting first downs also.

Understand, that is how basic my question to Mrs. DeVos was, and that is how shocking it was that she simply didn't know enough about education policy to answer it.

This inexplicable failure alone was enough for me to conclude that Mrs. DeVos lacked the knowledge and understanding that should be a bare minimum for anyone seeking the position. But the entire hearing—the entire hearing—was a showcase for her lack of qualifications. I would urge any of my

colleagues who haven't had a chance to watch it. I urge you to do so before casting a vote for this nominee. It was one of the most embarrassing scenes I have witnessed during my time in the Senate. In fact, I believe it may have been one of the most embarrassing performances by a nominee in the history of the Senate.

Asked about the right of children with disabilities to get a quality public education, she didn't know that this right is protected by a Federal law—the Individuals with Disabilities Education Act. Asked about guns in schools, she suggested that maybe guns should be kept on hand in case grizzly bears attacked. This was in answer to a question from Senator MURPHY, who in Congress represents Sandy Hook and who, as a Senator, represents those parents. That was her answer to him.

Asked about whether she would hold private parochial schools that get taxpayer funding to the same standard of accountability as public schools, she couldn't or wouldn't say.

Asked about a family foundation that has donated millions of dollars to an organization promoting conversion therapy for LGBT youth, she claimed she had no involvement, which is ridiculous. Even if Mrs. DeVos's own role as vice president of that foundation was a 13-year clerical error, as she now claims, she herself has donated approximately \$75,000 to support that anti-LGBT organization's work.

Now, understand that none of these were difficult questions. None of these were gotchas. All of these failures took place during a single 5-minute-per-Senator round of questioning, because after that first round, the hearing was cut off and our chairman refused to allow any further questions.

By the way, I would like to say a word about that move to cut off questioning. I have great respect for the chairman of the HELP Committee, LAMAR ALEXANDER. We have worked together, and he worked with Senator MURRAY on the reauthorization of No Child Left Behind, changing it to ESSA, the Every Student Succeeds Act. I respect the chairman tremendously. But his decision to end that hearing was wrong, and his rationale was simply false. Our chairman insisted that because Secretary Duncan and Secretary King had been subject to only a single round of questions, there was a precedent to deny the minority a second round of questioning of Mrs. DeVos. That simply isn't so.

First of all, as I discussed earlier, both Ernie Duncan and John King were experienced education professionals with long records of public service. Even if Republican Members had occasion to disagree with them on policy matters, there was no question that their backgrounds had prepared them for the job of Secretary of Education, and that is the bigger point here. There were no further questions. In both cases, committee members weren't denied the opportunity for a second

round of questioning. They simply chose not to engage in one. Indeed, when I asked the Congressional Research Service, they confirmed that those hearings did not establish the precedent that our chairman claimed.

Instead of allowing us to question Mrs. DeVos further, the chairman invited us to submit additional questions in writing, presumably so that she could get some help from her Trump administration handlers in answering them. Even so, her written responses only served to further expose her own lack of understanding of how education policy affects Americans.

For example, I asked Mrs. DeVos in writing about the effects of trauma and adverse childhood experiences on education. This is a subject I have been interested in for a long time. A lot of kids in our country live in extreme poverty. Some may have a parent in prison or a parent who has passed away. These kids may also experience physical abuse or emotional abuse or neglect. There may be some drug or alcohol abuse taking place in the house. Some have witnessed domestic violence in their home or street violence in their neighborhood. Some have seen siblings shot and killed right in front of them. Decades of research have shown that the trauma that comes from such adverse childhood experiences actually changes a child's brain chemistry and affects their behavioral development, their mental and physical health, and their chances to succeed in school and in society longterm. But research has also shown that these challenges can be overcome and that the kids who do overcome them are the most resilient kids you have ever met.

Our public education system was designed to give these kids a shot. Teachers and administrators often lack the resources they need to give these children the chance they deserve. Because Mrs. DeVos's crusade for school vouchers would further rob our public schools of these limited funds, I wanted to know her thoughts on this important issue.

This is take-home. Her written answer was brief and superficial. She wrote that she had heard that children are impacted by trauma and that trauma can cause difficulties in a child's education. That was it. Was she unfamiliar with the literature? Was she unwilling to acknowledge that poor kids face special challenges? Would she be remotely interested in addressing these challenges as Secretary of Education? I guess we may never know.

I also asked Mrs. DeVos in writing about her vision for education in rural communities. As the Presiding Officer knows—the Governor and now Senator from South Dakota—many of our children in America attend school in rural America, 10 million American kids, schools that struggle with teacher shortages and transportation challenges. I asked how would her school choice agenda help them. In her response, she pointed to online schools,

which are often run by for-profit companies, many with questionable records. In fact, one of the country's biggest online schools recently agreed to a \$168.5 million settlement in California for allegedly defrauding families—a \$168.5 million settlement.

But even online schools that aren't out to rip off students often wind up failing them. A 2015 Stanford study showed that, on average, kids in online schools lose the equivalent of 72 days of learning in reading and 180 days of learning in math, and that is for each 180-day school year, which means that kids in online schools can fall up to a year behind in math.

Of course, as the Presiding Officer knows, many rural communities lack reliable broadband access. I have been on rural education tours where I find students who go to a McDonald's parking lot so they can get WiFi to read their public school assignment or get materials to study. This is another answer that wasn't an answer at all, yet another piece of evidence that Mrs. DeVos is simply not up to this job.

Like many Americans, I have serious concerns about many aspects of the Trump administration's agenda. Still, I believe that as a United States Senator, it is my job to evaluate each nominee on his or her own merits. That is why I voted for nominees like Secretary Mattis and Secretary Chao, even though I disagree with them on important issues. General Mattis, for example, has nearly a half century of military service under his belt, he has earned the respect of leaders on both sides of the aisle, and I believe he will be a much needed voice of reason on the Trump administration's foreign policy. Ms. Chao has a lengthy background in public service, including as Secretary of Labor and Deputy Secretary of Transportation. I believe she will bring significant and valuable experience to her important role. I may well take issue with the decisions they make and the agenda they implement as members of President Trump's Cabinet, but at the very least, each illustrated during their confirmation hearings that they have a basic understanding of the issues they will be responsible for. Mrs. DeVos is different.

I have heard from Minnesotans about many of President Trump's nominees, but the outcry over this nomination far surpasses anything else. As of a week ago, my office had received 3,000 calls about this nominee. A grand total of 12 were in favor of her confirmation. Additionally, we received more than 18,000 letters and emails, and again the overwhelming majority of them have urged me to oppose this nomination.

For example, a woman from Brainerd, MN, wrote to say that she never contacted one of her representatives before and didn't consider herself very political—in fact, she was neither a Democrat nor a Republican, but she has a daughter in second grade and a son beginning kindergarten in the fall, and she wanted me to vote against

Betsy DeVos. “How,” she asked, “is someone who has never had any experience in public education supposed to competently preside over it?”

A mother of two public school students in Faribault, MN, wrote of Mrs. DeVos: “As I watched her during the hearing, I was in disbelief that she would be appointed to such an important position.”

Another constituent from Warren, MN, wrote: “This woman is so unqualified, it's scary.”

Last week, I went to dinner with Vice President Walter Mondale at his favorite restaurant. Afterward, he took me into the kitchen to greet some of the men and women who worked at the restaurant. One of the guys in the kitchen—I am a little unclear of whether he was taking dishes to the dishwasher or he was washing dishes. He is not a teacher, he is not an education advocate, just a guy who works in the kitchen. He said: “Please vote against DeVos.”

There is a reason why this nomination has been met with such overwhelming resistance on the part of the American people, and I know I am not the only one who has heard it. In fact, two of my Republican colleagues and fellow HELP Committee members who sat through that hearing, Senator COLLINS and Senator MURKOWSKI, have stepped forward to announce they cannot vote for this nominee. They don't agree with me on every aspect of education policy, but, believe me, when we put ESSA—Every Student Succeeds Act—together, the committee voted unanimously. There is a lot of agreement on education policy on our committee, but Senator COLLINS and Senator MURKOWSKI saw the same hearing I did. Like me, they saw a nominee who simply does not understand the needs of the students our Secretary of Education is supposed to serve.

I will let my colleagues speak for themselves as to the reasons why they will be joining me in voting against this nominee, but I would like to close by asking a few questions of my colleagues who are still considering a vote in her favor.

If Mrs. DeVos's performance didn't convince you that she lacks the qualifications for this job, what would have had to have happened in that hearing in order to convince you? If you cannot bring yourself to vote against this nominee, is there anyone President Trump could nominate for any position that you could vote against? If we cannot set party loyalty aside long enough to perform the essential duty of vetting the President's nominees, what are we even doing here?

The Constitution gives us the power to reject Cabinet nominations specifically so we can prevent fundamentally ill-equipped nominees like Betsy DeVos from assuming positions of power for which they are not qualified. Let's do our job. For the sake of our children, let's do our job.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I wish to add a few Rhode Island voices to the voice of the Senator from Minnesota. By the way, I am not cherry-picking my correspondence to find the rare letters in opposition to this nominee. We have had an unprecedented avalanche of opposition to this nominee. It is running well more than 100 to 1 against her, and it is people from all walks of life.

Here is a letter from William, a 12th grader in Pawtucket, RI. William took the trouble to write to me. Let me start with the topic line: "Concern over Betsy DeVos."

Hello, Senator Whitehouse!

My name is William and I am a senior at Blackstone Academy Charter School, a public charter school in Pawtucket, Rhode Island. I am contacting you today due to my concern about educational equality, specifically Betsy DeVos' ability to commit to practices that ensure that the children who need the most help aren't forgotten about and brushed under the rug. These children are our kids of color, as well as our low-income kids attending urban public schools with limited resources.

Having attended a Pawtucket public school, I can confidently say that there are some genuinely brilliant minds here in this very city, in the areas where somebody like Mrs. DeVos would least expect. Yet it also cannot be denied that the students here begin their journey on ground that is unequal to that of other kids who are not people of color, or are not part of the public school system, etc. These bright young saplings are being crushed before they are given the chance to blossom, and that is a systemic problem that DeVos, given her various shortcomings, will only serve to perpetuate and make worse.

DeVos, given her support of the privatization of public schools and her open disdain towards the LGBTQIA community, has established that she will not improve the experiences of marginalized communities. Her interest is not the betterment of education for people, but the monetization of education to put money in her pockets and the pockets of people like her. DeVos will never spearhead movements that promote equity in education and will continuously disappoint us all throughout her term which will not be defined by deviating from the status quo and creating a system that our troubled but gifted youth can thrive in. In fact, she will do the opposite.

With this in mind I ask that you, Senator Whitehouse, openly speak out against Betsy DeVos, and do everything in your power to keep her out of the Secretary of Education office. I also ask that you continue to remember me and children like me; public school youth who could be incredible if they are just given the opportunity to thrive.

Thank you for your time!

William.

Now let's hear from Da-naijah, a 10th grader from Central Falls, RI.

Dear Senator Sheldon Whitehouse,

My name is Da-naijah, and I am in 10th grade at Blackstone Academy Charter School which is a public charter school. I live in Central Falls, RI. I'm writing today because I'm concerned about kids being able to afford college, regardless of background. I care about this because I have plenty of family members and friends who go to public school, and they either want or are trying to go to col-

lege. I know they will need help with paying for college because they don't come from a very wealthy background. Fair and equal education is so important to me because I think everyone should be treated fairly regardless of how they look because we are humans. I am concerned about Betsy DeVos being nominated for Secretary of Education because she doesn't have any experience with classrooms. Also because she basically doesn't like public schools since she is trying to make public school private and is trying to take resources away from public schools. With that being said, I hope that you do everything you can to help the kids in public school get equal education and fair education as much as private schools do. Please read my email when you can and I would like to thank you for your time.

Sincerely,
Da-Naijah

Next is Sara. She also lives in the city of Central Falls.

I am writing today because I'm concerned about the education in the public schools in my city. The students in Central Falls are not given the education they deserve in the environment of Central Falls as of schools in other districts. This is important to me because my younger brother is a disabled boy, and it worries me that he won't continue to get the education he deserves. I'm very concerned about the nominee Betsy DeVos because she has 0 experience in the role of Secretary of Education and there are videos on almost any social media as well as YouTube to prove it and it clearly shows she has no experience and will put our education, or I'll say "future" at risk. Please Senator I hope you can do everything you can to prevent her nomination. . . . Thank you!

Sincerely,
Sara

The last one I will read is from Jennyfer, 10th grade at Blackstone Academy Charter School, from Pawtucket.

I'm writing today because I'm concerned about students in public schools not receiving the same and fair education students in charter and private schools have. I care about students in public schools because I want every student to have the privilege of receiving fair and equal education as I have the chance too.

Fair and equal education is so important to me because I'm a Latina and a woman of color, I deserve the same equal and fair education as every other individual. I want my siblings who go to a public school to receive the same education and resources I get.

I am concerned about Betsy DeVos [that she] will take that privilege away from students in public schools.

I hope you do everything you can to prevent Betsy DeVos from taking this privilege away from students in public schools.

Thank you for your time!

There are more letters that I could read, but one point I would like to make is that these are students writing from charter schools. In the flood of opposition from Rhode Island that we have seen to this nominee, it has included teachers, managers, and students in charter schools. There has been a notion developed that this is a battle between public schools and charter schools and that public schools aren't good, but they want to trap children in them; that charter schools are the way out; and that Mrs. DeVos will lead us off into that charter school happy land.

The fact is, it is not that simple. We have great charter schools in Rhode Island, and we have some great public schools in Rhode Island. We have both. The charter school leaders are opposed to her nomination. Why is that? It is in part because the transition from charter to public schools can be done fairly or it can be done unfairly. In all of her work, Mrs. DeVos has shown that she would do it unfairly.

There is an obvious—what demographers would call—selection bias between the kids who turn up in a charter school that they have to select to go into and the kids who are still in the public school that is left behind.

The selection bias is based on all sorts of different reasons. It could be as simple as they have more engaged parents. The parents are interested enough in their education to take the trouble to sign them up for the charter school, and that creates a slightly different demographic than the ones who are left behind. It helps the charter school population, and it makes it easier for the charter school.

Charter schools have authority that public schools don't have with respect to discipline; indeed, the ability to remove children and return them to the public schools. They are able to force students to sign contracts and agreements regarding their behavior. Public schools can't do that. Again, that confers an advantage on the charter school that a public school doesn't have.

Children with disabilities often get immense support through the public school system. When they try to go to the charter school, they see that the supports for the children with disabilities aren't there, and so it doesn't make sense to move to a charter school. The charter schools tend to get a smaller population of children with disabilities. They don't have that additional expense of dealing with and meeting a child wherever their abilities and disabilities are. The public school keeps that expense.

In Rhode Island, we have people flooding into Providence. We teach kids who speak something like 70 original languages in our Providence public schools. A new immigrant is going to go to the public school. That is where they go. It is going to take them time to get settled and to learn about America and to pick up enough language to understand that a charter school exists, to make the choice to move their child there, and by the time they do, fine, if they make the choice. But, again, the public school had to be there for them; again, it is an advantage to the charter school.

It is all great for charter schools, but the idea that they are outperforming public schools and there is no recognition of that selection bias is just unfair to the public schools. It gets worse when you move from the selection bias on students to the funding because the way it often works and the way it works in Rhode Island is that the money follows the student. If you are

in the public school and you are selected for a charter school, then a certain stipend of money goes with you to support that charter school.

The problem is that as that money gets taken out of the public schools' budget, the costs in the public school didn't follow you to the charter school. The money followed you to the charter school, but many of the costs remained. If one child leaves a public school classroom and goes to a charter school, you still have to turn the lights on, you still have to hire the teacher, you still have to heat the building, you have maybe one less pencil and one less piece of paper in the room, but those are tiny costs. The fixed costs remain.

That is a very serious threat to public schools. Anybody who truly supports the charter school movement, as our charter schools do, has to understand, first, the selection bias problem and understand that the testing and accountability has to be fair between public and charter schools and, second, this funding problem—that if you are simply pulling the money out of the public schools into charter schools and the costs are staying behind, what you are doing is crashing the revenues but leaving the expenses of public schools.

The public school students are going to suffer from that. If you don't adjust for it, you are being unfair to the public schools, and you are being unfair to the students. This is a serious enough problem that our Providence City Council is debating the issue right now and, as students move to charter schools, trying to figure out: How do you provide adequate funding so you are not stripping the public schools of what they need to continue to teach the other students? Not only are they serious about trying to figure out this budget equation at the city council level, but Moody's, the service that looks at municipal budgets and determines how sound they are and rates municipalities, has looked at this problem of charter school movement and the remaining costs in public schools and identified it as a fiscal threat to municipalities.

These are both real problems, and the refusal of Mrs. DeVos to grapple with them suggests to our charter school leaders and to me that this is not just an effort to enhance students in being able to go to a good charter school; this is actually an attack on public schools.

There are all sorts of reasons somebody might want to knock down public schools. One is that they simply don't like teachers unions. Teachers unions tend to vote Democratic, let's face it. If you want to cripple teachers unions, destroy the schools they work in. That is a really nasty reason to get into this charter school fight, but it is real, and it is out there.

A second is, if you want to bring for-profit investment into this space, a lot of money gets spent on education. People who could figure out how to make money in this space want to get their

noses in and to get a chunk of that money. When they come in, they may or may not do a good job, but they are highly profit motivated. If you are interested in trying to facilitate them and to give them a money making opportunity, then you may well want to damage public schools in order to support their move to for-profits.

This creates a fairly significant problem when you connect it to the next piece of Mrs. DeVos's application. That is conflict of interest. One of the basic elements that we are here to look at in our advice and consent process is conflict of interest. Will the nominee be able to do a fair job? Will she be looking at things fair and square or will she have conflicts of interest that impede the fair exercise of her judgment?

One place that we need to look for conflict of interest is when we have nominees who have run political dark money operations. This is a new thing for us. Not too long ago we swore in a new President—President Barack Obama. When we did, we had ethics rules, government ethics offices, filing requirements, and all of that in place. That was 2008. Then came the Citizens United decision—one of the worst decisions that five Justices on the Supreme Court have ever made, and it opened up the floodgates of dark money.

This nominee is a practitioner of the dark arts of dark money. We know nothing about what she has done, but the conflicts of interest ought to be pretty obvious. If you raised millions of dollars from people in your dark money operation, then there is an indebtedness there that somebody might think could be an appearance of impropriety or conflict.

We should know so that evaluation can be made. Or if you spent dark money in support of certain things, we should know so that we can connect the dots and evaluate the linkages and see whether it is a conflict of interest.

We wrote to Mrs. DeVos about this. The first letter was January 5, 2017. We got an answer, and the answer was spectacularly incomplete and unhelpful. So we wrote a second letter on January 27. I wish to take a minute and read this letter because I think it explains our predicament.

Elisabeth DeVos
Trump-Pence Transition Team
Pennsylvania Avenue, NW
Washington, DC
Dear Mrs. DeVos,

Thank you for your response of January 17, 2017, to our January 5, 2017 letter—

Mr. President, let me ask unanimous consent to have printed in the RECORD the letter at the end of my remarks.

Thank you for your response of January 17, 2017, to our January 5, 2017 letter requesting additional information on your vast political fundraising and spending network. Along with various responses and objections to our request, you produced a series of already public campaign finance reports related to the American Federation for Children Action Fund, a 527 organization, and its various State affiliates. For the reasons that follow, we view your response as, while sizable, non-responsive.

We requested you provide information about two 501(c)(4) organizations with which you have been associated: the American Federation for Children and the Great Lakes Education Fund. You acknowledged your association with these entities in your disclosures to the Office of Government Ethics (OGE). You also acknowledged in your letter to us that "[e]ach organization with which [you] have been involved is independent." It is not clear what you mean by "independent" since you have already acknowledged your association with these organizations. I hope you can appreciate how both fundraising and spending of these organizations (from whom? to whom? in what amounts? your personal role?) might produce conflicts of interests in potential decisions if you are confirmed to serve as Secretary of the Department of Education.

Our concerns are not hypothetical as known contributors to your political organizations have had business before Department of Education. For example:

Vahan Gureghian: In 2010, Gureghian donated \$100,000 to the American Federation for Children Action Fund. Mr. Gureghian founded and is the CEO of CSMI LLC, a Pennsylvania charter school management company and helped found the Chester Community Charter School. He has been a major donor in promoting charter schools in Pennsylvania.

I will interrupt reading the letter for a moment to point out how obvious it is that somebody involved in the charter school movement could very easily have business before the Department of Education. Who knows how much he gave? We know of about \$100,000, but it could be a lot more. He knows. She knows, but the public won't know. When bids or competitions are up, that is simply not fair.

On to the next one and back to the text of the letter:

J.C. Huizenga: Between 2005 and 2007, Huizenga donated \$25,000 to All Children Matter, and in 2010 he donated \$30,000 to the American Federation for Children Action Fund. Mr. Huizenga founded the National Heritage Academies, a for-profit charter network that has 80 schools in 9 States and has received over \$43 million in federal funding. According to a 2012 review by the Michigan Department of Education of the schools in the "focus" category, due to significant gaps in achievement, more than half were managed by National Heritage Academies. It has been reported that Mr. Huizenga said that his involvement with charter schools was due to realizing that "privatizing public education was not only practical but also desperately needed."

Again, to step back out from the letter, here is somebody who is in the for-profit charter school business, whose charter schools are more than half of the troubled charter schools reviewed by the Michigan Department of Education and who wants to privatize public education. He is linked with her through the dark money operation. We don't know anything about the dark money side.

David L. Brennan: Brennan donated a total of \$200,000 to All Children Matter from 2004 to 2007, prior to AMC's wind down due to campaign finance violations.

This is a series of campaign violations, finance violations, that led to the \$5 million fine that neither the entity nor Mrs. DeVos have ever paid.

In 2010, he donated \$39,000 to the American Federation for Children Action Fund. He is the founder of White Hat Management LLC, a for-profit charter school management company that operates 15 schools in three states with over 12,000 students. Since 2008, Whitehat and its affiliates have received \$3.6 million in federal funds including IDEA funds.

How are we ever going to know if people like this—who are making big, dark money contributions into the dark money operation that she runs—will not be rewarded in a pay-to-play fashion with grants and favors and an advantage in competition at the Department of Education? You would ordinarily evaluate that by knowing that the conflict of interest existed. But because it is dark money, we will never know.

They will know. She will know, but the public will never know. The Senate will never know. The press will never know.

While you may not have a direct financial interest in the for-profit education enterprises headed by those listed above, your political fundraising relationship with them, and perhaps others, could cause a reasonable person concern over your impartiality in matters involving them.

Let me step out of the letter again. Doesn't that make sense? If you were applying for a grant before the Department of Education and your competitor was somebody who had given \$1 million to Mrs. DeVos's Action Fund, wouldn't you want to know that? Don't you think the public should know that? If you were to find out later that had taken place, and they were awarded the grant and you were not, wouldn't that rankle you a bit? Wouldn't that suggest to you that perhaps we are not being treated fairly because of that big contribution that was made? But we will never know. We are disabled from doing our constitutional job of reviewing these nominees for conflict of interest when it is dark money that is at stake.

The OGE process does not capture conflicts that arise through political activity. . . .

This is the first transition of Presidents since the Citizens United decision. This is the first one; so there is no history. We have to do it now, but we are not—not for this nominee, not for other nominees. We are leaving a black hole of secrecy around this enormous conflict of interest potential.

The OGE process does not capture conflicts that arise through political activity so it is incumbent upon us to assure the Senate record is complete as to such conflicts and how they will be resolved.

These are just the publically known examples of potential conflicts. Our original request asked you for information to assess potential conflicts with 501(c)(4) organizations that are not required to publicly disclose donor information. Accordingly, we reiterate our request that you provide:

A list of all donors, their total donations, and affiliations, who have contributed to the American Federation for Children 501(c)(4), and the Great Lakes Fund 501(c)(4) since their inception.

A list of donations made by you, members of your family, and foundations or organiza-

tions with which you are affiliated, to other 501(c)(4) organizations over the past five years.

That seems like a perfectly reasonable request.

According to the American Federation for Children's IRS Form 990 filed for the year 2014, it spent nearly \$1.1 million on political activities, including a \$315,000 transfer to the American Federation for Children Action Fund, Wisconsin IE Committee.

I think most people here know how this works, but to make it clear for people listening, many political organizations require that the donors be disclosed. So if you want to engage in the dark money game and hide your political influence-seeking, what you do is you take your money and you give it to a 501(c)(4), a dark money operation. Then they in turn give it to the political action group. That is what happened here. \$1.1 million into the American Federation for Children, \$315,000 transferred to the American Federation for Children Action Fund in Wisconsin. The only function that provides is to launder the identity of who the donor was. So that all you see is the money emerging from the dark money organization, with no transparency as to who put it in.

Because donations to a 501(c)(4) are anonymous, they effectively launder the identities of donors to the other parts of the political apparatus. But you know, and the donors know, and therein lies the potential for conflict of interest. Additionally, you refused to disclose donations to 501(c)(4) organizations that you, your family and your foundation have made. You explained, "(t)he information request requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education."

That was her answer to the first letter. Our letter here continues:

Your donations to 501(c)(4) organizations are indeed relevant to your nomination, just as your donations to political candidates, parties and causes are. One obvious instance would be where groups to which you have made political contributions are before the Department as advocates or grant seekers. Again, you know and the donors know, and therein lies the potential for conflict of interest. Senators have a Constitutional duty to provide advice and consent on Presidential nominees, and understanding the scope and nature of potential conflicts of interest is at the heart of that duty.

I do hope that we can agree on that in this Body: That part of our advice and consent role is to understand the potential for conflicts of interest. If we can't agree on that, then we have a real problem here, because that is the purpose or at least one purpose of what we do.

Your role in raising and distributing "dark money" clearly raises the possibility of such conflicts. As a result, we renew our request for information related to your 501(c)(4) organizations as outlined above.

Please contact us if you have any questions regarding this request. We look forward to your additional information and disclosures and timely and responsive answers.

Well, as of today, what we have is no answer at all—no answer at all. This is a recurring problem here. This business of dark money not being caught by the

rather obsolete, in that respect, government ethics reporting conventions that have been carried forward from the Obama transition before all of this became a problem doesn't just apply to Mrs. DeVos.

Secretary of State Tillerson, as CEO of ExxonMobil, ran a massive dark money operation. ExxonMobil has money all over front groups that deny climate change, all over political groups to try to discourage action on climate change, and a lot of it is dark money. There has been reporting that traces it back to Exxon, but we never know how much because it is dark money, and Mr. Tillerson hasn't told us one thing about it in his hearing.

We will be considering shortly the nomination of Scott Pruitt as the EPA Administrator. Scott Pruitt ran a dark money operation as the attorney general of Oklahoma. Why would an attorney general want to run a dark money operation in the first place? That is a whole separate question—but he did. It was called the Rule of Law Defense Fund, and what it did was it took in money, prevented the donors from having their identities revealed, and then funneled the money publicly to the Republican Attorneys General Association. It was an identity laundering machine for the Republican Attorneys General Association for big donors who didn't want anybody to know who the source was of the money that was being funneled into the Republican Attorneys General Association. That is fine, I guess. I would like to be rid of all of it. We should pass the DISCLOSE Act and clean this mess up. But for sure, when somebody who has run a dark money operation comes before the Senate seeking to be nominated to a Cabinet office, we hold a constitutional duty to protect that office from improper conflicts of interest. Surely, then, their role in the dark money operation should be disclosed.

It only makes sense. But, no, like Mrs. DeVos, absolute stonewall on any information related to the Rule of Law Defense Fund and Mr. Pruitt's dark money operation, a black hole of secrecy and enormous opportunity for conflict, because obviously, given his background and given where the rest of his fundraising went, you can draw a reasonable conclusion about where the dark money came from: Devon Energy, ExxonMobil, American Petroleum Institute, Murray Coal—the usual suspects. That is where a lot of his other money came from. You have to believe it went here. But do we know that? No. He could have taken \$1 million from one of those groups and then, as EPA Administrator, be ruling on an application of theirs and we would not know. Please don't anyone tell me that is not a potential conflict of interest. I mean, we can deal with alternate facts around here, but that is just crazy.

We don't know about Mrs. DeVos's dark money. We don't know about Tillerson's dark money. We don't know about Pruitt's dark money. It is as if

there has been an understanding—some secret handshake around here—that nobody will allow dark money information into the nomination process. That is just wrong. That is just wrong. It infects this nomination of Mrs. DeVos. We have to get answers to these questions.

Let me move on to one other point: student college debt. I had a meeting recently. I think all of us had the same experience. From our home States, groups come to visit us and to get our time and to bring our attention to problems that concern them. I think we all get visits from the same groups. We get visits from our community bankers from our home States. We get visits from our credit unions in our home States. We get visits from the automobile dealers in our home States. We get visits from the insurance brokers in our home States. We get visits from the Realtors in our home States.

When the Realtors of Rhode Island came in to visit me the last time, they raised a new issue that I had not heard before from them. The issue that they raised was this: You know, we are starting to have a real problem financing houses for the next generation of home buyers, the young home buyers who are coming into the market and who would ordinarily be buying their starter homes. The problem we are finding with them is that they are so loaded up with college debt that we can't finance the purchase of a home for them.

That is how enormous the student loan debt problem is in this country. It is now preventing so many young people from buying a home that the Realtors have noticed and put it on their problem list as something for us to take action on.

If the Realtors have noticed this, I don't think it is asking too much for a nominee for Secretary of Education to have noticed this. If, in fact, she has noticed this, I don't think it is asking too much for her to have thoughts and a plan, because we are well over \$1 trillion in debt for these kids. I think it is about \$1.3 trillion now. It has been a known problem for some time. Over and over again, Democrats have tried to find and propose solutions here in the Senate. Over and over again, we have been shot down. But it remains a very considerable issue.

You would think that a new Secretary of Education coming in would want to hit the ground running on this issue. She would have something she wanted to get done to solve it. There would be a plan or an outline. We may not agree with it, it may be something that we have to work together to find a way to get it to the floor, but at least there would be a starting point. All I got was, well, I would be interested in your views on that issue. How is it possible that with over \$1 trillion in student debt piled up, with the student debt problem so severe that even Realtors have put it on their to-do list to get something done about it, that a

nominee for the Secretary of Education has nothing? Pockets out. Nothing to get started on this problem. Is she ever going to take an interest? I don't know.

But it would seem to me, particularly when you look at where we are in the HELP Committee—our ranking member, Senator MURRAY, is here. Senator MURRAY and Chairman ALEXANDER helped lead us together through the ESSA, the reform of No Child Left Behind, the Every Student Succeeds Act. It passed roaring through the Senate. The House even picked it up and took it. It came out of committee unanimously. States are still working on implementation of it because it freed them up to do a lot more things, and so they have to go through the process of deciding how they are going to take advantage of its new freedoms. So with respect to elementary and secondary education, we are actually in pretty good shape. All we have to do is implement the bipartisan popular law that we passed. So where is the attention going to be? Well, what we have not passed is the Higher Education Reform Act.

So if you know at all that has been going on in education in the Congress, which is not asking too much of a Secretary of Education nominee, you know that we have just implemented a major reform of elementary and secondary education, that our next order of business is higher education, and that an elemental part of that is going to be college debt.

So the fact that this nominee has nothing on that issue and is in the traditional deer-in-the-headlights-nominee mode of, well, I look forward to working with you on that Senator. Oh, yes, I understand that is a serious problem, Senator, but actually I don't have any ideas; I don't have any plans; I don't have any strategy; I have nothing. Let's just work together on it. That is not very convincing to me.

I see the Senator from New Jersey here. The night is going on, so I will yield the floor to him, but I will close by saying that this recurring question about nominees who are involved in dark money operations and then refuse to disclose anything about their dark money operations so that it remains a black hole of secrecy and potential conflict of interest is wrong. It is just wrong.

I know there are forces in this building that love the dark money, and there are huge special interests behind the dark money. There are a lot of people who benefit from the dark money who don't want any light on it ever. But once a nominee has had their name put in for a Cabinet position of the Government of the United States, by God, they ought to disclose their dark money connections because otherwise it is an avenue toward conflict of interest. Where there is conflict of interest, there comes scandal. It is our job to head that off by getting the information before the public so everybody can

evaluate it, and we have been knee-capped in that effort by an absolutely positive shutdown from the other side of the aisle on any information about any dark money from any nominee.

They don't have to be nominees. If they don't want to cough up their dark money information, they can turn the papers back in and tell President Trump: Find someone else. I would rather keep my secrets.

But you should not keep your secrets and get the job.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 27, 2017.

ELISABETH DEVOS,
Trump-Pence Transition Team,
Washington, DC.

DEAR MRS. DEVOS, Thank you for your response of January 17, 2017, to our January 5, 2017 letter requesting additional information on your vast political fundraising and spending network. Along with various responses and objections to our request, you produced a series of already public campaign finance reports related to the American Federation for Children Action Fund, a 527 organization, and its various state affiliates. For the reasons that follow, we view your response as, while sizeable, non-responsive.

We requested you provide information about two 501(c)(4) organizations with which you have been associated: the American Federation for Children and the Great Lakes Education Fund. You acknowledged your association with these entities in your disclosures to the Office of Government Ethics (OGE). You also acknowledged in your letter to us that "[e]ach organization with which [you] have been involved is independent." It is not clear what you mean by "independent" since you have already acknowledged your association with these organizations. I hope you can appreciate how both fundraising and spending of these organizations (from whom? to whom? in what amounts? your personal role?) might produce conflicts of interest in potential decisions before you if you are confirmed to serve as Secretary of the Department of Education.

Our concerns are not hypothetical as known contributors to your political organizations have had business before Department of Education. For example:

Vahan Gureghian: In 2010, Gureghian donated \$100,000 to the American Federation for Children Action Fund. Mr. Gureghian founded and is the CEO of CSMI LLC, a Pennsylvania charter school management company and helped found the Chester Community Charter School. (he has been a major donor in promoting charter schools in Pennsylvania.

J.C. Huizenga: Between 2005 and 2007, Huizenga donated \$25,000 to All Children Matter, and in 2010 he donated \$30,000 to the American Federation for Children Action Fund. Mr. Huizenga founded the National Heritage Academies, a for-profit charter network that has 80 schools in 9 states and has received over \$43 million in federal funding. According to a 2012 review by the Michigan Department of Education, of the schools in the "focus" category, due to significant gaps in achievement, more than half were managed by National Heritage Academies. It has been reported that Mr. Huizenga said that his involvement with charter schools was due to realizing that "privatizing public education was not only practical but also desperately needed."

David L. Brennan: Brennan donated a total of \$200,000 to All Children Matter, from 2004

to 2007, prior to AMC's wind down due to campaign finance violations. In 2010, he donated \$39,000 to the American Federation for Children Action Fund. He is the founder of White Hat Management LLC, a for-profit charter school management company that operates 15 schools in three states with over 12,000 students. Since 2008, White Hat and its affiliates have received \$3.6 million in federal funds including IDEA funds.

While you may not have a direct financial interest in the for-profit education enterprises headed by those listed above, your political fundraising relationship with them, and perhaps others, could cause a reasonable person concern over your impartiality in matters involving them. The OGE process does not, capture conflicts that arise through political activity so it is incumbent upon us to assure the Senate record is complete as to such conflicts and how they will be resolved.

These are just the publicly known examples of potential conflicts. Our original request asked you for information to assess potential conflicts with 501(c)(4) organizations that are not required to publicly disclose donor information. Accordingly, we reiterate our request that you provide:

A list of all donors, their total donations, and affiliations, who have contributed to the American Federation for Children 501(c)(4) and the Great Lakes Education Fund 501(c)(4) since their inception.

A list of donations made by you, members of your family, and foundations or organizations with which you are affiliated, to other 501(c)(4) organizations over the past five years.

According to the American Federation for Children's IRS Form 990 filed for the year 2014, it spent nearly \$1.1 million on political activities, including a \$315,000 transfer to the American Federation for Children Action Fund—Wisconsin IE Committee. Because donations to a 501(c)(4) are anonymous, they effectively launder the identities of donors to the other parts of your political apparatus. But you know, and the donors know, and therein lies the potential for conflict of interest.

Additionally, you refused to disclose donations to 501(c)(4) organizations that you, your family, and your foundation have made. You explained, "[t]he information requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education." Your donations to 501(c)(4) organizations are indeed relevant to your nomination, just as your donations to political candidates, parties, and causes are. One obvious instance would be where groups to which you have made political contributions are before the Department as advocates or grant seekers. Again, you know, and the donors know, and therein lies the potential for conflict of interest. Senators have a Constitutional duty to provide advice and consent on presidential nominees, and understanding the scope and nature of potential conflicts of interest is at the heart of that duty. Your role in raising and distributing "dark money" clearly raises the possibility of such conflicts. As a result, we renew our request for information related to your 501(c)(4) organizations as outlined above.

Please contact us if you have any questions regarding this request. We look forward to your additional information and disclosures and timely and responsive answers.

Sincerely,

SHELDON WHITEHOUSE.
ROBERT P. CASEY, JR.
TAMMY BALDWIN.
BERNARD SANDERS.
AL FRANKEN.
ELIZABETH WARREN.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from New Jersey.

Mr. BOOKER. Mr. President, I know the night is going on. I just want to take a moment to express my appreciation to all the staff members and Senators who remain here on the floor. A lot of folks who work here, from the gentleman typing very quickly, all the way to a lot of the folks working, I just want to express my gratitude for the long night, particularly to the pages. It is their second week here, and they suddenly are being forced to grapple with not just school but the long nights of the Senate. I really do respect them and am grateful for their, how should I say, endurance tonight as well.

I rise today, as many of my colleagues have, to speak to the nomination of Betsy DeVos and to speak specifically in opposition to her nomination to serve as Secretary of Education. I have listened to as many of my colleagues' words as I can. I want to say that particularly those on the Senate Health, Education, Labor, and Pension Committee have and will and continue to expand upon many of the concerning elements of Mrs. DeVos's record, concerns that I share about her lack of support for critical accountability measures, her lack of familiarity with many of the basic financial aid policies and programs which are so essential for people to have access to higher education, her inability to say that guns should not be in school, and her seeming lack of understanding of many of the fundamental yet critical education policy perspectives that I think are necessary for a job of this magnitude.

I know there has been much said and there will be many more issues brought up of concern to many of the Democrats who spoke tonight, but tonight I would like to focus on an area that is very personal to me and also very personal to millions of Americans, that is essential to this role but one that may not be immediately understood when you talk about a Secretary of Education, but it is absolutely critical to that Department. In fact, I think it is one of the more critical roles of that Department when it comes to fulfilling the ideals of our Nation.

Within the Department of Education is the Office for Civil Rights. That office is profoundly important, but it is one that many people don't have a full understanding of. What I would like to do right now is highlight four areas in which the Office for Civil Rights functions and also talk as it relates to my concerns about and my opposition to Betsy DeVos to serve as Secretary of Education.

First, I would like to talk about what is at stake for children with disabilities and their families and their parents. About 13 to 14 percent of our American school-age children—about 6.5 million kids and young adults in America—are students with a disability.

Here in the United States, I am so proud that we have a deep belief and, in

fact, our laws, passed by people of both Houses, both parties, dictate that all children be treated with dignity and respect and that they will get the educational opportunities all children deserve. Indeed, our laws reflect that, but the spirit of America is to see that in this Nation all of our children have unique gifts, all of our children have beauty, and we as a nation collectively believe they all deserve a strong pathway to the fundamental American ideal. They deserve pathways to life and liberty and the pursuit of happiness, that when we say "justice for all," we really do mean all children.

But unfortunately, as the work of the Department of Education's Office for Civil Rights demonstrates, the Federal Government is often at odds with some school districts that do not properly enforce protections granted to students with disabilities under the Federal law, again passed by both Houses, passed by both parties. Within our country, thousands of parents do not believe their children are receiving justice in their local school systems for their children with disabilities. They reach out to the Federal Government for help, for relief, for that justice.

Take the example of one child, the case of a 9-year-old child in California whose name is withheld for privacy. This child—and let's call her Jane—is a student like so many others. She has the same dreams and aspirations, has hopes, has promise, and has untapped, unlimited potential.

At the age of 9, this child, "Jane," had been physically restrained in her school more than 92 times during an 11-month period by her school because of her disability. As a part of that restraint, she had been held facedown for a total of 2,200 minutes.

The Office for Civil Rights at the Federal level, the Federal Government, it took them to investigate this case, and they found that the district was in violation of the Federal law and required the school district to stop using these kinds of restraints on students and to actually take the time and energy to invest the resources in training the staff on alternative intervention methods, methods that recognize the dignity of that child and show that we have the potential and power to elevate that child, not to so savagely restrain them.

This was not only unconscionable treatment that the Federal Government intervened in, but clearly it was illegal within the bounds of Federal law. This is not the way that anyone here, anyone in this body with a child with a disability, any of us would want our children to be treated.

If I had a child, I know it is not the way I would want them treated. Frankly, when it comes to the children of America, they are our children. Whether Republican or Democrat, we know that our children, our kids, American children—all children, frankly—deserve better than this kind of physical abuse. It is for these kinds of reasons

that I believe we need to have an aggressive Office for Civil Rights because the story of Jane, of a 9-year-old, is not an anomaly. It is not something that is rare.

Unfortunately, as we are seeing, there are many violations of Federal law that go on when it comes to our children with disabilities. There is tremendous evidence that this kind of abuse still goes on in our country, and there needs to be an ultimate authority that can investigate this abuse and, if necessary, hold those people accountable who are the abusers. And the additional step that the Office for Civil Rights does is it gives advisement, gives instruction on how to make sure the abuse does not happen in the future.

We need our Office for Civil Rights to work with school districts to establish those policies and procedures to prevent that abuse.

When Mrs. DeVos, during her testimony, was given the opportunity to speak to the millions of parents who have real, legitimate concerns about their children with disabilities and the treatment they receive in school—she was given the opportunity to speak to the vital role of the Federal Government in protecting our children and affirming those rights, about the role of the Office for Civil Rights, and instead of taking that opportunity, instead of seizing the moment to talk about what she would be doing to lead, she actually denied a role for the Federal Government. When asked about protecting students with disabilities, she simply said: “It should be left up to the States.”

Well, I will tell you right now, for that 9-year-old child physically restrained more than 92 times, held facedown for hours, the Federal Government clearly had an important role to play for that mom, for that family, for that child in making sure this kind of atrocity doesn’t happen and will not happen for more children.

Secondly, I would like to talk about what is at stake with the Office for Civil Rights as it relates to children who are different, whether that be the color of their skin, whether they wear a hijab to school as an expression of their faith or if they are a minority or, again, a child with a disability.

For example, I have spoken much as a Senator about the school-to-prison pipeline and often how certain categories of children experience different types of discipline for the same act in school just because of how they look.

School disciplinary policies, we know, play a big role in a child’s success, and those disciplinary policies are clearly treating different children in different ways. There will be different outcomes for those categories of kids.

We know that children who have out-of-school suspensions often graduate at significantly lower rates, have significantly higher run-ins with the law. I am one who believes we cannot allow discrimination to happen in that manner in our school.

These are the facts. This is the data. Take, for example, the fact that Black students are 3.8 times more likely than their White peers to receive one or more out-of-school suspensions, while students with disabilities actually are twice as likely as those without to receive one or more out-of-school suspensions.

Let me give you the specific case of Tunette Powell, who wrote about her son who is Black. His name is Joah. He was suspended five times in 2014. He was 3 years old.

She said: “One after another, White mothers confessed the trouble their children had gotten into. Some of the behavior was similar to JJ’s,” her son’s. “Some was much worse. Most startling” to her was that “none of their children had been suspended.”

She continues to write. “After that party,” where she had heard this from other White parents, “I read a study reflecting everything I was living. Black children represent 18 percent of preschool enrollment but make up 48 percent of preschool children receiving more than one out-of-school suspension, according to the study released by the Education Department’s Office for Civil Rights in March,” she writes.

One of the critical things about the Office for Civil Rights is that they have been proactively collecting data about differences in treatment in our schools.

Now there are many people who actively assert that the role of the Office for Civil Rights has grown too large, that they are poking around in local matters too much, that even collecting such data, as was relied on by this mother, is an intrusion into States’ rights. I believe, when it comes to civil rights, when it comes to religious freedom and the treatment of our children, I do not believe that the Office for Civil Rights has grown too large. I believe they are offering critical transparency into the workings of our schools; that they are collecting data that parents and policymakers and civil rights groups can use to see who is being left behind, who might be facing discrimination, who is not receiving justice.

What do we have to be afraid of even on just the collection of data to allow ourselves to have that transparency, to create an environment of accountability?

I worry that if this is not a priority for the next Secretary of Education, then closing the achievement gap, shutting down the school-to-prison pipeline, and empowering all children to have an equal opportunity to learn will be undermined.

These are real problems in our country, and they aren’t just going to go away. The Federal Government, especially when they insist upon data transparency, is an active partner in helping us to receive the justice that we deserve and need and pledge allegiance to as a country.

I had hoped during the hearings of Mrs. DeVos that I would hear more; that even if I had the opportunity to

talk to the nominee myself, I would have asked for more information around these issues, but I didn’t have that opportunity, and in the very rushed hearing, the issue wasn’t raised.

I believe, though, that based on the testimony that was given, that the nominee may not see this as a vital function of the Office for Civil Rights and, in fact, may shrink that office and the ongoing proactive investigations that we see right now into such matters.

We know that the school-to-prison pipeline, particularly for young people of color, isn’t just real; it is actually pervasive. But during Mrs. DeVos’s confirmation hearing, when asked about the Office for Civil Rights within the Department of Education that is responsible for rectifying such unjust situations, she refused to comment. She refused to comment. She refused to commit herself even to directing the Office for Civil Rights to investigate such civil rights violations. I don’t understand why it is difficult to even commit the Department to continuing such investigations, but that commitment was denied.

I want to next talk about the serious problem we have in America with sexual assault and sexual violence in schools and on college campuses. Mr. President, 1 in 5 women and 1 in 16 men are sexually assaulted in their college years, but only 1 percent of assailants on college campuses are arrested, charged, or convicted.

We still know that too many people on college campuses who have been sexually assaulted, who are survivors, are routinely denied justice and are forced to even live or even go to class with their attackers.

The Office for Civil Rights has risen to this challenge and this crisis. They have opened investigations in over 200 schools in America. There is a crisis of campus sexual assault in America, and now the Office for Civil Rights is expanding their work. They have stepped up to that challenge. In addition to that, they have issued guidance to all college campuses on preventing and combating sexual assault.

Mrs. DeVos, again, during her testimony—many of us were hoping she would rise to the occasion, that she would speak to this issue. She was given a chance, given a chance not just to speak to the issue but to talk to the Federal role in meeting this crisis, to acknowledge that this is an issue our Nation must grapple with and must end, but she did not speak to the concerns of parents. She did not speak to the concerns of survivors. She did not speak to America about the urgent need for all of us to be engaged in dealing with the crisis for which there has been silence for too long.

More than this, she did not speak to the role of the Office for Civil Rights, to the expanding role they have been taking, to the expanding investigations on college campuses all across the country, giving no confidence to me or

to others that this will be a role that will continue—in fact, a role that I believe should be expanded.

Again, even when she was specifically asked about upholding guidance within the Department of Education on combating and preventing sexual assault—not asked to commit on the investigations, not asked to commit to expanding the efforts but just asked about upholding the guidance within the Department of Education on combating and preventing sexual assault, she refused to commit to maintaining that guidance.

I would like to speak to another area. Before I do, I do believe in this idea of transparency that my previous colleague talked about when it comes to donations. Some of the charities that have received donations from Mrs. DeVos have a history of fighting against efforts to combat sexual assault, and some of these organizations worked to make it more difficult for sexual assault victims to seek justice.

That brings me to an area in which I have a deep level of concern. I hope Mrs. DeVos will take the opportunity to set the record straight because much has been written even before the hearings involving an area where there is a clear crisis in our country. It is the crisis involving the safety and security of our lesbian, gay, bisexual, and transgender youth in America.

Lesbian, gay, bisexual, and transgender youth face a stunning level of discrimination inside and outside of schools starting at a very young age. We know that LGBT youth are two times more likely than their heterosexual peers to be physically assaulted in schools. LGBT youth are four times more likely to attempt suicide. According to youth risk behavior surveys, 34 percent of lesbian, gay, bisexual, transgender students were assaulted on school property. More than one-third of LGBT school students were bullied on school property, and 13 percent of lesbian, gay, bisexual, and transgender students did not go to school because of concerns for their safety. We know in America that this kind of harassment has no place in our classrooms, no place in our schools, and it has no place anywhere in our country, but it is all too common and all too often unaddressed.

I would like to talk about a parent. Her name is Wendy Walsh. The harassment against Wendy's son Seth began for him in the fourth grade when his classmates suspected he was gay. By the time he reached the seventh grade, the bullying, the verbal and physical abuse in person and online was so bad that he was afraid to walk home from school. This child lived in terror of just going to class. After one bullying incident in a local park, his mom says that 13-year-old Seth came home from school. She talked to him. He asked to borrow a pen from his mom. That conversation will be the last time she would see her son alive. The next time Wendy saw her son Seth, he had hanged himself on a tree in their backyard.

After Seth's death, Wendy, experiencing a level of grief and agony I cannot imagine, decided to file a complaint with the Department of Education Office for Civil Rights. When the Office for Civil Rights came in and investigated, they found that Seth's school district was in violation of several Federal laws, that they failed to intervene and stop the bullying and harassment and torment that this child endured from a precious age until his death, that their actions could have potentially prevented the death of one of our children, an American child, a child of beauty and of worth and of dignity and protection.

Wendy went to the Federal Government to the Office for Civil Rights, and they took her concerns seriously. They aggressively investigated. Because of their investigation and because of Wendy's courage in her time of grief, the school district, in violation of Federal law, was required to take steps—though not there to prevent her child's death—they were required to take steps to prevent the kind of harassment, tormenting, and bullying from happening to other students. I am not sure if any of that is solace to a mother who lost her child. I am not sure if it gave her comfort, but I am hopeful that with an active Office for Civil Rights at the Federal Department of Education, at a time where more than 10 percent of lesbian, gay, and bisexual youth are missing school because of that kind of fear, when one-third are reporting bullying and harassing in person or online, at this level of unconscionable treatment for any child, there is a role for the Federal Government to protect our children. I believe if we take these matters seriously that we can insure that this kind of bullying and harassment will come to an end in America. It is unacceptable in a country this great. There are laws against this, and there are folks who have an obligation to enforce those laws; that is, the Office of Civil Rights.

I believe things will get better, but they will not get better automatically because we hope for them, because we pray for them; they will get better because we are a country that loves our children, and love is not a being verb. It demands action. We see time and time again that children aren't seeing the kind of action where they are, and thank God right now there is a place for parents to go. They can appeal to the Federal Government. The Department of Education, the Office for Civil Rights, has to be led by someone who takes this seriously, who sees the calls for justice for lesbian, gay, bisexual, and transgender youth as valid, that sees the crisis, that sees the problem.

It was widely reported, when Mrs. DeVos's nomination was made—widely reported—that her family had given support, significant support, and that she herself gave significant support to discriminatory extremists, dangerous and hateful groups that promote ideas that say a child who is gay is somehow

lesser than a child that is not; groups that have supported things like conversion therapy, something that has been resoundingly condemned—dangerous ideas that are hurtful to children. With all of that, with all the articles that have been written, this was a chance for Mrs. DeVos to sit before the American public knowing that these concerns are out there, and it is understandable, even if she doesn't hold them, it is understandable that this was a moment for her to allay the fears of the thousands and thousands of children who are being isolated and hurt by bullies, the people who are assaulting their dignity—these children have suicide rates that are unconscionably high—for the parents mourning their kids, with all that swirl, the hearing was her chance to set the record straight to say: I will uphold the value and dignity of these children, but more than that, I recognize there is a crisis in our country, and I will work with the Office for Civil Rights to do something to address this evil in our country. We have so many kids being hurt and harmed. This was her chance to go beyond just denying that she believed in conversion therapy, to go beyond just words in asserting that she values equality. This was her chance. It should have been understood that because of the record and the charitable donations that there was a degree of suspicion; that there was an understandable degree of legitimate fear that she would not continue the courageous work of the Office for Civil Rights in combating discrimination, harassment, and physical abuse of children across our country. She had the opportunity.

Given the fears and concerns that have been expressed, I would have hoped she would have spoken directly to the work of the Office for Civil Rights to protect lesbian, gay, bisexual, and transgender teens who are factually experiencing some of the highest levels of hate crimes and violence and bullying of any children in America; that she would have made some affirmation that she would be a champion for their equality, for their dignity, and the Office for Civil Rights would continue its needed work, but she didn't.

I hoped she would stand up and say: We have violence on our college campuses; that right now silence is allowing insidious realities to exist. We have a problem with reporting rates. We have a problem with reports being made and not being taken seriously; that she could have used that as an opportunity to speak against what is happening to an unconscionable level of young women on college campuses—something that we would never want to have happen to any of our daughters; to make a pledge that the Office for Civil Rights would not just continue campus advisories but would fight to hold those college campuses accountable, but she didn't.

For students and families across the country, this may not be a celebrated

part. We may not all know in America that the Department of Education has an Office of Civil Rights, but for so many families with children on college campuses and preschools, grade schools, high schools, the Office for Civil Rights has been the difference—the difference makers between injustice and justice, the difference makers between violence and security, the difference makers between who we say we are as a nation, liberty and justice for all, and experiencing a terrible, awful lie.

I feel compelled to speak out on the vital importance of the Education Secretary, regardless of party, regardless of background. I feel a personal responsibility to assure that if I cast my vote as a Senator, that whoever takes that office will be tireless in the defense of all the rights, privileges, and liberties of our students because I personally stand here today because of the role of the Federal Government in enforcing civil rights laws. I stand here today because of the courageous Federal laws that were put in place—bipartisanship, Republicans and Democrats, great battles on this floor for civil rights and disability rights, for title IX protections for women. I am a product of these kinds of fights over the Federal role when it comes to civil rights. I stand here today because of our collective history. I stand here today because of our dramatic history. I believe in States' rights. It is enshrined in our Constitution, but I cannot ignore the role of the Federal Government. *Brown v. Board of Education* is perhaps one of the most famous Supreme Court cases affirming the Federal role.

I hung a picture in the front of my office. I come out of my office into where my assistant sits, and the first thing I see on the wall in front of me is a Norman Rockwell painting. There is this young girl in that painting, and she is striding proudly to school, and behind her are racial epithets, a tomato smashed against that wall. She is a little girl—God, her courage—named Ruby Bridges. There are these White men surrounding her walking just as tall, and they are escorting that girl to school. There is clearly hate swirling around. You can look at that picture, and you can feel it. But I don't care what your background or religion is, you look at Norman Rockwell's painting—as I make sure I do every day as I leave my office as a U.S. Senator and I see that picture—and I am reminded that sometimes when there is hate, sometimes when there is violence, sometimes the State doesn't get the job done. Sometimes, the most vulnerable child needs a little help—not just from a loving teacher or a loving parent but from a government that stands behind her and says: You matter.

I can't stand here today without recognizing that this is my history, that this is your history, that it is all of our history, and that our Federal Government has a role to play. I drink deeply from the wells of the freedom and the

struggles and the sacrifice. I reap the harvest from Ruby Bridges and her courage.

Our country has come so far. There is so much love, so much more recognition of the dignity of all children. But, come on, we are not there yet. Children are often harassed because they wear a head scarf. I recently heard about a Sikh child wearing a turban who was still harassed; a mother concerned that her kid, no worse than another but seems to get suspended more for the same behavior. As to children with disabilities, parents are still concerned that even though we have affirmed their rights and dignities in law, those laws aren't being carried out like they should.

God, there are young women on a college campus today who rightfully question whether their campus is committed to eradicating sexual violence.

With all of these things going on, we have to have champions here. We have to have people who understand that public education is a right for everyone. Some of the most profound battles in our country have been fought to get equal access for children to school, so that they can stride toward that school door knowing that they will get a quality education, free from bullying, free from harassment, free from the binds of hatred or discrimination that might hold them back in their lives.

Now, I have faith in who we are as a Nation. I know we are a loving country and a good country, but we haven't got it perfect yet. So I stand here today in opposition to this nomination because I believe we need a champion. I wish I had a chance to meet with the nominee. I wish the hearings had been longer. I have never seen them so rushed. But there is too much at stake right now. There are too many problems that still exist.

Sadly, there still is a need for an Office of Civil Rights in the Department of Education that is aggressive when it comes to the defense of freedom and our rights. I did not hear such a commitment from this nominee. There are millions of parents who didn't hear her speak to the concerns they have about their gay child, the concerns they have about their child with a disability, their concerns about their children going off to college. We did not hear that commitment. In fact, what we heard was a belief that States can figure it out. There was a failure to commit to even the most basic continuance of the Office of Civil Rights.

I am glad I hung that picture in front of my office. I may not be able to get what I consider an open hearing and answers to these questions because I walk by Ruby Bridges. I feel I owe her a duty to not vote for someone who has been silent on the issues that are so critical to this country being who we say we are.

There is a child, I think, who wonders right now. Somewhere in America, that child is wondering if this country will prove itself true to them. They are

probably enduring some things I never had to endure. They are probably worried about their safety. They are probably being put in a situation where they are questioning their worth. They probably feel alone and isolated. My prayer is that this child knows that, even though it isn't perfect and it won't be easy, that child somehow knows that they are not alone, that there will be people fighting for them. I was taught, in the words of a great poet, that there is a dream in this land with its back against the wall; to save the dream for one, we must save it for all.

May the Office of Civil Rights in the years to come remain vigilant, remain strong, and remain expansive in their efforts. I have no confidence it will do so under this person and, therefore, I oppose this nomination. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to thank the Senator from New Jersey, who has given us such a compelling reason to remind all of us why we are here at almost midnight and why we all intend to keep talking and keep working and keep trying to convince one more Senator to say no to this nominee. He reminds us of the basic principle in this country that our forefathers dreamed of and that they put into our Constitution and that we have fought for, which is that every child should have dignity and every child should have a public education. That is why it is so important that we have someone who leads this agency who shares that conviction. I really want to thank Senator BOOKER for his tremendous words tonight.

As the ranking member on this committee, who has been here throughout the Friday debate and through the 12 hours of debate we have had tonight and we will continue to have up until the vote tomorrow, I have had the opportunity to hear many Senators speak passionately. Senator TESTER was here on Friday. He is from a very rural State, and he was speaking about how important it is to not have funds robbed away from the public education systems in those small little school districts to go to students with vouchers for private schools that don't exist in those rural communities. He talked about the importance of our public schools and our public school institutions in a slightly different way than the Senator from New Jersey did. He talked about how, when his grandparents settled in Montana, instead of being ranchers like those before them, they were wheat farmers. There were cattlemen and wheat farmers who were fighting and at odds with each other in the community, and where they came together was in their schools, because both cattlemen's kids and ranchers' kids were in the same school, and they played basketball together, and it healed the wounds of that community.

The Senator from New Jersey just talked about the Office of Civil Rights and why it is so important—that no matter what we look like or what this country stands for, this country says you have a right to an education. It is in our public schools where kids from all strata and all economic lives, with different backgrounds and different colors and different religions and different thoughts come together and heal our communities.

That is what is at risk with this nominee, and that is why so many Senators on our side have said: To one more Republican Senator, send this nomination back to the President who campaigned saying: Let's heal this Nation; let's bring people together; send us a nominee who actually does that.

Again, I want to thank the Senator from New Jersey and all of the Senators who have been here to speak about how important it is to have a public education.

I wouldn't be in the Senate tonight without a public education. I come from a family of nine, and my father, who was a World War II veteran, got sick when I was in junior high. He was diagnosed with multiple sclerosis. My mom had been at home taking care of seven kids. She didn't have a job. She didn't have skills. We didn't know what was going to happen to us. But we had a public education system that was there for us. Our country was there for us with a public education system—not with a voucher that said you can go to a private school that we couldn't afford even with it or to be able to get one, but a public education school in our community that gave the education to each one of those kids in my family—all seven of us. Then it allowed us to go on to college with Pell grants and student loans, because our government was there for us, even though my dad was sick and my mom had to stay home and take care of him. We had food stamps for a while, and it was tough, but we made it because this country had a commitment to public education for every student, no matter where you lived or where you came from or what challenges you had at home.

That is why I am here in the Senate, and that is why many of us are here in the Senate. It is why this nominee has sparked such an interest across this country. Like many Senators—I think, like all Senators—my office has been inundated with mail and phone calls and emails and rallies and people saying: Please, stop this nominee, and send us someone who can actually work for all of us, because education is a critical piece for each one of us. It is across the country.

I want to share some of the letters that I have received about this nominee. I have received 48,000 pieces of mail opposed to Mrs. DeVos; the number of pro-DeVos emails and letters is in the teens. I have 48,000 pieces, and they are all personal. These aren't rote emails and letters; these are personal

pleas. Why and how? Because these people saw this nominee at this hearing, and their expectations for our education system in this country are high. They want someone leading the Department of Education who knows the issues, who believes in public education. They were appalled at what they heard, and they said no.

Mrs. Mary Ann Whittaker, a woman from Longview, WA, a small rural community:

Dear Senator Murray,

As an educator of 30 years and a mother who has helped to raise and educate five children, I was shocked and dismayed by the lack of knowledge and depth of understanding that Ms. DeVos has about education. Our education system needs a leader who can be a true leader in this arena, with the background and backbone to do what is in the best interest of the children of this great country—please do everything in your power to make sure this woman is not allowed to gain this position. Thank you—on behalf of thousands of children and educators in the state of Washington!!

I heard from Joel Puchtler of Seattle, WA. He said:

Please do everything in your power to stop DeVos from becoming Secretary of Education. She is transparently incompetent, and will be destructive to the nation's education system through both intent and ineptitude. Demand a competent appointee from the president-elect.

I am an educator. My wife is an educator. My grandfather was the first Commissioner of Education (so called at the time) under the Johnson administration. He would be thrilled to see a competent woman in this appointment, but categorically horrified at the possibility of DeVos, just as I am.

These are the kinds of reactions I am hearing from my constituents. Why? Because we had this nominee come before our committee. We were allowed 5 minutes each to ask her questions. She has a very complex financial background. We were not allowed to look at those financial background papers before we had a chance to talk to her, so we only had some information. The only thing we could do was ask her questions about what she believed in. Her answers were astounding, and many people saw them, whether it was about IDEA and the ability of children with disabilities in this country to get an education, whether it was about policy debates we are having on education, or what she saw as her drive and her ambition. People in this country want someone who feels passionate about public education, not someone who has used her vast amounts of wealth and her experience to go after what she calls an education system that is incompetent and, in her opinion, needs to go away. Her drive has been to take the funds out of public education and go for private, for-profit education.

I can understand that a woman who is a billionaire with a lot of money invested in companies wanting companies to succeed, but our public education system is not a company. Our public education system is something that is derived from the communities

that it is in, from the teachers who are there, from the parents who participate as school board members and teacher volunteers. It is the driving passion of our communities. It is not something people want ripped away, torn apart, or degraded. That is why this nominee has touched a nerve across the country.

I heard from Mrs. Rebecca Blankenship. She lives in Gig Harbor. She said:

Dear Senator Murray,

I am writing to urge you to oppose the nomination of Betsy DeVos as the Secretary of Education. As a certified teacher who has taught for many years in Public schools and as a parent of two young girls in the Peninsula School District, I find DeVos to be completely unqualified for the position as she has no public school experience, has actively funneled money away from schools in need and lacks the fundamental educational background to make decisions that impact millions of students.

There is no issue more important to me than our education system.

I heard from Ms. Carol Pelander, a former teacher, from Tacoma, WA:

As a retired public school teacher, who continues to work part-time training new teachers, I am extremely concerned about the potential damage that will be done to public education if Betsy DeVos is confirmed as the Secretary of Education. Our mission as educators includes teaching our kids how to live and work together effectively in a diverse community, and the proposals brought to the table by Ms. DeVos to privatize education will further divide us as a community and significantly reduce our already limited resources. She is not qualified for this important leadership position.

I have been in the Senate for a long time. I have gotten a lot of emails, a lot of phone calls, talked to a lot of constituents, and been to a lot of community meetings. These thousands of letters that we are getting are not form letters. These are letters of people telling stories. They are passionate about their public schools. They have spoken louder about this nominee than any other, saying: This is not what I want for my country.

I have heard from many people in our rural communities who are so concerned about privatizing our public education system because they don't have a private school to send their kids to, even if the voucher that she espouses were enough to put them into one.

I grew up in a rural community. I grew up in the small town of Bothell. Coming in to town, I remember the sign that said 998 people, and I remember the day it said that 1,000 people lived in Bothell. Our schools were the heart and soul of our community. It is where you met your neighbors. It is where you sent your kids to play basketball. Everybody showed up for the football games and the music concerts. It was our community. We loved it, and we owned it. Did we say it was perfect? Did my parents say it was perfect? No. But it was the heart and soul of that community, and they did not want to lose it, just as so many other parents in this country want a Secretary of

Education who wants all kids to have a good education.

I have so many letters here. I have one from Adam Brickett, from McClure Middle School in Seattle. He says:

Thank you for your years of service representing our state. I have never contacted an elected official before—

By the way, many of my letters start with that.

I have never contacted an elected official before but with the changes happening in our country I feel the need to now. I'm writing specifically to you today about the nominee for Secretary of Education, Betsy DeVos.

As a middle school teacher for Seattle Public Schools I work hard every day to ensure that my students get the best education possible to be successful in their future careers and lives. I am concerned that Ms. DeVos does not have the experience necessary nor the best intentions for our nation's students and schools to be our Secretary of Education. I believe she would put profits and money ahead of students, schools and teachers. I felt this way before her nomination hearing and feel even more strongly after her hearing. I am worried about the damage she could do to an already fragile public education system. I know I am not alone as virtually all the colleagues I have spoken with have expressed similar dismay with her nomination.

Her record of attacking public schools and funneling money to charter and parochial schools with little to no oversight is troubling. Her lack of experience whatsoever with public education is also very disturbing. Not only has she never been an educator or administrator but she has never even attended or enrolled her children in public education.

A high quality, public education is one of the most powerful tools a society has. Please don't allow someone with no experience and who is fundamentally against public education to become the person in charge of it. I respectfully ask you and your colleagues in the senate to do what is right by our nation's students and reject Ms. DeVos as Secretary of Education.

Thank you again for your tireless service to the residents of Washington.

I have 48,000 letters. My staff handed me a pile of them. They are all very similar. They are very heartfelt. They are not just writing a rote letter to us. They watched the hearings, they listened, they care about our public schools, and some of them are Trump supporters. They want this President to support our public schools.

They did not in this past election have a debate about whether we should privatize public schools. We talked about the debate—and I know my candidate didn't win. But in this country, I never heard a debate about taking public education away, about voucherizing our public schools, about having someone who is the top person—the Secretary of Education—espouse positions that are so fundamentally opposed to what I grew up with and obviously to so many parents, teachers, students, family members, superintendents, people involved in schools, and business leaders. They are writing to us now because they saw the same thing we did in this hearing.

Let me read a letter from Trina Whitaker from Mukilteo Schools. She says:

This is my 16th year of being a teacher in our public school system in WA State. I am an advocate of public schools as I feel strongly that all our students deserve the right to free and quality education.

I am opposed to the nomination of Betsy DeVos for the Secretary of Education system. Her past actions and beliefs clearly demonstrate that she is not an advocate for our public schools. It would be so damaging if we move in the direction of privatizing public education.

Please consider opposing the nomination of Betsy DeVos in the best interest for our public school system.

Let me read another letter from Rachel Guim of Seattle. She says:

As a committed public school teacher, I believe in our neighborhood public schools, which open their doors to all children, because unlike Betsy DeVos, I see them work for children and their families every single day. We as a community are being undermined by charters, vouchers, for-profit schools and online schools. Precious tax dollars are being wasted creating a parallel school system (when we're already underfunded and not meeting the legal requirements)! Our democratically governed schools—we, the people you have vowed to represent—need your commitment and support. Choice is a disguise for school privatization, nothing more. Stop the takeover of our democratically governed schools. . . . Do not vote to confirm Betsy DeVos.

And she goes on. Again, there are so many letters from so many people from so many different walks of life, all concerned about having a Secretary of Education who doesn't represent the best values and the best beliefs of our country.

Ms. Amanda Smith, a Kindergarten teacher, wrote to me and said:

Hello,

I am a kindergarten teacher in a public elementary school. I am very concerned about Betsy DeVos' potential nomination as secretary of education. As someone who never attended public school, didn't send her kids to public school, does not have an education degree and has never taught, she hardly seems like a fitting candidate for secretary of education. Can anything be done to stop this nomination?

From Gina McMath, a teacher in Port Townsend, WA:

Dear Patty Murray,

As a recently retired public school teacher, I especially urge you to fight against Betsy DeVos's nomination for education secretary. She is not in any way qualified for the job. Her commitment to charter schools combined with a lack of experience with public schools could destroy our nation's educational system.

Public school teachers provide an education for all of our students. Teachers need more respect and remuneration. We need the very best college graduates to be attracted to the profession. I have known so many dedicated and effective public school teachers during my 25-year career and those of us retiring baby boomers need the best successors possible. They need your support. Don't let this undermine our efforts.

Thank you again for all your [work].

What I hear from people over and over again is that they want somebody leading our public school system in this country who actually believes in public schools, who has the education, the experience, the compassion, the willingness to understand what our

forefathers did when they created this country and said: We are going to have a country—a democracy—that has a public education system paid for by all taxpayers to assure that everyone, no matter who they are or where they come from, is not denied a public education. They can learn to read and write and communicate and get the skills they need to be successful. They can dream who they want to dream to be and be there.

We do not want to go backward, and we are one vote away from changing where we are on this nomination, sending this back to the President, and asking him to please send us a Secretary of Education who can get the votes in the Senate, who will be an Education Secretary for all people, from all walks of life, from our rural communities and our urban communities, no matter who they are or where they come from. That, I think, is a great possibility and would be a great outcome.

I know that my colleague is on the floor and is ready to speak as well. Again, I have so many letters from so many people—48,000—who have voiced their opinion on this, more than I have ever had with any other nominee in my memory or any other issue in my memory. I thank all those who have written in and spoken out and stood up for public education. It is the foundation of our democracy, and it is our responsibility, our goal to continue that for them.

Mr. President, I yield the floor.

MORNING BUSINESS

COMMITTEE ON FINANCE

RULES OF PROCEDURE

Mr. HATCH. Mr. President, the Committee on Finance has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Senate Committee on Finance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours