



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, TUESDAY, FEBRUARY 7, 2017

No. 20—Part II

Senate

(Legislative day of Monday, February 6, 2017)

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER (Mr. LEE). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise this now-early morning, on a new day, to talk about this nomination, which has been the subject of so much debate, so much contention and, I believe, so much concern across the country and in my home State of Pennsylvania.

I spoke earlier today of some of the basic history of my State that principally involves public education. In the 1830s—the early 1830s, to be exact—a debate started in Pennsylvania about public education, the culmination of which led to the enactment under State law of the Free School Act in 1834 in Pennsylvania. We have had a bedrock foundation of free public education all these generations. It is part of who we are as a State.

In our Commonwealth, even today with all of the changes in education and all of the change in policy over time, we are still a State where 92 percent of our schoolchildren are educated in public schools. That is the State we are. We don't have any for-profit charter schools, and that has been the subject of debate in this nomination.

We have, by law, public nonprofit entities as charter schools. It is a significant point of difference between what is law in Pennsylvania and what is part of our education traditions and what the nominee has stood for in her time as a private citizen. We will get to that a little bit later.

I wanted to start tonight with a basic assessment, and then I will go through a series of issues. The basic assessment and determination that I have made is that I should vote against the nomination of Betsy DeVos to be the next U.S. Secretary of Education. The principle reason for that is her views on public education—what I believe to be a lack of total commitment to public edu-

cation and what that would mean for the country.

I have heard from people across my State—urban and rural, suburban, Democrats, Republicans, all kinds of people—who have spoken with one voice against this nomination. That is one of the factors that I have to consider when making a decision, but even I could not have imagined the scope of that response from people across Pennsylvania.

I know we still have a number of hours left before the vote, but, to date, if you count all of the contacts that have been made with my office—or I should say offices in Pennsylvania and here in Washington—it is over 100,000 contacts, whether made by telephone or email or by letter or otherwise.

I have been in the U.S. Senate for more than 10 years now. This is my 11th year. No nomination has even approached that number of contacts from individuals who felt that they had to speak up and speak out, literally, in the context of a nomination.

I wanted to start with one particular issue and develop it rather fully; that is, the issue of sexual assault on our campuses. This is the line of questioning that I pursued with Mrs. DeVos when she came before the HELP Committee—the Health, Education, Labor, and Pensions Committee—just a couple of days ago.

I want to start with the stark reality of sexual assault on college and university campuses across the country. Here is what the Centers for Disease Control and Prevention tell us: One in five women on college campuses experience attempted or completed sexual assault—one in five. That is an abomination. That is a stain on our country. That is something we should not allow to continue.

In the last couple of years, we have just begun to tackle that horrific problem, that insult, that outrage for

young women and their families all across the country. We passed legislation that I will talk about in a moment, but this is a matter, I believe, of basic justice.

Hundreds of years ago, St. Augustine said: “Without justice, what are kingdoms but great bands of robbers?” If we don't get serious about this problem—the problem of sexual assault and what happens to young women on our college campuses—we are robbing them of basic justice. We are robbing them of an opportunity to get a higher education.

In many instances, because of that assault, that young woman's life is destroyed or largely compromised or harmed in some fashion. Sometimes she cannot finish her higher education, so she is robbed of that opportunity because the rest of us didn't do enough to prevent that assault.

When we remember those words of Augustine about a basic definition of justice, we should remember and decide whether we are doing enough to prevent her from being robbed of her dignity, robbed of her safety, robbed of the ability to move forward with public education, and, of course, robbed from her basic pursuit of happiness as a young person on a college campus who should have a reasonable expectation of safety and security.

Too often, the college or the university has failed her. Often—too often, I should say—our society has failed her. This is a serious issue. As I said, some young women never recover, and others struggle for the rest of their lives.

Let me say this about the young men who engage in this kind of conduct: Any young man who engages in this kind of conduct on a college campus is a coward, and we should call them on it. They are cowards. They should be brought to justice—swift and certain justice—when they engage in this kind of a crime. It is happening too often on our college campuses.

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



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As we seek to hold these young men fully accountable for sexual assault on college campuses, we better have a Secretary of Education who is fully committed—fully committed—to making sure that we are holding these students accountable. That is the least we can expect from a Secretary of Education and from a President and an executive branch and a Congress of both parties and both Houses that are committed to protecting young women on our campuses.

What have we done about it? First of all, we haven't done enough. That is the basic foundation of what I will say, but we have made some progress the last couple of years. I introduced legislation a couple of years ago, the Campus SaVE Act, known more fully as the Campus Sexual Violence Elimination Act. That became law in 2013 as part of the reauthorization of the Violence Against Women Act.

As the process works around here, you pass a law in 2013 and the regulatory process starts. The regulations didn't go into effect until the summer of 2015. We are into our second college school year of those regulations being part of our law.

Here is what they do, and I will summarize my legislation in short order. Basically, what Campus SaVE does is two or three things: One is make sure that we are taking steps—and colleges and universities are required to take steps pursuant to this law—to bring about strategies of prevention so that we are doing everything we can on that campus to prevent these kinds of assaults.

Second, we want to make sure that more and more students and faculty and administration are aware of the problem. It is everyone's problem. It is not just the problem of that victim, not just the problem for young women. It is everybody's problem. If you are a young man on the campus, you can't just be a bystander. You have to be a bystander who does something about this problem. If you are in the college administration or otherwise, you have to be part of the solution.

We passed legislation, got the regulations in effect, and now colleges and universities have to abide by them. This act is now helping improve how campus communities at large respond to sexual assault, to domestic violence in those circumstances, to dating violence. That is a third category.

The fourth category is stalking.

All of those circumstances are covered. All of that behavior by a college student is covered. We want to make sure that institutions have clearly defined policies, and they let the victim know way ahead of time that she has not just rights but she also has opportunities to pursue justice in more ways than one. She can leave that campus and seek the help of local law enforcement if she wants to.

She has to be informed of her right to do that. If she wants to go to a court and seek a protective order, not only

must the college tell her about that right, but the college or university has to help her do it. Also, of course, there are the procedures for conducting hearings in a fair and appropriate manner.

We have a long way to go to hold perpetrators accountable. There is still more work to do on that. Too many young men over many generations have been protected in one way or another. Some institution, some individual on the campus or off the campus has protected them and swept these issues and these crimes under the rug.

We are going to continue to work on this issue, but that leads me to the nominee for Secretary of Education. I asked Betsy DeVos in the hearing if she would commit to upholding title IX, which is a nondiscrimination statute that includes important protections against sexual assault. Specifically, I asked her to uphold the guidance from 2011 of the Department of Education's Office for Civil Rights, which advises institutions of higher education to use the preponderance of the evidence standard for campus conduct proceedings.

Some people know the difference between one level of evidentiary standards versus others. They made a determination that preponderance of the evidence was the right standard. I asked her a very specific question as to whether she would uphold that basic evidentiary standard, and she said it was "premature to make such a commitment."

I also asked her whether she would enforce the law as it relates to sexual assault, and she didn't seem to believe that she had to answer that question in a manner that would be give us confidence that she would uphold the law.

To say that it is premature to answer questions like that, instead of saying "Yes, it is my duty as Secretary of Education to uphold the law, to enforce the law, to hold perpetrators accountable, to protect victims"—if she had said that, and then said "Well, but I will have to review some of these policies," that would be different. She just said that it was premature to make a commitment.

She has a duty—not a duty that she can escape if she were to be Secretary of Education—to uphold the law to protect victims. I believe that the Secretary of Education not only must comply with the law, but the Secretary of Education as it relates to those victims on college campuses or potential victims has to be, in my judgment, not just an advocate but an unyielding advocate, a determined advocate, a champion for those students to substantially reduce the likelihood that we are going to continue to see one in five women being victims of sexual assault on our college campuses.

To say that her answer alarmed both survivors and the great advocates who have been in the trenches helping those survivors for years is an understatement. I will just read two reactions.

One survivor, Jess Davidson, wrote an open letter to Mrs. DeVos as part of a "Dear Betsy" campaign. She said:

I haven't always felt that I had the space or safety to tell my story and stand up for survivors. However, I was lucky enough to attend college under a government administration that fought for survivors of sexual assault.

It was only because committed government leaders believed that it was important to uphold Title IX and address campus sexual violence that I was able to overcome what happened to me.

Later in her letter, Jess Davidson said:

Ms. DeVos, certainly my education, if not my life, was saved by committed leaders standing up and fighting for the rights of survivors of sexual assault. So today I am writing you to ask, that if confirmed, you do the same.

Jess goes on from there. She says:

Because if survivors do not feel their government is fighting for them, they won't speak up. I almost didn't.

That is one survivor telling us how difficult it was for her to speak out or to speak up about this issue because of the pain and the horror that she lived through. Mrs. DeVos may not have to answer my questions fully, as much as I pursue an answer, but she does have to answer the questions of those survivors like Jess and so many others because if she is confirmed as Secretary of Education, she is not some independent operator. She is a servant of the people. The people are her boss. Jess is her boss. If she is confirmed, she better understand that she is a public servant. The private sector would be in the rear-view mirror. You can't treat people the way that she might have treated people up to this point in time.

She is a servant of the people if she is confirmed, and she better have an answer for Jess every day that she is on the job if she is confirmed.

Another survivor, Sofie, works for an organization called End Rape on Campus. She wrote:

Our country has finally begun to shatter the silence on sexual violence, and survivors nationwide are refusing to go back to how things were before. Students, parents, and survivors nationwide deserve to know whether Betsy DeVos is truly committed to keeping all students safe in school. Betsy, we are counting on you.

Betsy DeVos, if she is confirmed as Secretary of Education, has to answer those questions that Jess posed, that Sofie posed, and so many others. She may try to avoid questions posed to her by Senators or by the media, but she has a sacred duty that she cannot escape to give answers to these survivors and to the advocates who so bravely support them day in and day out, year in and year out. It is about time the Congress of the United States did a lot more to support these victims as well.

Maintaining protections for victims of campus sexual assault is not part of some negotiation. This has to be mandatory work that we do together. In reference to her answer to my question

about it being premature to commit to enforcing a law on sexual assault and fully embracing the guidance that the Department put forth in 2011—and by the way, the same guidance put forth in the Bush administration—if she is going to change that guidance on the evidentiary standard, thereby making it harder for victims and better for the perpetrator, by the way, when you raise the standard of evidence, she better have a good explanation for that.

She will have to have a good explanation for the victims and the survivors as to why she changed a policy that has been in place for two administrations, not just one, two—a Republican administration and a Democratic administration.

I would apply the same test to the entire administration. Now the Trump administration has an obligation, as well, not just Mrs. DeVos if she were to be confirmed. They must commit as an administration to keep strong campus sexual assault protections in place and not go back to the dark days when this scourge was not a priority—not a priority here in Washington and not a priority on college and university campuses across the country.

If they want to fight on this, I am ready to fight for a long time against anyone who is going to try to weaken these protections. We are not going to allow this administration or any Secretary of Education to turn back the clock and allow young men to continue to prey upon young women with impunity and without consequence as they often have been able to do over the years.

Let me move to a second issue—students with disabilities. It is often overlooked in our debates about education. We have debates about funding, debates about philosophy, debates about who has the best idea, and sometimes we forget students with disabilities, who have a right under Federal law to have the opportunity for a full education, an appropriate education. Ensuring that all students receive high-quality education is absolutely critical, and it is something that is particularly important for students with disabilities and their families.

In my judgment, Mrs. DeVos displayed a total lack of knowledge regarding the Individuals with Disabilities Education Act. That is a 1975 law. The so-called IDEA is four decades old, and its predecessor was the so-entitled Education for All Handicapped Children Act, the old version of it many years ago. Together they have been the bedrock civil rights and education laws that guarantee that students with disabilities receive the same educational opportunities as their peers who do not have a disability.

According to the Department of Education, prior to 1975—prior to IDEA—U.S. schools educated only one in five children with disabilities and many States have laws excluding students, including those who are deaf, blind, and emotionally disturbed or intellectually impaired.

Since the passage 40 years ago of IDEA, the vast majority of children with disabilities are now educated in public schools with their peers. We know that high school graduation rates are higher today than they have ever been. Students with disabilities are going on to higher education in greater numbers.

In the last two decades, reading and math scores on the National Assessment of Educational Progress have increased substantially. We have seen this from the beginnings of the debate in Pennsylvania. Way back in 1971, the PARC vs. Pennsylvania case—PARC standing for the acronym P-A-R-C, one of the cases that helped establish the right of all children to have an appropriate public education. We know that in the hearing, Senator Kaine from Virginia asked Mrs. DeVos whether all schools that have received Federal funding should have to meet the requirements of IDEA. She said: “I think that’s a matter that is best left to the States.”

That is obviously the wrong answer when you are talking about a Federal statute. States don’t have an option of not complying with Federal law. Given the opportunity to clarify her answer, Mrs. DeVos continued to insist that States should be able to determine whether they provide services to students with disabilities.

Let me say it plainly. That is dead wrong. That is unambiguously, definitively wrong. States can’t decide not to comply with the IDEA—the law that 4 years ago enshrined that basic right for students with disabilities to get an appropriate education. I hope by now, on the eve of her confirmation vote, that she has done some studying and learned that IDEA is the law of the land. If she wants to change it, she better line up votes in the House and the Senate to overturn the law that made sure that students with disabilities have those basic guarantees.

Once again, the best words are from people who write to us and contact us about these issues.

Kristin, who is from Southeastern Pennsylvania, wrote the following with regard to her son:

Being parents of a high-functioning autistic child, we value and cherish our public school system. In fact, our public school experience has been life changing for our son. He’s getting a great education, and has made remarkable strides. He not only benefits from the resources, caring attention provided by teachers, administrators, assistants and school staff and an Individualized Education Plan—accommodations afforded by IDEA that private schools can simply ignore, and charter schools do a poor job of meeting—but he has also had the opportunity to meet all sorts of kids. I am proud and thrilled that his small group of friends include kids whose parents were born in other countries or who practice other religions. This is the benefit of a quality, well-funded, public school education; an informed citizenry and an introduction to the cultures and perspectives beyond our own neighborhoods.

No one has said it better, in my judgment, than Kristin, about the value of

public education; the value of that public school to her son who has autism, but he is a high-functioning autistic child. The vistas of opportunities for learning that have been opened to that child because of that school and because of the IDEA that helps that child with a disability—any kind of disability—to get an appropriate education under our system—and a lot of that started way back in the 1830s in Pennsylvania when the Free Schools Act was passed.

So, again, I say very directly to Mrs. DeVos as a nominee and if she is confirmed as the Secretary of Education, that Mrs. DeVos must guarantee Kristin and her son that she will support public schools and children with disabilities without exceptions, not with equivocation, not with some bizarre, erroneous argument about what States might want to do but full commitment, full compliance with the IDEA, full compliance with the law as it relates to any child with a disability. She has an obligation once she takes the oath of office, a sworn duty as a servant of taxpayers, as a servant of those parents like Kristin, to make sure she meets Kristin’s expectations, not the expectations of a President and not the expectations of insiders here in Washington. She has to answer to the expectations of Kristin and taxpayers like her and her son. So she has a heavy burden of proof based upon her testimony to date.

Mr. President, I am going to move to another topic, a topic that has been the subject of much attention lately, but frankly not enough attention over many years. It is an issue that affects all kinds of children in our schools at various ages and at various circumstances. I am talking about bullying, something that sometimes people in my generation somehow conclude has always been a problem and is just a continuing problem from one generation to the next. They are wrong on the facts. It is a much worse problem today than it has ever been, and that is largely caused by the failure to deal with it. It is also caused by the ability of the bully to follow the bullied student home and to torment them and sometimes to aggravate other bullies around them to torment them all day long in school and at home all through the night, day after day, week after week.

In addition to ensuring equal protection of students with disabilities as we just talked about, I am also concerned that Mrs. DeVos will not be fully committed to enforcing civil rights protections for students, including those who identify as LGBTQ.

This is obviously connected as well to the issue of bullying, because often the most likely victims of bullying, we know, are LGBTQ students and students with disabilities. It affects all students. There is no question about that. But there are too many stories and too many newspaper stories, in particular,

about someone who was bullied persistently over time. That has led to suicides and lead to some terribly tragic outcomes for students and their families.

Bullying, when you think about it—or I should say, when we consider the tolerance we have built up, I guess, over years to allow bullying to continue—in many ways is the ultimate betrayal of our kids. We say to our kids: Go to school. You have to go to school and stay in class and pay attention and do your homework and study hard for quizzes and tests. If you do that, you are going to progress and you are going to be a person who has opportunities in the world. But you have to stay in school and you have to concentrate on your work.

It is the ultimate betrayal for us as parents, as a society, to tell that to a child, and then we put them in schools where the efforts against bullying are not a priority. So it is a real betrayal of our children to send them to schools and then not protect so many of them from bullying. So in so many ways, as adults, we fail our kids when we allow that to happen.

For many LGBTQ students, schools are anything but safe. The Centers for Disease Control in 2016 put out a report called the “Youth Risk Behavior Surveillance” annual report, which looks at the health and well-being of our 9th through 12th grade students. Students who identify as gay are almost twice as likely to have been threatened or injured by a knife or a weapon on school property—twice as likely.

Students who identify as gay are almost three times more likely to stay home from school because of safety concerns. Sixty percent of students identifying as gay had felt so sad and hopeless almost every day for 2 or more weeks in a row that they had stopped doing usual activities.

Finally, the most sobering of all, the rate of suicide attempts is four times greater. Let me say that again. Suicide attempts are four times greater for young people who happen to be gay, and two times greater for young people that are questioning than that of a straight young person. With the advent of text messaging and social media and social networking, many children find they cannot escape the harassment even as they go home at night.

It follows them from the moment they wake until the moment they go to sleep. I will give you one example from Pennsylvania, right in the heartland of our State, Snyder County. You can't get much more small town and emblematic of the rural and smalltown communities in our State than a county like Snyder County.

The story of Brandon Bitner, a teenager from that part of the State, in central Pennsylvania, is a chilling reminder of the horror—the absolute horror—of bullying. This is what one news account wrote:

Brandon Bitner, 14 years old, of Mount Pleasant Mills, PA, walked 13 miles from his

home early Friday morning in November of 2010 to a business intersection and threw himself in front of an oncoming tractor-trailer, after leaving a suicide note at his home. There seems to be little doubt in students' mind why Brandon did what he did. “It was because of bullying,” this friend wrote to the Daily Item, a paper in central Pennsylvania. It was because of bullying. “It was not about race or gender, but they bullied him for his sexual preferences, the way he dressed. Which,” she said, “they wrongly accused him of.”

We know that Brandon's suicide note reportedly explained that he was constantly bullied at Midd-West High School in Middleburg, which is also Snyder County, where he was a freshman. Bullies allegedly called Brandon names. He stated in the note that a humiliating event in school this past week was “the straw that broke the camel's back.” Brandon was an accomplished violinist, having been a member of the Susquehanna Youth Orchestra in 2009.

That is smalltown Pennsylvania, Snyder County, right in the middle of our State. So you have a 14-year-old who is driven to suicide because of bullying—persistent, pernicious, violent, evil bullying—that drove him to throw himself in front of a tractor-trailer 13 miles from his home.

Now, we know that laws cannot wipe out human behavior or the darkness of human nature sometimes. While we do have Federal laws that promote school safety, there is currently nothing in place to comprehensively address issues of bullying and harassment. It is critical that anti-bullying and harassment laws and policies enumerate or list characteristics that are most frequently the subject of bullying and harassment, such as race, color, natural origin, sex, sexual orientation, gender identity or expression, disability and religion—sometimes known in the law as protected classes.

It is important that in any bullying policies, those categories are so enumerated. This is the most effective strategy for preventing and prohibiting both bullying and harassment. Research shows the effectiveness of these policies, and even the American Bar Association agreed, passing a resolution unanimously in 2011 supporting enumerated protections, not vague references to protecting young people from bullying but very specific enumerated policies.

Now, we have made progress in developing legislation, but we have not gotten the support we need to get it passed. We tried this during the debate on the Every Student Succeeds Act, which, as many of you know, is the reauthorization and the many changes made to the No Child Left Behind legislation. But we did not get this policy as part of that. So we have a ways to go.

Now, I had hoped that the next Secretary of Education would be interested in tackling these issues. While Mrs. DeVos has expressed a desire to work on preventing bullying, her

record and financial giving seem to suggest otherwise, especially as it relates to LGBTQ students.

Mrs. DeVos and her family's foundations have given millions of dollars to organizations that are expressly opposed to this work—much of the funding coming from the Edgar and Elsa Prince Foundation, which is one of her family foundations. So, in other words, she is supporting groups that do not want to pass anti-bullying legislation that enumerates the protected groups of students.

I think that is a big mistake. I think it is wrong. We will continue to fight them. But I hope that those donations that the family foundations have made will not prohibit her from taking strong action against bullying as Secretary of Education. Once again, I will say it: When she becomes Secretary of Education—if she is confirmed—she is no longer a private citizen engaged in fights about ideology or fights about policy or fights about politics. She is a servant of the people if she is going to be Secretary of Education.

So I would hope she would rethink that original predisposition to be against those policies. I will move on because I know we are limited in our time.

Now, I wanted to conclude with a couple of remarks about questions regarding ethics and potential conflicts of interest, because that seems to be a persistent theme with regard to a number of the nominations.

We know that a lot of questions have been asked lately of Mrs. DeVos. I wanted to review some of those. There are at least potential conflicts of interest if she became Secretary of Education. We know that we have a tradition not only here in Washington in the Federal Government, but it was very much a part of State government in Pennsylvania when I served there. It is part of the tradition in our State that we opt on the side of more transparency for candidates and for public officials about disclosure of information, especially information that could compromise an individual in public office—tax returns, for example, when people run for office. Providing Mrs. DeVos's tax returns would be a small price to pay to become Secretary of Education as part of that transparency. It would also go a long way to ease the public's discomfort around some of the potential conflicts of interest in the assets and family trusts that DeVos will be retaining if she were to be confirmed.

The letter of agreement between Betsy DeVos and the Office of Government Ethics is necessary but not sufficient to alleviate her and her family's financial conflicts of interest. The HELP Committee has always used its own requirements for vetting a nominee, which are and always have been a step beyond those gathered by the Office of Government Ethics.

The committee requires full disclosure of all assets over \$1,000 in the two-

part committee questionnaire required by the committee rules. So there is a lot more to do. I know we are running out of time. There is a lot more to do, I believe, in terms of her fully disclosing information about her family's or her own financial transactions, what stakes they will maintain in some of these entities if she were to be confirmed.

This is not about probing someone who has a lot of personal assets and is wealthy. This is about the taxpayers' right to know what their Secretary of Education, or even a nominee for this job, has in her portfolio and her family.

So I will conclude with this. Our children and our families and our taxpayers deserve a Secretary of Education who is fully committed to being a champion for public schools and public education.

I will harken back to what Kristin said in part of the letter I read: Their public school experience has been "life-changing." They "value and cherish our public school system." I hope that Betsy DeVos, if she were to be confirmed, would value and cherish public education and make it a life-changing experience for every student in those public schools.

For the many reasons I have outlined, I will vote against her nomination tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, I appreciate the time.

I think we have had a very interesting debate on Betsy DeVos and frankly on public education. Listening to my friends on the left, I have been encouraged, encouraged because I am excited that for the first time in a very long time, we are actually having a conversation about the important role of public education in America. This is a necessary component to success in life.

I have been inspired, inspired by Senators who have spoken eloquently and passionately about the importance of our public education system, the challenges they fear might come with the appointment of Betsy DeVos to be Secretary of Education.

I have also been disappointed and frustrated by some of the statements made by my friends on the other side. What this is not, what this should not be is a partisan issue. This is not an issue of Republicans versus Democrats. That is not what this is about. This is not even a political issue, nor is this an issue about teachers.

I, for one, am so very thankful for incredible teachers. I think of Mrs. Lynch, Mrs. Greenberg, my fourth grade teacher, Mrs. Wynn—God bless her soul. I was a handful. I think of Coach Roberts and Mr. White. We called him Mighty White, Mr. White. What an amazing English teacher I had in my senior year. Ms. Barry and Ms. Myers, wonderful Spanish teachers.

This is not about teachers. It is not necessarily about Betsy DeVos, not

even Betsy DeVos. For me, the issue is simply an issue of quality education. I will, without any question, have a very specific conversation on Betsy DeVos. For me, however, this is simply about quality education and how we get there.

My story is familiar to many people in this Chamber. I have spoken about it a number of times. I will tell you that my entire time in the Senate—the 4 years I have been here—I have been talking consistently about the power of education and the necessity of quality education. I call it the opportunity agenda.

The opportunity agenda, which has been my focus for the last 4 years, focuses first on education, making sure that every single ZIP Code in America has a quality choice for education. This is so important to me.

As a poor kid growing up in a single-parent household, I was not doing very well. From 7 to 14, I drifted in the wrong direction. As a freshman in high school, I basically flunked out. I failed world geography. I may be the first Senator to fail civics. I even failed Spanish and English. When you fail Spanish and English, no one considers you bilingual, no one. They did call me, by the way, "bi-ignant" because I could not speak in any language, and that is where I found my unhappy self.

I have two major blessings in my life: a wonderful mother who believed in my future, who encouraged me, who inspired me, who did everything necessary to try to keep me on the right track, and I had a powerful mentor.

I am so thankful that during the hardest times of my life, I found myself in the position to receive a quality education, and I learned from my sophomore year forward to take advantage of that positive, strong opportunity for a quality education, but that was not always the case.

I remember by the time I was in the fourth grade, I had gone to four different elementary schools because there is something transient about poverty. So we moved around some. Picking the right school was difficult, challenging. So, for me, when I think about this topic, when I hear my friends on the left, when I think about the debate around the Nation, this is simply a clear debate and discussion around education. It changed my life for the better.

I will tell you, this is not a Republican or a Democratic issue. Both Republicans and Democrats around this Nation—maybe not in this Chamber but around this Nation—support Betsy DeVos to be the next Secretary of Education, and that is good news.

Let me just talk for a few minutes about Betsy DeVos. I have listened to the concerns as we have heard from the Senator from Pennsylvania. Tens of thousands of folks have called the offices of all Senators, to include mine. I have been on the phone, answering the phone in my office so I could have a chance to chat with my constituents

who called in from inside the State. I certainly had a ton of calls from outside the State.

Here are some of the concerns I heard from my constituents that I know were serious concerns and important parts of the conversation. One serious concern was the lack of experience she has.

I will tell you, she brings with her a fresh set of eyes; that, yes, she has no official experience, but she has invested the last 28 years of her life in improving public education. She has supported, without any question, the creation of public charter schools.

I had the privilege of speaking at a charter school in Michigan started by Betsy DeVos and her husband 3 or 4 years ago, an aviation high school that focuses on making sure the students are prepared to be competent and to qualify for good jobs in the aviation transportation sector. It is a phenomenal school. I enjoyed my interaction with the kids.

I will tell you that not only has she spent the last 28 years in public education, not only has she spent millions of her own money focusing on education, but she has a set of fresh eyes. I will explain to you in a few minutes why that is so important if we are going to improve the quality of education experienced in the rural areas, like West Virginia or in South Carolina, as well as the inner cities, from Chicago to Detroit and parts of South Carolina as well. So that will be an important part of the conversation as we move forward.

The second thing I have heard from my constituents that I think is really important is that she doesn't support accountability equally for charter schools and other public schools.

I had a chance to talk to Betsy DeVos, and I would not support her if she was not going to treat all the schools the same as it relates to accountability. That is important, and that is a place where she has been crystal clear, from my perspective.

The third issue I have heard is that supporting Betsy DeVos will somehow ruin public education. I will tell you, I have had the chance to sit down and chat with her about the role of public education. She agrees with many on our side of the aisle, when she said very clearly, she supports public education. She supports quality public education. She supports charter schools. She supports school choice.

I do not believe there is a binary choice between public education and school choice. I think that is not an accurate description that we face. I think she will help to improve public education.

One of my friends on the left said that public education is a right, but for too many of our children quality public education is not. It is simply not happening.

I will tell you, as I think about the numbers around this concept, I look at those schools around the Nation that

meet or exceed our national standard in the area of English or language arts.

In my home State, in the county where I was born, Charleston County, if you break it down—and this is a debate that has become a debate so often about where you live and what you look like so I wanted to break it down by the demographics I have heard so often from my friends on the left because these are important demographics. It is very important for us to understand and appreciate the necessity of improving quality education for all of our students.

I see in Charleston County meeting or exceeding the English standards that we have set, that 78 percent of our White kids are doing just fine in meeting and/or exceeding those national standards, but, unfortunately, only 24.4 percent of our Black students meet or exceed those standards. I heard that of the Hispanic students in Charleston County, only 27.7 percent meet or exceed those standards.

I will tell you that if you think about where we are, as a nation, on the issue of public education and if you drive into some of the inner cities, like Chicago or Detroit or Philadelphia, you have to ask yourself: What is the experience of that child in public education? Because I think this is the central debate for our country. It is around education because a poor education has a strong correlation with our incarceration rates. A poor education has a strong correlation with high unemployment rates. A poor education has a correlation with low lifetime income.

So the importance of the issue of quality education—particularly in those places in our country that seem to be under tremendous stress—we should drill into the numbers so we can appreciate what the future looks like for those kids. This is such an important issue.

In Chicago, 65 percent of our majority students meet or exceed the standard in English or language arts, but only 22 percent of our African-American kids meet or exceed the standards; 29 percent of our Hispanic kids in Chicago meet or exceed the standards.

What are the numbers in Detroit? Well, in Detroit, only 13 percent of our majority students meet or exceed those English standards; 9 percent—1, 2, 3, 4, 5, 6, 7, 8, 9 percent—of the African-American kids meet or exceed those standards; 12.5 percent of our Hispanic kids meet or exceed those standards. Just correlate those numbers to the incarceration rates, to the employment rates, to the lifetime income rates, and to the rate of hopelessness in those communities.

I know we are having a debate about the Secretary of Education. It is an important debate, but a more important debate centers around the educational experience of our students all over this Nation and what that means long term for this Nation and for the students and for our communities all over the country.

Philadelphia is another place. For 53 percent—barely half of the majority students—meet or exceed the standards; 24 percent of African-American students and 23 percent of Hispanic students meet or exceed the standards.

What does that mean? That means that while we are having a debate about education, while we are having a debate about Betsy DeVos, maybe it is not about Betsy DeVos. Maybe it is not about the great teachers I have had and others have had. We should all celebrate quality public education. I do. I am a tremendous supporter of it, but there is a place in this Nation—from Appalachia, the rural areas in West Virginia, the rural areas of South Carolina, inner cities that I have just named—where a quality education is not the norm. As a matter of fact, the exact opposite is the norm, and that means we all will pay a hefty price, not financially because that is secondary. We lose human potential when it is not developed, and that is a travesty, one that we can ill afford as a nation.

While I am seriously concerned about our debate on Betsy DeVos and I am seriously concerned about public education, I am very concerned about the quality outcomes not being experienced by our rural kids and our inner-city kids, and far too often we forget to have a debate about the children in the system. We have a debate about the system, we have a debate about the Secretary of the system, but we haven't thoroughly vetted the accomplishments or the lack of accomplishments within that system. So we ought not cast a shadow over all public education. We should, however, illuminate or cast a bright light into problem areas and look for options to improve the outcome for those kids not only trapped in a failing system but for the rest of their lives playing catchup. That is where our focus should be.

We have heard a whole lot of hyperbole about what the next Secretary of Education can do, as if that person could somehow with a magic wand change education. That is patently false. It would take action by this Congress to have that happen. The reality of it is that while it is an important position, she cannot act unilaterally, and the one commitment that I made sure I had from her—she viewed the world of education in the same paradigm as I do, which is we don't want a top-down approach to education; we actually want school districts and local communities and counties and States to lead the charge, because about \$550 billion that supports public education doesn't come from the Federal Government, it comes from the States and the local school districts. That is where the decisions should be.

I am a supporter of school choice; however, it would just be an option under the best-case scenario where States would have more options at the cafeteria. I don't want to mandate and she is not going to be able to mandate school choice. That will be our deci-

sion, and I have decided I don't want to make it happen. I want to give the States and the local school districts the opportunity to make their own decisions, which does lead me, of course, to my support and her support of school choice.

I would submit that most of us in this Nation support school choice. I know that is a controversial statement and one you have to back up with facts. Here is a fact: The fact is that we as a nation consistently support school choice. It is called a Pell grant. A Pell grant is a Federal subsidy that often times goes to private schools—colleges. Unfortunately, many kids who do not meet or exceed the standards in English, math, and science will never experience the Pell grant because they don't go on to a 2-year or a 4-year education. They don't go to a technical school or to a college. They don't find themselves experiencing what we as a Federal Government provide—a clear and specific option to take your Federal dollars to your private colleges.

We all seem to support school choice; we just don't seem to support it for those kids trapped in failing school districts and underperforming schools. Those kids will not see the Pell grants so often. Too often, too many of those kids will not see a Pell grant, which is absolutely, positively, unequivocally school choice.

I will state that I am hopeful. I am hopeful because I believe that men and women in this Chamber are sincere and serious about the debate around public education. And I will tell you there are reasons to believe that in spite of the dismal performance that I have read, there are reasons to be hopeful that the future for those kids in public education can get better—significantly better.

As I wrap up my comments, let me reflect upon what is possible for kids who were underperforming to become high-achieving. So often we label those kids as at-risk kids. I prefer to call them high-potential kids. There are examples in this Nation where those kids who were performing so poorly, according to the third grade statistics, around meeting or exceeding expectations, according to ESSA, those kids, later in life and in different programs and in New York City specifically, are doing incredibly well. Let me give a couple of examples, and I will close with this good news and more to be continued later this morning.

There is a group of schools called Success Academies which are public charter schools that are performing at the highest levels in the State of New York. Here is the good news: These kids are 87 percent African American and Hispanic. And I went through the numbers earlier—dismal numbers meeting or exceeding standards in English. The numbers are very similar in math. They are very similar in science. But here is what is possible: In all the New York State schools, the top-performing schools in the State—

looking at their performance, 94 percent success rate in math, 82 percent in English, 99 percent in science. To break those numbers down as I did earlier with the African-American and Hispanic students, in math, here is how you reverse the achievement gap: 93 percent of African-American Success Academy scholars outperform the majority of students in New York City. Eighty percent of them are African Americans and 80 percent of them are Hispanic. They are at 80 percent.

You see, Mr. President, with the right focus, with the right emphasis, with options like a cafeteria, when parents have a choice, the students have a chance not just in education but a better chance in life.

Thank you, Mr. President.

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

The PRESIDING OFFICER (Mr. SASSE). The clerk will call the roll.

The bill 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 (Mr. RUBIO). Without objection, it is so ordered.

Mr. BENNET. Mr. President, the hour is late, or early in the morning, and my colleague from Hawaii is here. Before I leave the floor, I want to say how pleased I am to see the Senate actually debating the state of education in America.

I said earlier today when I was here that if you are born poor in this country, you arrive at kindergarten having heard 30 million fewer words than your more affluent peers, and if you are born poor in this country, by the time you get to the fourth grade, only about one in four kids is proficient in mathematics, fewer than that are proficient readers. What it all adds up to is that if you are poor in the United States, your chances of getting a college degree by the time you turn 25 are about 9 in 100.

I often think about that when I am in this Chamber because there are 100 desks here, and if we were poor kids living in America, the desks that would be occupied by college graduates would be the three desks that my colleague from Hawaii is sitting at in the front row over there, the four desks behind him, and then two more desks in the following row. Every other desk in this Chamber if they were occupied by poor children in this country, would be occupied by somebody who didn't have a college degree.

Sometimes people say to me: Well, don't you know that not everybody will go to college. College isn't for everybody. I find that when people say that, they are often talking about other people's children, not their own children. Even if that is true—and I do believe we should build a robust system in this country that is not about a college degree but is about acquiring skills and knowledge that can put people on the

path to acquiring a salary that is actually worth something. In fact, the Presiding Offer and I have a bill together that would allow students to use Pell grants for those kinds of educational opportunities that may not get you to a college degree but will put you on the pathway to acquiring greater skills.

I think it is very important that we have a system where people are acquiring that kind of knowledge, but it also is true that it is, I think, completely at war with who we are as Americans; that there is a class of people in the United States, in the land of opportunity, who because they are unlucky enough to be born poor, are unlucky enough to go to schools that nobody in this Chamber would ever be content sending their kid or their grandkid to.

In fact, if we had the results that we have for poor children in America for the children and grandchildren of the Members of this body, I am sure we would all leave and go back home and fix this problem. We don't talk enough about the State of public education in this country. We almost don't talk about it at all.

We just had a Presidential election in this country where the issue didn't come up almost at all. I am glad we are having the debate, and I strongly believe that the person President Trump has nominated is ill-equipped to help the country overcome the challenges we face in public education and put us on the path we need to be on, which is a path that says that we are going to provide in the United States robust, high-quality early childhood education for every family in America that wants it.

We are going to have a system of public education in this country that provides a K-12 school for every single child in America that is a school that any Senator would be proud to send their kid. We are going to make sure that every young person in the United States, and maybe even people who aren't so young, has the ability to graduate from college or acquire the skills and knowledge they need to compete in the 21st century and do that without acquiring a mountain of debt that requires them—in the case of people graduating now from colleges in Colorado—to take 22 years of their lives to pay that debt back. It doesn't make any sense.

This is the land of opportunity. The gateway to opportunity is a high-quality education, and too many of our kids in this country in the 21st century don't have access to it. My hope is that when we get through this debate, we can focus on the work that is happening in places like Denver, CO, where we have seen, in just a 10-year period, a 60-percent increase in the number of kids who are graduating from high school.

I am the first to say that we have a long way to go in Denver in terms of making sure that a kid's ZIP Code doesn't determine the education they get. I said earlier tonight and I believe

if we could say that every single city in America, every single urban district and every single rural district where there are poor children and kids of color going to school that we had increased the graduation rate over the last 10 years by 60 percent, I think we would feel a lot better about where we are headed as a country.

That is a fundamental challenge for this country. It is the most important domestic issue we face, and I hope this debate tonight, this 24 hours we are spending on this nominee, is not the end of our debate.

As I said the other day in the Health, Education, Labor, and Pensions Committee, I think it would be a useful exercise for that committee to spend the next year studying what is going on in public education in this country, what is working well, what is not working well, and figure out how we can work—the Federal Government can work—with States, local governments, and local school districts to provide the kind of opportunity that every kid in America deserves.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHATZ. 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. SCHATZ. Mr. President, I wish to tell a story about Evelyn, a young woman I met from Molokai, which is a small rural island in the State of Hawaii. It is the kind of place that has one radio station, one high school, and everybody knows everybody. Of course, everyone in town knows Evelyn.

They were all so very proud of her when she invented a pH sensor that can detect even small changes in the ocean's environment. Her device is nothing short of groundbreaking. It is actually more accurate than the devices that marine scientists at our Federal agencies have been using, and it is way less expensive. It is an estimated $\frac{1}{4}$ of the price, and it requires half the maintenance.

This invention makes Evelyn an accomplished scientist, an innovator, an entrepreneur, and a passionate ocean steward, but she is also a junior in public high school, Molokai High School. She is proof that our public school students can compete and innovate at the highest levels and that public schools can be a path to just about anything, which is why public schools and public education are to be held up and supported and understood as the great equalizer, the bedrock of our democracy, our civil society, our country. You can trace back the history of public education in America to the Original Thirteen Colonies. In 1635, boys in Boston could get a free education, and by 1647, the Massachusetts Bay Colony

required every town to provide boys a basic education.

Some 340 years later, our public education system has come a long way, but some things don't change. Our communities still understand how public education lays a foundation for success. It gives every American the chance to pursue their dreams. But the nominee for Secretary of Education doesn't seem to understand that, which is why we see constituents flooding the phone lines, Facebook and Twitter, faxes, and the in-boxes of U.S. Senators.

In terms of pure volume, this last week has been the highest point for American interaction with the U.S. Congress in our history. Think about that. Think about what we have been through as a country together, and yet, this week and last, more people have called their Members of the Senate than literally ever before because that is the level of passion people feel for public education and because Americans across the country are concerned and worried about what will happen to public education under Betsy DeVos. My office alone has received thousands of messages about her nomination.

I just want to be clear about this. There are certainly advocacy organizations that make it easy for you to contact your Member of Congress. They have form letters. They have Web forms. They make it easy. They populate the thing. They pop off an email, and you just sign at the bottom. That isn't what I am talking about. These are organically generated, individual letters from across the State of Hawaii.

Talking with colleagues, that is what is happening. People are, on their own, calling because everybody has a story about public education. Everybody has a reason to be passionate about public education. Let me share a few of these concerns.

A parent on the Big Island of Hawaii wrote:

As a mother of two, and as a woman who went back to graduate school in her 50s, I understand the importance of free education in public schools as a fundamental American right, one which can create a lifelong love of education and learning.

A constituent from Kihei, Maui, wrote:

Public schools are not failing. We, as in our American culture, are failing them.

Another one from Kahului, Maui, wrote:

Children are not a business, they are not a commodity. Public education has its issues (of course it does), but privatizing teachers and turning education into an opportunity for the rich to get richer on one of the last social services we provide to everyone in this country is not the answer.

Here is one from a teacher on the island of Molokai:

The nominee for Secretary of Education, Betsy DeVos, has zero experience serving in public schools and is not qualified for the job. I do not believe she understands the needs of our students and what effort it has taken to move our schools as far along as we have. Public education is a great responsi-

bility and cannot be left to those who have never worked directly with children in need.

These are children who experience school as a safe place when they are valued, fed and educated. This serious responsibility of public education in no way can be left or replaced by a voucher system.

Here is another message from a constituent on the Big Island:

My family has very strong ties to the education community—many of which are or were educators. My husband is an English as a second language teacher, and my mother-in-law is currently a third grade teacher, so this issue cuts deep in our beliefs. We at a minimum deserve a leader with some experience and who knows at least some of the laws already in place as well as how to enforce them.

Mrs. DeVos has never known what a child from Milolii has to do just to get a good education. She has never had to make the choice to go to college or to stay home, try to save money while also helping to support her household. Neither her nor her children had to question if she can afford out of state tuition. She does not represent our plight and she does not know our challenges.

I ask you from the pureness of my heart as a mom who wants what is best for not only my child, but for every mother's child, to please demand an educational representative with experience and our values in mind.

Here is a message from another parent:

This is not about which side of the political arena you fall upon. I believe there are many Republicans and Democrats who are far more qualified and knowledgeable than Mrs. DeVos. Our kids deserve better.

She is right—our kids do deserve better. But right now, not all of them are getting the education they deserve. A 2016 report found that half a million 15-year-old students in the United States haven't mastered the basics in any subject—not math, not reading, not science—and more than a million scored below the baseline level in science.

U.S. News and World Report noted that if we could pull those kids up to a basic understanding, our economy could grow by an estimated \$27 trillion over the time period that these students are in the workforce. Set aside the human impact for a moment. Set aside the family impact. If all you care about is economic development, we are leaving \$27 trillion on the table because we are not lifting up every child to learn as much as they possibly can and reach their potential.

In too many places, we are failing these kids. The impact is both negative and far reaching. Our failure impacts their ability to go to college or learn a trade, to make a decent paycheck, to provide for their family, and to pursue the American dream. But we don't have to fail these children. This Congress can make choices that will improve education for all. We can make, instead of break, the future for our kids.

We can decide to increase funding for disadvantaged students. We can decide to protect our students from bullying, sexual harassment, and gun violence. We can decide to set up children for success with universal access to early childhood education.

There is abundant brain science now that confirms every parent's instinct, which is that the first 5 years of a child's life—of an infant's life into being a toddler, then to being a little kid—those first 5 years are the most important years for a child. Now we don't have to just use our instincts because there is abundant brain science and data that have come in that have shown, in terms of the efficacy of a Federal dollar spent, there is nothing that has a greater impact in terms of reducing social service spending, in terms of economic development, than investing in early childhood education.

We can decide to adhere to common-sense accountability standards to ensure a high-quality education to all children, regardless of who your parents are or where you live. We can decide to invest in wage-boosting apprenticeship careers and technical education. We can make college more affordable so our students can access higher education without taking on crushing debt.

But to accomplish these goals, we need an excellent Department of Education to make it happen because the agency is responsible for implementing Congress's decisions. It is up to the executive branch to ensure equal access to education and to promote educational excellence throughout the Nation. That is literally the mission statement of the U.S. DOE—to ensure equal access to education and to promote educational excellence. And that is the way I look at the Secretary nominee. Is she committed to ensuring access—equal access to education and promoting educational excellence?

The Secretary of Education is responsible for the mission of overseeing a \$36 billion budget in K-12 and about \$150 billion in higher education funding. This person is responsible for enforcing key civil rights protections for our students. This person advises the President on all things education in the United States, whether it is a policy that will affect a local public school or a policy that will impact millions of student borrowers.

Up until this moment, every Secretary of Education who has served in the President's Cabinet has had the resume required to take on these responsibilities.

Shirley Hufstedler was the first Secretary of Education to be in the Cabinet, serving under President Carter. As the daughter of a schoolteacher and a part-time teacher herself, she was also a trailblazing lawyer who was considered a favorite to be the first woman nominated to the Supreme Court.

Terrel Bell was a teacher, a professor, and then a superintendent of a school district in Utah before he served under President Reagan.

William Bennett was a professor at three universities who released research about higher education curriculums before heading the Department to serve under President Reagan.

Laurel Cavazos was dean of Tufts Medical School before becoming president of Texas Tech University. He would go on to be the first Secretary of Education for President George H.W. Bush.

The esteemed Senator ALEXANDER served as Governor of Tennessee and president of the University of Tennessee before becoming President Bush's Secretary of Education.

Richard Riley championed funding and support for education as Governor of South Carolina before leading the Department of Education under President Clinton.

Rod Paige was a professor, a dean, an innovator in education, and the superintendent of the Houston school district before he served under President George W. Bush.

Margaret Spellings advised then-Governor George Bush on education in Texas before becoming his second Secretary of Education.

Arne Duncan served as the CEO for Chicago's public school system before joining the Obama administration as Secretary of Education.

John King, Jr., was the commissioner of education for New York and Deputy Secretary of Education before he led the Department as Secretary for President Obama.

Every Secretary who has led the Department came to the job with a history in government or in the classroom. They served as elected officials or as policy advisers in the executive branch or worked as administrators or educators. But now this administration is asking us to make an exception by confirming someone who really doesn't have any relevant experience. She has never served in the government, never taught in the classroom, never managed a school district.

One woman from Oahu wrote me to say:

She is supremely unqualified to lead the department. As a retired public school teacher—30 years both in regular and special education—I am aghast that she is even being considered. When one is being nominated to uphold Federal education laws and is “confused” by what IDEA entails, it becomes very apparent that this person is a poor choice for this position.

Another letter I got from an educator reads:

I taught in both public and private schools for 10 years on the mainland before moving to Hawaii and teaching for more than 15 additional years. Watching video clips on the news of her Senate hearings, it is appalling to see how little she knows about the topic of education. I worry for all of our children. I worry for our country. Please, if you can, do what you can do to see that we get someone more qualified to help guide our children and our country. HELP!

Everything that has happened since Mrs. DeVos has been nominated has unfortunately only confirmed the concerns I heard from constituents. Because her hearing was so short, Senators followed up with written questions, and in some cases, her responses lifted language from other sources

without citing them. In one response, she wrote, “Every child deserves to attend school in a safe, supportive environment, where they can learn, thrive and grow.” Fine. Well, an Obama official used the exact same language in a press release regarding the rights of transgender students, but she did not cite that official or the press release.

In another example, she answered a question about title IX investigations in the following way: “Opening a complaint for investigation in no way implies that the Office of Civil Rights has made a determination about the merits of that complaint.” That is the exact language the Department of Education uses in its own guidance. There is nothing wrong with citing a source, especially when that source is the Department you want to run, but it has to be cited. That is one of the first things you teach a child in seventh and eighth grade when they are trying to learn how to do research—cite your sources.

But the central issue isn't the lack of a seriousness of purpose during the hearings and in the questions for the record, although I think that was what caused the Nation to kind of wake up and rise up about the challenge in front of us when it comes to public education. This was not part of some master strategy on the part of Democrats. What happened in those hearings is that MICHAEL BENNET, AL FRANKEN, CHRIS MURPHY, and ELIZABETH WARREN just did their jobs and asked questions.

If you told me that a clip about the distinction between proficiency and growth—I mean, that is the wonkiest thing in the world. But what happened was 2 million people or more saw that on Facebook. This wasn't part of our political strategy. What happened was that people saw the hearing and got very worried that we will have the wrong person in charge of public education policy at the Federal level. So you have people left, right, and center. You can ask the Senate Republicans whether they are getting phone calls too. They are getting phone calls too. This is not a Democratic strategy. What is happening is that we have the wrong person who may be confirmed as the Secretary of Education.

The central issue is that there remain concerns around Mrs. DeVos's basic understanding of education policy. During her confirmation hearings, there were several moments when she didn't seem to fully grasp the important parts of Federal law on education.

The Washington Post actually published an article called “Six astonishing things Betsy DeVos said—and refused to say—at her confirmation hearing.”

DeVos refused to agree with a Democrat that schools are no place for guns, citing one school that needs one to protect against grizzly bears.

When Senator Chris Murphy asked her whether she would agree that guns don't belong in schools, she said, “I will refer back to Senator Enzi and the school he was talking about in Wyoming. I think probably there, I would imagine that there is probably a gun

in the schools to protect from potential grizzlies.”

This would be hilarious if it weren't so serious. This would be hysterically funny if this weren't the person who is about to become our Secretary of Education.

When asked whether she would support President Trump if he, as promised, moved to end gun-free zones around schools, she said: “I will support whatever the President does,” even if that means moving guns into schools, allowing guns in schools. She added: “If the question is around gun violence and the results of that, please know that my heart bleeds and is broken for those families that have lost any individual to gun violence.”

DeVos refused to agree with Senator TIM Kaine that all schools that receive public Federal funds—traditional public, charter, or private schools that receive voucher money—should be held to the same standards of accountability.

A little background on this issue. I have a great charter school movement in the State of Hawaii, but the deal we have struck—and it is imperfect, and they are always arguing about fixed costs and capital costs and all the rest of it, but the basic bargain when charters work is that they are legitimately a public school. What does that mean? That means they are held to the same standards as traditional public schools because to the extent that you have two categories of public schools with different metrics, then you are basically playing a game, trying to divert money from one to the other.

OK, so TIM Kaine's question was exactly right. If public money is involved—whether it is vouchers to a private school, school choice to a charter school, or a traditional public school—shouldn't we measure each school's success in the same way, just to be fair?

Kaine said: If confirmed, will you insist upon equal accountability in any K-12 school or educational program that receives taxpayer funding—whether public, public charter, or private?

DeVos said: I support accountability.

Kaine said: Equal accountability?

DeVos: I support accountability.

Kaine: Is that a yes or a no?

DeVos: I support accountability.

Kaine: Do you not want to answer my question?

DeVos: I support accountability.

This is someone who either did not prepare for the hearing or is basically walking into this hearing saying: I have the votes. I don't have to answer your questions. I don't have to reassure the parents, teachers, and students who are desperately worried about what is going to happen to public education because I have the votes.

Kaine said: Let me ask you this. I think all schools that receive taxpayer funding should be equally accountable.

I mean, he is so polite, but he is also very lawyerly. So he asked the question 14 different ways, trying to get the answer.

Do you agree?

DeVos: Well, they don't. They are not today.

Kaine: Well, I think they should. Do you agree with me?

Well, no.

Kaine, interrupting her, said: You don't agree with me. And then he moved on to another topic.

DeVos appeared to have no idea what AL FRANKEN was talking about when he referred to the accountability debate about whether to use test scores to measure student proficiency or student growth.

I mean, there is a debate about student proficiency and student growth, and I won't bore you with the details except to say that I don't expect regular folks out there to be into the weeds about the difference between proficiency and growth. I get how wonky that is. I absolutely expect the Secretary of Education nominee to know about this.

I mean, even if you are brand new to the topic, if you just have smart people in the room who briefed you on it—10 hours maybe—you would be ready to talk about proficiency and growth. This is what I am talking about when I talk about a lack of preparation, a lack of humility around what advice and consent means, and the Senate has an obligation to take every nomination seriously.

FRANKEN noted that the subject has been debated in the education community for many years and said, when she didn't weigh in and just looked at him without much of an expression on her face: It surprises me that you don't know this issue.

But it is not just issues like accountability or guns in schools that concern me. On a whole host of issues, Mrs. DeVos's views are far out of the mainstream of education policy.

I want to highlight four policy areas where Mrs. DeVos's views are beyond my line in the sand. Let's start with K-12 education. I think we can all agree that this country has work to do when it comes to public education. But I am worried that Mrs. DeVos would prefer to privatize our public schools instead of improving them.

Take a look at her track record. She has fought to strip away protections around K-12 education and introduce a profit motive into our education system. She has lobbied for vouchers and for for-profit schools. She has been relatively successful in her lobbying efforts. In her home State of Michigan, she had an enormous influence on the State's approach to education.

Now, I would point any Senator on the fence about her nomination to look at this case study because it speaks volumes. In 2000, Michigan fourth and fifth grade students had higher than average test scores in math and English.

Fifteen years later, students now perform below average. Last spring, the Atlantic published a fascinating article about Detroit's education system,

which has been most influenced by the policies that Mrs. DeVos champions. I would like to read a few excerpts from it.

Three months into her son's first pass at third grade, Arlyssa Heard had a breakdown. Judah was bright, but had begun calling himself stupid. The chaos of Detroit's precarious education landscape had forced him to switch schools every few months, leaving him further and further behind.

There was no central system to transfer Judah's records when he moved, and according to Heard the school where he started the 2014-15 academic year had a single teacher assigned to 44 third-graders. Heard was virtually alone in trying to deal with the fact that her boy, then 8, could write only the first two letters of his name.

Heard says she was one of the parents Detroit Public Schools turned to when it needed a strong family showing at a rally or community members to serve on a task force. She was running for the Detroit School Board. But when she needed help, she had nowhere to turn.

"Here I was this advocate for education, and I couldn't find a place for my son," she says. "I was crying in the principal's office and I said, 'I don't know what to do.' The principal said, 'I don't either.'"

The scope of the problems plaguing Detroit schools—both traditional district schools and charters—is almost unfathomable. According to the most recent National Assessment of Educational Progress, only 4 percent of Detroit's eighth grade students can read and perform math at grade level, the lowest rate among the nation's big cities.

Schools aren't located where families need them—

Think about this—

and campuses often open and close with no coordination or notice. Over the last six years, most schools in the city have either opened or closed—or both. In one neighborhood in the city's southwest quadrant, home to a large Latino population and a number of industrial zones, a dozen schools opened or closed in the span of 18 months. And when a parent shows up to find a child's classroom abandoned, good luck finding a new one. There are more than 200 schools with roughly 50 different enrollment processes and almost no standard for performance.

Some 44 percent of the Detroit students are enrolled in charter schools, the second-highest rate in the Nation, behind New Orleans. One of those schools is the Detroit Leadership Academy, which two years ago was solidly at the back of a flagging pack. Abutting a crumbling freeway access road in the city's working-class Castle Rouge neighborhood, several grades at the school's elementary campus did not boast a single student reading or performing math at grade level.

During the summer of 2015, a network of three charter schools called Equity Education Solutions—which unlike most of the city's charter operators is a nonprofit—was tasked with turning the school around, a restart required under law because of its consistently poor performance. Central Michigan University, the authorizing entity that granted the school permission to exist, told the fledgling network it had 8 months to fix things.

In reality, the operators of Detroit's charter schools almost never close them because of poor academic performance. So even a school where no child is achieving at grade level can continue enrolling new students.

That is school choice for you. That is the charter school movement for you—not in every instance, but this is how it manifested itself in the State of Michigan,

where Betsy DeVos played a major role.

And the higher-education institutions that authorize them, often have financial incentives to keep the schools open; charter networks give authorizers a percentage of the funding.

So the agency, which is often a university or some other institution, actually gets a cut of the revenue for authorizing. So they have a problem saying: This charter must be shut down—because that costs them money.

In some States in exchange for that revenue, charter authorizers are encouraged to provide support and accountability, but not in Michigan, where the trustees of the colleges doing the authorizing are appointed by the governor. "Not even the governor has the authority to shut down chronically low-performing charter authorizers in Michigan," Education Trust-Midwest noted in a report released last week, "despite the fact that such authorizers serve nearly 145,000 Michigan children—and their charter schools take in more \$1 billion annually."

Critics say this is especially problematic because almost all of Detroit's charter schools are run by for-profit companies.

Think about that. This is public education. Right? These are public dollars. Suddenly, they are going to for-profit companies. It would be one thing to have the old talk from Members on the other side of the aisle: We should run government like a business. Well, if the point is to run things efficiently to do more innovation, fine. If the point is to try to suck as much revenue out of the taxpayer as we possibly can and deliver a minimal service, you know, I don't think we should run the public education system like that kind of a business. In this case, it is not running it like a business; it is running a business with Federal and State tax dollars.

The private businesses aren't required to disclose their earnings, but a 2014 investigation by the Detroit Free Press suggests profits are huge.

During the 2012-13 school year, the paper found, traditional Detroit public schools spent an average of about \$7,000 per student in the classroom. Charter schools spent about \$2,000 less per pupil.

They are getting the same amount of money, and they are spending \$2,000 less per kid. Yet they spent double that rate on per-pupil funding on administrative costs. That is their skim. That is their profit.

Meanwhile, the oversupply of seats in for-profit schools has arguably kept nonprofit charter networks with better track records out of the market.

So they really are operating like a business, like an airline; right? They are operating like a credit card company, a financial services company. I mean, this is the private sector at work in public education. There are some private sector models where I think: Hey, let's have a partnership with the Department of Education to try to see how much clean energy we can develop. Let's work with the Department of Commerce on export promotion. But there are some aspects of what the government does that are not a good fit with the private sector. This

is one of them. This is not some ideological test. It is just not working.

We are ripping off our taxpayers, and we are giving a bad value to the students who deserve better.

The Senate bill under consideration at the Michigan statehouse would have created a Detroit commission with the power to change all of that. The leaders of the Michigan Association of Public School Academies, the main charter lobby association, and some of Michigan's for-profit management companies have long lobbied against policies that would have tightened accountability. The most influential of them is Betsy DeVos, a major player in Michigan's Republican Party and in the efforts to widen the for-profit sector.

They have argued that proposals such as that put forward by the Senate bill disregard the needs of Detroit's children. "Legislators should not give in to this anti-choice, anti-parent, and anti-student agenda aimed at protecting and maintaining the status quo for deeply entrenched adult interest groups," Betsy DeVos opined in the Detroit News. "After all, since DPS has lost 75 percent of their enrollment in the past decade, haven't Detroit parents already voted resoundingly by fleeing for higher quality and safer schools elsewhere?"

But critics, including Stephen Henderson, the Detroit Free Press's editorial page editor, says it's groups such as the DeVos foundations that have an agenda.

"House Republicans, for instance, are also standing in the way of [a bill] which would, quite simply, slow the spread of mediocre or failing schools."

The article ends with a few paragraphs about Arlyssa Heard, the advocate described in the beginning of the story.

After enrolling her son in two more schools that didn't work, she found a small startup school that has strategies for helping Judah compensate for his ADHD. He had to repeat the third grade, but has rocketed ahead. Now he talks about becoming a scientist.

The realization that better is possible has redoubled Heard's willingness to make the trek to Lansing as often as parent voices need to be heard. "Who are these people who are making the decisions and why aren't they in the schools," she asks. "Why can't we know? Why can't you just be accountable to the people you are serving?"

Now, during the confirmation hearing, Senator BENNET, whom I greatly admire, and who is a former superintendent of the Denver Public Schools, asked Mrs. DeVos how the policy failures in Detroit might inform her leadership at the DOE.

She replied: I think there is a lot that has gone right.

Senator PATTY MURRAY, a former school board president, asked if Mrs. DeVos would promise not to privatize public education or cut funding. A pretty straightforward question. A pretty mainstream question, right? I mean, if you get sort of a mainstream Republican nominee for Secretary of Education, they know how to answer this question. They may have a different view of common core. They may have a different view of the teachers' unions. They may have a different view on charter school choice. But everybody knows it is the third rail; you do not talk about privatizing public education.

Here is her response:

I look forward, if confirmed, to working with you to talk about how we address the needs of all parents and all students.

We acknowledge today that not all schools are working for the students that are assigned to them. I'm hopeful that we can work together to find common ground and ways that we can solve those issues and empower parents to make choices on behalf of their children that are right for them.

I don't know what that means. It is not a complicated question, right? I mean, certainly in the United States Senate, you get a lot of complicated questions, right, on the Senate Foreign Relations Committee, on the Education Committee. I happen to be the ranking member of the Communications Subcommittee on the Commerce Committee, and half of what I say is totally unintelligible to people who don't work in tech and telecom.

But this is a very straightforward question. The question is, Do you promise not to work on privatizing public education? And the answer is basically: No, I don't promise. I mean, it is a word salad, but it doesn't mean anything. And she was given a very easy opportunity to disavow her intent to privatize public education.

Privatization is not the answer. We should not be funneling taxpayer money into unregulated and unaccountable private schools.

We need to champion access to public education and the accountability measures that give all of our students a chance to succeed.

But in Michigan, Mrs. DeVos lobbied to block accountability standards for charter schools and lift the cap on charter schools. These actions pushed the number of unregulated, for-profit operators of charter schools from 255 to 805.

Now, this doesn't mean that charter schools are the boogeyman here, right? I mean, there may be some disagreements between people who support charter schools and people who support traditional public schools, but at the end of the day, the legitimate, mainstream charter school proponents will always want to be able to look you in the eye and say: Look, this is not about vouchers, and this is not about privatization. This is about the flexibility to innovate. They understand the basic bargain in the charter movement has to be: OK. It is public education dollars, and there are a couple of things that are mandatory, right? You have to comply with Federal and State law. You have to be subject to the same accountability standards, and you have to take all comers. So it is very important to the mainstream charter people—

I was interested to know because I have a good relationship with education reformers and with the charter movement, so when I heard about Mrs. DeVos, I was interested to hear what they had to say. They were, in a lot of ways, more alarmed than anyone because they believed this would be the death knell for real charters because,

to the extent that charters are just cover for privatizing public education, well, now it is going to be a fight. Now it is going to be a fight.

We have some great charter schools in my home State of Hawaii. They are doing innovative things for their students, and that is something we should all support, but when Mrs. DeVos talks about charter schools, she is not talking about those schools. She is talking about privatization.

The rallying cry behind privatization is often school choice, but choice doesn't work as a practical matter in many places across the country. In a lot of communities, particularly in rural areas, school choice is not a practical response to the problems. There is no school down the road, right? There is no little Catholic school. There is no private charter school. There is no public charter school. There is just the school, right? Because the town is too small to have multiple options.

So when you talk about taking—and I heard a figure of \$20 billion out of the K-12 budget which is not that—I mean, it is \$20 billion out of \$36 billion—and providing it for school choice and for charters, well, what about Alaska, right? What about Nebraska? What about the Dakotas? What about parts of Hawaii, where if you give a parent and a student a voucher, and they say: Well, I have this voucher for private education, for charter schools, and yet there is only one school left, all you did was eviscerate the budget of the only school in your neighborhood. That is how this is going to work as a practical matter.

I don't know if that is the intent or not. I honestly don't know if that is the intent or not, but that is how it would end up working. To drain money from traditional public education hurts people in small communities, in rural communities, and places where there is no possibility of multiple schools.

School choice can drain resources. When a charter school opens up, the public school has to divert resources from its students, and that is something I have heard about from people in Hawaii.

One teacher whom I heard from who has worked for two decades in both Hawaii and Michigan wrote this to me:

Ms. DeVos would be a disaster for public education. She has never been a teacher to know what current educational practices consist of.

Her advocacy for more unaccountable (often for-profit) charter schools and greater use of vouchers so that students could attend private or religious schools would take needed resources away from local public schools.

Her mission, in short, is to privatize public education. I've witnessed firsthand in Michigan what happens when schools privatize.

DeVos should be opposed not only for what she could do, if confirmed, but for what she's done in Michigan.

The DeVos family set up the Great Lakes Education Project, which has played a leading role in thwarting efforts to regulate charter schools in Detroit and, for the most part, failed to deliver on their promises of a better education for students.

I just want to pause for a moment and thank all of the people who write my office every day but in particular the people who have been writing my office on all of these nominees because it wasn't that difficult to pull these incredibly insightful, passionate, individually written letters, and this is happening across the country.

You know, you get the pundits as you leave the Senate. If it is the middle of the day and not 2:30 in the morning, the media kind of comes to you, and they stick the microphone in your face, and they ask you about: Is there a new tea party on the left?

All I can tell you is, there are millions and millions and millions of people who are rising up. I don't think they are all on the left. I mean, when I saw those marches, there were lots of progressives, lots of people who believe in liberal and progressive causes, but I also saw some people who have never marched in their lives. I also saw some people who just care about public education. They don't even know what their politics are, except they saw Betsy DeVos, and they said: No, this is not what I voted for. This is not what I want for my son or for my daughter or for my niece or my nephew. This is not what I want for the country's future, which brings me to the second policy area that I think we ought to consider and that is for-profit colleges.

What is happening with some for-profit colleges is nothing less than a national scandal. Students are being hurt, and we are wasting tens of billions of dollars. So here are the facts:

Almost 2 million students are enrolled in for-profit programs, and they have collectively taken on \$200 billion in debt to attend, but they often leave with little to show for it. More than half drop out within a few months. At some colleges, fewer than 5 percent of their students ever graduate.

For those who leave without a degree, repaying loans is an incredible struggle. Students at for-profit colleges default on student loans at double the rate of students at nonprofit colleges. This is morally outrageous on its own, but it is particularly egregious to the American taxpayer because these sub-standard programs are financed almost entirely by the Federal Government, and the amount is staggering.

In total, for-profits receive over \$32 billion a year in Federal financial aid. That is 20 percent of the total aid, and they serve 12 percent of the students—20 percent of the aid, 12 percent of the students, \$32 billion in Federal funding.

There are several for-profit companies that each take in more than \$1 billion in Federal aid a year and graduate fewer than 10 percent of their students. Think about that. We taxpayers are paying most of the bill a year, and these kids are not graduating. They take in more than \$1 billion, and they are graduating fewer than 10 percent of their kids.

Not only are the education metrics on student performance awful, but

many of these for-profit colleges are also under investigation for fraud and deception. Essentially, they have been lying to students and to State and Federal agencies to cover up how bad their record is.

Even while prosecutors go after these schools for fraud, they remain accredited, and they continue to rake in Federal funds.

Here are a few examples. Education Management Corporation faces charges of fraud and deception brought by prosecutors in 13 States and the Department of Justice and was facing a lawsuit to recover \$11 billion in Federal and State funds. Yet EMC is still accredited and still received \$1.25 billion from the U.S. DOE last year.

Ultimately, the Department of Justice secured a \$100 million settlement, and a separate coalition of State attorneys general reached another settlement for \$102 million in student loan debt relief for former students.

ITT Educational Services was investigated and sued by 19 States, the SEC, the CFPB, and the DOJ. It is also under scrutiny from U.S. DOE for failure to meet financial responsibility standards. They remained accredited until the day they shut their doors. Think about that. They were still accredited by the U.S. DOE, right, until they were shut down by the U.S. DOJ.

The year before, they received just under \$600 million. Their closure has left thousands of students in the lurch, with hundreds of thousands of dollars in student loan debt.

Another 152 schools are under investigation by a working group of 37 State attorneys general. They too are still accredited. Collectively, they received \$8 billion in Federal financial aid last year.

So what do these schools have in common? They never lose their accreditation, even when there are ongoing investigations of fraud and deceptive practices that harm students.

Accreditation is the key to the castle for accessing the spigot of Federal financial aid. It is supposed to signify that a program provides a quality education for its students, but here is the thing. This accreditation doesn't mean much. The Government Accountability Office released a study on accreditation in 2014, and its findings were shocking. Over a 4-year period, the GAO found that accreditors sanction only 8 percent of the institutions they oversaw and revoked accreditation for just 1 percent. They revoked accreditation for just 1 percent. So 99 percent of them, even if there is nothing wrong, they keep those Federal funds flowing in.

Even more troubling, GAO found that there was no correlation between accreditor sanctions and educational quality. In other words, schools with bad student outcomes were no more likely to be sanctioned by their accreditor than schools with good student outcomes.

Our accreditation system is totally broken. According to the Higher Edu-

cation Act, accreditation agencies are supposed to be the "reliable authorities as to the quality of education or training offered" by institutions of higher education. That is the reason for making accreditation a core criteria for receiving Federal funds.

How are we following the law when accreditation reviews find that 99 percent of these institutions are providing an education of value? How can we say with a straight face that accreditors are acting as reliable authorities on educational quality?

Here is the problem—money. Incentives are lined up against being critical and against setting high standards. The problem can be traced back to the funding and the governance of the accreditation agencies themselves.

First, accrediting agencies are funded by the same institutions they accredit. Colleges pay an additional fee to become accredited and annual dues after that. They pay for site visits and other services.

Second, accrediting agencies are run by and are overseen by the institutions they accredit. The member institutions elect their own academics and administrators to serve on the board of the accreditation agency. So everyone is in on it, right? Everyone makes money pretending this is fine.

We have a system that is dysfunctional, if not corrupt, in which it is far too easy to become and remain accredited.

This is a very similar system to what we had with S&P and Moody's and all of these rating agencies that had financial incentives to determine that all of these derivatives and credit default swaps and crazy financial instruments that were clearly not creditworthy were getting AAA ratings. Why? Because the financial incentives over time had enmeshed the accreditors with the accrediting. This is supposed to be a sort of independent relationship because they are supposed to be certifying to the consumer that everything is all good, right? And what happened? The system came crashing down.

I don't think the system will come crashing down, except that the system is already coming crashing down on the students who are getting ripped off. You ask schools that are taking in more than \$1 billion of Federal funds. There are several schools, every year with Federal funds in excess of \$1 billion, and 5 percent of the kids are graduating. For the sake of students and taxpayers, the Department has to make this a top priority, but I am not convinced that Mrs. DeVos will do that.

She has no experience in higher education, a fact that does not bode well for the 6,000 colleges and universities in this country. When Senator WARREN questioned her about this in her confirmation hearing, her response was concerning. This is what the transcript says:

Ms. WARREN. How do you plan to protect taxpayer dollars from waste, fraud, and

abuse from colleges that take in millions of dollars in Federal student aid?

Mrs. DEVOS. Senator, if confirmed, I will certainly be very vigilant.

Ms. WARREN. How are you going to do that? You said you are committed.

Mrs. DEVOS. The individuals with whom I work in the department will ensure that federal moneys are used properly and appropriately.

Ms. WARREN. You are going to subcontract making sure that what happens with universities that cheat students doesn't happen anymore? You are going to give that to someone else to do? I just want to know what your ideas are for making sure we don't have problems with waste, fraud, and abuse.

Mrs. DEVOS. I want to make sure we don't have problems with that as well. If confirmed, I will work diligently to ensure that we are addressing any of those issues.

Ms. WARREN. Well, let me make a suggestion on this. It actually turns out there are a whole group of rules that are already written and are there, and all you have to do is enforce them. What I want to know is, will you commit to enforcing those rules?

Mrs. DEVOS. Senator, I will commit to ensuring that institutions which receive federal funds are actually serving their students well.

Ms. WARREN. So you will enforce the gainful employment rule to make sure that these career colleges are not cheating students?

Mrs. DEVOS. We will certainly review that rule.

Again, this goes back to somebody who is kind of walking into a hearing saying: Look, I got the vote. I don't have to learn about public education. I don't have to listen to Democrats' concerns. I don't have to listen to teachers' concerns or students' concerns or the concerns of experts in education. I don't have to learn about higher education, which is, by money spent, about three-quarters of the U.S. Department of Education.

Ms. WARREN. You will review it? You will not commit to enforce it?

Mrs. DEVOS. And see that it is actually achieving what the intentions are.

Ms. WARREN. I don't understand about reviewing it. We talked about this in my office. There are already rules in place.

And so on—Senator WARREN's exchange there is very revealing.

I know Republicans care very deeply about waste, fraud, and abuse. I hear about it all the time, and I hope they will consider this nominee's tepid commitment to this issue as they talk with their constituents about how they are going to vote.

The third issue I am concerned about is college affordability. The rising cost of college is one of the biggest middle-class issues of our time, if not the biggest issue of our time. No generation escapes this problem. If you are a student or a parent, you worry about paying for college. I know plenty of grandparents who are worried about their children who are still paying off their college loans and are now trying to save up for their students.

The Federal Government is giving \$140 billion in Federal aid to institutions of higher learning in grants and loans. That is a good thing, not a bad thing. That is Federal policy. We decided we wanted to make college affordable because higher education is the straightest line for us to develop the workforce we need and for people

to move up the economic ladder. But with that \$140 billion, we need to be making college more affordable, and we are actually getting the opposite result. Both in raw dollars and inflation-adjusted dollars, we are spending more in Federal grants and Pell grants, and the cost of college goes up and up and up. Average Pell grant awards have increased by almost 20 percent in the past 10 years. In the same period, Pell grants covered 25 percent less.

We are officially paying more and getting less. This is because college costs are growing faster than the cost of all other consumer goods—twice as fast as health care costs. It is impossible to get ahead nowadays without a college degree, but the growing cost of college is preventing some from getting a degree in the first place and leaving others with unmanageable levels of debt. It is clear that our system isn't working.

If we are subsidizing higher education with Federal dollars, we have a responsibility to incentivize institutions of higher education to become more affordable, provide access to lower income students, and deliver quality education. We want to reward those schools that are focused on affordability and give incentives for the rest to make affordability part of the mission. But based on Mrs. DeVos's testimony, it is unclear whether or not she agrees.

In 2011, the Department of Education sent colleges and universities a letter that made clear that sexual assault is prohibited under title IX. It advised schools to be responsive to reports of sexual violence and gave guidelines on how schools should process those reports. But during Mrs. DeVos's hearing, she had an exchange with Senator CASEY that indicates she would roll back this progress. Let's take a look at the transcript.

Mr. CASEY. Would you agree with me that the problem, and that's an understatement in my judgment, that the problem of sexual assault on college campuses is a significant [one] that we should take action on?

Mrs. DEVOS. Senator, thank you for that question. I agree with you that sexual assault in any form or in any place is a problem.

Mr. CASEY. I ask you, would you uphold the 2011 Title IX guidance as it relates to sexual assault on campus?

Mrs. DEVOS. Senator, I know that there's a lot of conflicting ideas and opinions around that guidance, and if confirmed I would work with you.

And so on.

My concerns about Mrs. DeVos go to policy, to preparation, but most of all to a basic understanding of what public education is about. It goes to a basic commitment to the mission of public education.

Every Senator's office has phones ringing off the hook with people telling us that Mrs. DeVos is not the right choice. So, to my Republican colleagues, you don't have to take my word for it; you don't have to take the word of the other 49 Senators who

know that Mrs. DeVos will not be the leader of the Department of Education that we all need. You only have to take the word of the people in your own State and the groups whom we look to and trust when it comes to our country's education system. These are the people whom we are here to serve. They are the parents, the grandparents, the teachers, the faculty, the school board members, and the students who count on us to make the right decision.

We may not agree on who would make the perfect Secretary of Education, but we can agree that people across the country are speaking out against Mrs. DeVos, and it is up to us to listen. I will be voting no on her nomination, and I ask Republicans to follow the advice of their constituents and join me.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Kaine. 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. Kaine. Mr. President, I rise this evening, along with many of my colleagues, to speak in opposition to the nomination of Betsy DeVos to be U.S. Secretary of Education.

I oppose Mrs. DeVos, whom I had the chance to see at her confirmation hearing before the HELP Committee, for three basic reasons. I think the children and parents and teachers of this country are entitled to a Secretary of Education who is a champion for public education. They can be a supporter of choice, charters, vouchers, home schooling, but 90 percent of our kids go to public schools and they need a champion.

Second, I want a Secretary of Education who is pro-accountability and has the idea and view that if any school, whether public or private, receives taxpayer funding, they should be held to the same accountability standards for their students.

And third, very particularly, I am deeply concerned about Mrs. DeVos's commitment to the Individuals with Disabilities Education Act which, in my view, is one of the best pieces of legislation that Congress ever passed.

In my 4-plus years in the Senate, I have not had a single issue that has generated so much effort to contact my office as the nomination of Betsy DeVos. Last week, we passed 25,000 contacts by constituents—letters, emails, phone calls—and those have continued to ratchet up over the weekend with voice mails and more letters in our system and more emails coming into the office, and we have dealt with some contentious issues over the last 4 years.

For example, we shut the government down in October of 2013 because

of the inability of the House and the Senate to sit down at a conference table and work out a budget. That is a hugely important issue to the Nation, and especially in Virginia, where we have nearly 200,000 Federal employees. Even a shutdown of the government for 13 days didn't lead to as much contact in my office as the DeVos nomination.

I want to spend some time on those three reasons for which I will oppose her, but before I do, I wish to speak about why this is personally so very important to me. It is important to me because of the Commonwealth I represent. It is important to me because of the personal histories of my wife and I and our kids in the public schools of Kansas, where I grew up, and in the Commonwealth of Virginia. It is important to me because of my previous public service as a mayor and Governor, where education was the largest line item in the budgets of my city and my Commonwealth. Finally, it is important to me because I have recently been added as a member of the HELP Committee—Health, Education, Labor, and Pension Committee—that shepherded this nomination through a challenging but very illuminating confirmation hearing a couple of weeks ago.

So let me start there. Why does this matter a lot to me? I will begin with Virginia.

Thomas Jefferson, when he was Ambassador to Paris in the early 1780s, wrote one of the great early works of American literature: "Notes on the State of Virginia." It was an effort to describe the Virginia of the day but also his dreams for Virginia—his dreams for the Virginia economy and the Virginia society, even looking into the future. Jefferson became the first person to really lay out a vision for compulsory public education in the United States. He had a very detailed plan in that book for the division of the State into small school districts and that education would be compulsory at least for young people—men and women—who were White.

He used the phrase to promote his educational plan that is still—a paraphrase of it is still in the Virginia Constitution, talking about why public education was so important. He said: "Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population." If you want to have a great government, if you want to have a great economy, if you want to have great happiness, what you should do is diffuse knowledge among the general population. It was for that reason that he said we needed a public education system.

Jefferson wouldn't have imagined an Internet and search engines, where all knowledge would be digitized and at the fingertips of people all around the planet, but that is kind of what he was talking about. If you diffuse knowledge among the general population, that is the best guarantee of the success of so-

society, and so he laid out this very ambitious plan in the 1780s.

Sadly, Virginia didn't adopt it. The first early adopter of a compulsory public education I think was Massachusetts, and other States did as well. Jefferson stayed active in promoting education not just through his proposal for a K-12 system, but he also hatched the idea for the University of Virginia—one of the three things on his tombstone at Monticello: Author of the statute of religious freedom, author of the Declaration of Independence, founder of the University of Virginia. He did not even see fit to put that he was President of the United States or Governor of Virginia on his tombstone. Education was what he was passionate about and he founded the University of Virginia.

So we had some great educational thinkers in our Commonwealth who understood from our earliest days that education would be the key to our success.

Sadly, the great ideas weren't carried into practice, and Virginia, as was the case with many States in the country, ran a very segregated education system. When I was born in 1958—I am 58 years old right now; I turn 59 in 2½ weeks—you could not go to school in Virginia with somebody whose skin color was different. Women couldn't go to the University of Virginia, and many of our major universities were segregated on the grounds of sex. So we had a tradition where we recognized the power of education, but even though our great Founders did, we really thwarted the dreams and achievements of our students by not allowing them to be all they could be.

In 1951, a young high school student by the name of Barbara Johns was attending a segregated public high school in Prince Edward County, VA. She was 16 years old. Her school was overcrowded. It was poorly heated. She saw White students in her community having a great new high school built for them. Some kids in her high school, because of poor transportation, were killed in a bus accident, and in April of 1951 she said: I am tired of this. I am a kid, but I am not going to accept second-class citizenship, and she, encouraged one day with a fake note to the principal of her school to go to the administrative office—and then she gathered all the students in the auditorium at Moton High School in Farmville, VA, and said: We are going to walk out. We are going to walk out of our high school because we are tired of being treated as second-class students and we are going to call civil rights lawyers and ask them to represent us.

Barbara Johns and her classmates did that, and the Virginia case became part of *Brown v. Board of Education* that in 1954 led to the Supreme Court ruling saying that all children were entitled to an education; we couldn't segregate kids based on the color of their skin. It was the only one of these civil rights cases that was actually led by schoolkids advocating for themselves.

Barbara Johns shared the same vision that Thomas Jefferson did: Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population. And she stood up and said: I have the right to it just like everybody else does, and I am not going to take second-class status.

Well, the Prince Edward story is one of the most powerful stories in American educational history because after the *Brown v. Board* decision was resolved, many Southern States fought against integration for a number of years. In 1959, finally, 5 years after *Brown*, Federal courts ruled that you have to integrate your schools. If you have public schools, you have to integrate them, and Prince Edward County did something that no other jurisdiction in the United States did. They decided, OK, if we have public schools, we are required to treat kids equally based on the color of their skin. I have an idea: We will close all of our public schools. So Prince Edward County, for a period of 5 years, shut down all of their public schools. Do you know what they did? They used county funds and State funds to support vouchers to private schools, and they gave those vouchers to students who were White so they could go to private schools. They called them segregation academies and they set them up all over Virginia. In Prince Edward County, White students, if they were wealthy enough, could go to these academies with some State support, but poor White students and African-American students were deprived of education for 5 years.

I think you can start to see why supporting public education today is very important in Virginia because in my lifetime, we didn't. In my lifetime, we closed down public schools rather than let kids learn together if their skin colors were different. In my lifetime, we put State dollars into private schools so they could set up and allow segregation to go forward and avoid the law of the land that kids could learn together because of the color of their skin.

This was Virginia at the time I was born. It will not surprise you that a State that didn't want kids to learn together because their skin colors were different and a State that allowed schools to close down was a State with very poor educational performance. The Virginia in the 1950s, forgot about test scores, forgot about SAT scores, forgot about AP exams, we were one of the worst States in the country in the percentage of our kids that attended school. It will not surprise you to know that in addition to having a poor record of attending school, our economy was bad. Those things are directly connected. If you don't value education, if you say kids can't learn together if their skin colors are different, if you say women can't go to major universities, your economy is not going to be very strong. So Virginia was a low-education, low-income State when I was born.

Today, it is very different. The officials in Virginia continued to battle to try to resist the integration of schools. My father-in-law, my wife's dad, was the first elected Republican Governor in the history of the Commonwealth, elected in 1969. He came into office in January of 1970. The previous Governors, who had been Democrats, had fought against integration, had used all kinds of tricks and strategies to avoid integrating schools, and my father-in-law, as Governor, took a historic stand. He said: In this Commonwealth, we are putting segregation behind us. We are now going to be an aristocracy of merit, regardless of race or creed, and he embraced a court busing order in the fall of 1970. He escorted my wife's sister into what had been a primarily African-American high school in downtown Richmond, and his wife, the First Lady, escorted my wife into a similar middle school. The picture of my father-in-law Linwood Holton, this courageous Republican Governor, and my sister-in-law Tayloe walking into the school on that day was the front page of the New York Times. It was the front page of the New York Times because in the civil rights era, there were so many pictures of Southern Governors standing in a schoolhouse door blocking kids who were African American from coming into schools with White students. That was a common picture. There is only one picture of a Southern Governor escorting a child—his child—into a school that was predominantly African American with a big smile on his face saying, finally, Virginia is going to embrace the vision of Thomas Jefferson. Education should be for everybody. We shouldn't segregate it based on race. During the time he was Governor, I think immediately before, we dropped the segregation based on gender in our States' colleges. And surprise, with those two moves, Virginia started to move. Virginia started to move from a low-education, poor State to a high-education State that now has top 10 median income.

Now we are a State known for our educational system. Now we are a State where we are always in the top five in the percentage of our kids who take and pass AP exams. Our SAT scores are very strong relative to other States. Our higher education system is viewed as very powerful, and it is because we, in the words of the letter of Corinthians, put away childish things. We put away segregation, we put away gender division, we put away using public dollars to support private academies so kids and their families could erase the law of the land, and as we did that, as we embraced the Jeffersonian vision to improve education, the State's economy improved, and now we are the top 10 in the country.

In my lifetime, no State in this country has moved further economically from low median income, back of the pack, to front of the pack than Virginia has, and our State has moved be-

cause we have embraced that everybody has God-given talent. We have embraced investments in our education system, beginning with this Barbara Johns walkout and then with the courageous Republican Governor and then Governors who followed—Democrats and Republicans, business leaders, teachers, communities leaders. We were late to the game, but we eventually embraced the Jeffersonian vision, and now we have an education system we can be proud of. It is a public education K-12 that educates about 1.2 million kids. We have great private schools. We have a vigorous home school network in Virginia. We don't do vouchers for private schools because of our painful history of the way vouchers were used to support segregation and avoid integration in the 1950s and 1960s, but we have a system that is public and private and home school and charter. It is a system that isn't perfect, it is a system we need to always battle to improve, but it is a system we are so proud of, we have gone from back of the pack to front of the pack.

We care about public education in my Commonwealth, and we do not take kindly to people who trash the state of public education today because we know how far we have come. We know how far we have come. That is who my State is. Personally, I went through 13 years of education K-12; 7 public education, 6 Catholic education. My wife Anne was educated in the public schools of Virginia—in Roanoke, Richmond, and Fairfax County—as were her siblings. We have been married for 32 years. Our three children have all graduated from Richmond public schools. They have had wonderful careers. I wrote a piece a few years ago when my daughter, my youngest, graduated called "Forty Years as a Public School Parent" because my three children spent a combined 40 years in the Richmond public schools.

The Richmond public schools are like a lot of school systems. There are 25,000 kids or so in an urban environment. It is a high-poverty school district; probably nearly 80 to 90 percent of the children in the school system are on free or reduced lunch. It is overwhelmingly a minority school system; three quarters or more of the students are minority. But my kids got a fantastic public education in these public schools of Virginia. They have all graduated and gone on, one to graduate from George Washington, an infantry commander in the Marine Corps; one to graduate from Carleton College, a visual artist; and one is about to graduate from New York University—all built on the foundation of a great public education in the public schools of my city.

I told you about my wife being part of the generation of kids who integrated the public schools of Virginia. Then, in the wonderful arc of history, she went from a kid living in the Governor's mansion and integrating Virginia's public schools to a First Lady working on foster care reform and re-

cently stepped down as secretary of education in Virginia. I watched my wife grapple with exactly the same kinds of challenges at a State level that the current Secretary of Education will grapple with at the Federal level. I think I know a little bit about what it takes to do this job and to do it well.

In addition to our personal connections in the history of our State, let me talk about my professional connection to our schools and why I view this as such an important position. I mentioned that I have been a mayor and I have been a Governor. I am a little bit unusual. There have only been 30 people in the history of the United States who have been a mayor, a Governor, and a U.S. Senator. There have been a lot of Governors who are Senators, but being mayor will kill you. That is why there are so few who can do all three.

But when you are a mayor, as I was—the biggest line item in my budget was public schools. At the time I was mayor, we had about 53 public schools. I had a goal when I was mayor: I would go to a school every week. On a Thursday morning, I would go visit one of our schools to see what is being done. If it was the biggest line item, that means it was the most important thing. I wanted to make sure I understood not just my kids' schools but the schools that all the kids in our city went to. I wanted to know what was working and what wasn't.

Then I got elected to statewide office as Lieutenant Governor and Governor. I made a vow when I was Lieutenant Governor. Just like I went to a school a week when I was mayor until I visited them all, I made a vow when I was Lieutenant Governor that I would to go to a school in every one of Virginia's cities and counties to make sure I understood public education in my Commonwealth. I should have thought before I made that pledge because there are 134 cities and counties in Virginia. It took me 4½ years to travel to every one of our cities and counties to try to understand public education in my Commonwealth. I am not aware of anybody who has made that pledge, and after I did it, I can understand why nobody would ever make that pledge again. But I wanted to make sure that I understood not just the schools my own kids went to but the schools other kids went to all around our Commonwealth.

Northern Virginia and its high-tech suburbs, Wise County, where my wife is from, the coalfields of Appalachia, the tobacco-growing regions of Southside Virginia, manufacturing regions south of Richmond, oystermen and watermen and tourism on the Eastern Shore of Virginia—I wanted to see the schools in every part of my Commonwealth. I wanted to see them because I was writing budgets. The biggest line item in the State budget was education. The biggest line item in the city was for education. I didn't want to know our schools just from a budget or just from

a newspaper article. I wanted to know them from seeing them. I wanted to know them from seeing what came out of my kids' backpacks every day in terms of the curricula requirements and other things my kids would do in the Virginia public schools.

I am saying all this first because I am just trying to convey why this is so important. There is nothing that we do as a society that is more important to our future than the way we educate our young. The most precious resource in the world today is not oil, it is not water; it is talent. The cities or States or countries that know how to raise talent, grow talent, attract talent, reward talent, encourage talent, and celebrate talent are going to be the most successful because they will attract and grow and reward their own talent and bring other people here, but they will also attract the institutions that want to be around talent—great companies, great think tanks, great universities.

There is an inextricable causal link between your commitment to a system of public education and the success of your city or your State or your country. There is nothing we do in this Chamber or in the Federal Government that will be more likely to affect our economic outcome than the care with which we direct attention to our education system.

The last reason it is important to me is because of my new membership on the HELP Committee. I have had my family background. I care deeply about my State. I professionally worked on education, and my wife has too. But now I have a platform in the Senate. I tried to get on the committee right when I got here. I wasn't able to. I couldn't complain because I got great committees. I am on the Armed Services, Foreign Relations, and Budget Committees. But I really wanted to be on the HELP Committee because education has been at the core of what both my wife and I have tried to do in Virginia for the last 32 years. Now I am fortunate enough to be on the committee.

In one of my first meetings on the committee, we had a confirmation hearing for Betsy DeVos for Secretary of Education. We didn't have all the information at the time we had the hearing for Mrs. DeVos, but we had done our homework. I have a wonderful staffer, Krishna Merchant, who had helped prepare me. We had done our homework. We were put under some pretty tight time constraints: We each only got 5 minutes to ask questions. Five minutes isn't a lot of time when you are talking about something as important as the educational mission of the Federal Government to help our society succeed in educating our kids. I decided that in my 5 minutes, I wanted to ask Mrs. DeVos about three things. I wanted to ask her whether she could be a champion for public schools. That is a simple kind of a question. I wanted to ask her whether she believed in

equal accountability for all schools if they receive taxpayer dollars. I wanted to ask her about her thoughts on the education of kids with disabilities because I care deeply about that topic but also because I believe that the Individuals With Disabilities Education Act points a direction for the future of American public education, and I wanted to see what she thought about it.

I had three test questions. I had three test questions for our nominee, and she did not satisfy me on any of them. Let me start with the first one.

Can you be a champion for our public schools?

There are 1.2 million kids in Virginia. Ninety percent of the children who are educated in this country are educated in public schools.

I am a huge supporter of private schools. I went to Catholic schools for 6 years. When I was Governor, I did a lot of great work with kids and their parents who chose homeschooling as an option. I like options. But just as a matter of fact, 90 percent of the kids in this country go to public schools, and it is going to be at that number or near it for as long as we can see.

In Richmond, we have some great private schools. Richmond has 1 million people, and so private schools can set up and find enough students. But there are corners of my Commonwealth where it is very hard to start a private school because there are just not enough students. That is not just the case for Virginia; my colleagues on the HELP Committee from Alaska or from Maine share this. There are parts of their States where, talking about vouchers for private schools, you might as well be talking Esperanto. That is just not going to happen in some of these very rural communities. So you have to have a champion for public schools.

In my research on Betsy DeVos, she gave a speech in 2015 that troubled me. It was a speech about the state of American public education. Here are two direct quotes, one of which is not the greatest language for the CONGRESSIONAL RECORD, but she said that when it comes to education, "government really sucks." She also said public schools are a "dead end." This is not something she said 10 or 20 years ago; this is something she said about a year and a half ago. This is her view of public education in this country. Betsy DeVos never attended public school for a day, never taught at a public school, and didn't send her children to public schools. That is not a disqualifier. I think you can have a great Secretary of Education who hadn't attended public schools, who had come from private schools and had good private school examples to learn from. I think that is fine. But if you have never attended public school for a day, if your children have never attended for a day, if you never taught at a public school, I kind of have the attitude: What gives the right to stand up and say public schools are a "dead end"? Really?

There are 1.2 million kids in Virginia. Ninety percent of kids in this country. Public schools are a "dead end." Government education "really sucks." What gives you the right to say that?

So I asked her some questions about these statements. I asked her: Is the morale of the workforce important? How important are teachers?

Teachers are very important.

Is morale an important thing for teachers? Should they have good morale to do their job?

Yes, absolutely.

Does the attitude of a leader affect the morale of people who are doing a job in the organization?

Absolutely.

Well, what does it say to a teacher teaching these tens of millions of kids in this country—or the 1.2 million kids in Virginia—what does it say to a teacher that the Federal Secretary of Education says that government education sucks and public schools are a dead end? I would submit, it transmits a horrible message.

I think we need a Secretary of Education who will empower kids, who will empower teachers, who will celebrate what is great about public education, who isn't afraid to point out what is bad about it, who isn't afraid to point out the things that need to be improved. But if you just paint it all with a broad brush and it is all bad, you are going to miss an awful lot of really good things about American public education.

I sometimes get down on some of my colleagues on my side about this. There is kind of an anti-business attitude: Businesses are bad. There are some bad businesses, but most businesses are really good. You shouldn't paint with a broad brush, whether talking about business or any institution, but you definitely should not paint with a broad brush and say that public schools in this country are a dead end when you have hundreds of thousands of great teachers and counselors and bus-drivers and cafeteria workers and people going to work every day. They are not going there because their salaries are great; they are going there because they care deeply about students, and they want to either teach them or in other ways impress life lessons upon them so their kids can have happy lives.

So the first test I found Betsy DeVos wanting in my examination of her in the HELP Committee was that simple one. If you cannot be a champion for public schools, you should not be Secretary of Education.

When we were having a discussion in the committee, some of the colleagues who were kind of coming back at us a little bit were saying: Well, OK, we get it. You are against charters, or you are against vouchers, or you are against Betsy DeVos because she wants to expand choice.

But most of us are from States that have significant choice. I pointed out that Virginia doesn't do vouchers, but

we have a very robust homeschooling network. I have been a huge supporter of it. Choice is fine, but you have to be a champion for public schools, and if you are not, you shouldn't be Secretary of Education. That is reason No. 1.

Second, I wanted to interview Betsy DeVos about accountability. Accountability. Should schools be accountable for the success of their students, for outcomes? This is very important, and it is very important to get this right.

Sometimes my wife, as secretary of education in a State, would sometimes tear her hair out about the Federal mandates and strings and regulations and rules. The HELP Committee did a good job last year before I was on the committee rewriting No Child Left Behind—the Every Student Succeeds Act—to try to reshift the balance a little bit to allow cities, counties, and States more flexibility in trying to determine how to educate their students, while holding them accountable for outcomes. I wanted to ask Betsy DeVos: Will you hold all schools accountable for outcomes—particularly because when he was a candidate, President Trump said some things about what he wanted to do with public education. President Trump as a candidate said that he wanted to take \$20 billion of Federal money and give it to private schools to allow them to run voucher programs of the kind that Mrs. DeVos has promoted in Michigan, Indiana, and other States. That is a lot of money, \$20 billion. That is money that is taken out of the allocation for public schools. If you take \$20 billion out of public schools, especially in some rural areas—in my view, having done a lot of budgets and worked on this as a mayor and Governor—you are potentially going to weaken the public schools.

(Mrs. ERNST assumed the Chair.)

I wanted to understand from Mrs. DeVos how we are going to do this. You take the \$20 billion out of the public schools; I think that is going to weaken public schools. What I wanted to ask her is, When you give the \$20 billion to private schools, as President Trump wants to do—and I asked her this question over and over again. I think I asked her four times. If you give Federal taxpayer dollars to private schools, will you hold them equally accountable to the public schools that are getting this money, equally accountable for the outcomes of the students, for the need to report disciplinary incidents, for working on important issues like education and kids with disabilities? Will you hold any school that gets Federal money equally accountable? I asked her this.

She said: I believe in accountability.

I said: That is not my question. I believe in accountability too. But I am asking you, Should you hold all schools equally accountable if they receive Federal taxpayer money?

Well, I believe in accountability.

I asked her again, Should you hold schools equally accountable?

Well, they are not all held equally accountable now.

I am not asking about what you think about the situation right now. I am asking you what you think is the right policy. Is it the right policy, if we are going to give \$20 billion to private schools, to hold all schools equally accountable?

Well, I believe in accountability.

She wouldn't answer my question.

I phrased it a different way. I said: Let me tell you this, Mrs. DeVos. I believe all schools that get Federal money should be held equally accountable. Do you agree with me?

She said: No.

She doesn't believe that schools that get Federal money should be held equally accountable. I have a big problem with that. The whole goal of the choice movement is to provide choices so that students can learn in environments that are best suited to them. Choice is also supposed to promote some competition that will encourage everybody to up their game.

If you hold the public schools accountable while you are taking some of their money away and you give that money to private schools and you don't hold them accountable, you are not promoting fair competition. You are not promoting student outcomes. You are basically taking money away from public schools and giving it to private schools.

Again, in Virginia, we had a painful experience with that—closing schools down, defunding public schools, and giving money to private schools. That is a second reason that is very, very important to me. I don't think that she supports the notion of equal accountability for both public and private schools that receive taxpayer funding.

If we are going to do the proposal that President Trump says—we haven't seen a budget yet, but we may see one at the end of February, early March. If we are going to suddenly start taking billions and billions of dollars away from public schools and giving them to private schools, I want to know they are going to be equally accountable.

The third issue that I asked Mrs. DeVos about was education and kids with disabilities. Let me tell you why this one is so important to me. It is important because it is right. It is also important because it points a path to the future of education in this country.

Before the Individuals with Disabilities Education Act was passed in 1975, we had hundreds of thousands of children with a gap between their potential and what they were doing because schools were very spotty, communities were very spotty, States were very spotty in providing meaningful educational opportunities to kids who had disabilities.

Generation after generation of kids would go to school, but they wouldn't get an education that was tailored to their needs. They would finish their education not having the skills they needed to be all they could be. If you

think about that collective delta between what these kids could do and what they could have done had they had the best education, it is tragic. That was the genesis behind the Individuals with Disabilities Education Act in 1975.

It is as if we have all these children who are capable of so much more if this society will only work to help them achieve, and the core of the Individuals with Disabilities Education Act is a simple thing. If a student is identified as having a disability of some kind, the student gets an IEP, an individualized education plan. If you have a diagnosed disability, then you are entitled under Federal law to an IEP where you get an education that is tailored to your particular circumstance.

My three kids went through the Richmond Public Schools. One had an IEP for a couple of years. That is pretty common. It is pretty common that you get an IEP, and with a tailored education, you don't need it for your whole 13 years of K-12 education. You need it for a couple of years of speech therapy or a couple of years of something else. Then, within a few years, you are completely mainstreamed, and you don't need IEP anymore. The individualized attention helps you climb up and then be completely competitive with your colleagues and with your peers.

There are other students who need an IEP for their entire educational career, and that is fine too. They are entitled to it under the Individuals with Disabilities Education Act.

What it has meant from 1975 to today—it is 40-plus years—is that this massive cohort of kids with special needs are not in the shadows. They are not shunted aside. They are not pushed into classes where the expectations for them are low. Instead, they are challenged to be all they can be, and they are happier, and their families are happier, and society is better off as a result. This is a very important thing, and I know this to be the case.

Every family in this country has somebody in the family with a disability—or will at some point in the life of a family—and every person in this country has a friend with a disability. The issues dealing with the education of students with disabilities are important morally, but they are important because this is about our friends and our family and our neighbors.

The other thing about the Individuals with Disabilities Education Act that I find so powerful is I think it has been the best single idea about K-12 education we have come up with. It is better than testing. It is better than choice. It is better than all the other strategies because the nub of the idea is you should have an individualized education. It raises the question, Why do you have to have a diagnosed disability to get an individualized education?

With computer technology and so many other tools that a teacher can

use in a class of 20 or even 30 students, there is an awful lot that you can do to tailor the education to each individual student. I was a teacher. I ran a vocational school in Honduras that taught kids to be welders and carpenters. We individualized the education. I put together a list of 60 carpentry projects from the simplest one to the most complicated one, and all the students started on the same project the first day of school, but then they proceeded at their own pace. Only when they did the first one to the carpenter's satisfaction could they go to the second one. That meant it was individualized because everybody worked at a different pace until they got it right and they could move to the next one. That is what the IDEA basically is: Education should be individualized to the student, and more and more, that is what we are doing in education all around the country.

I asked Mrs. DeVos questions about the IDEA because of the fairness and justice issues for students with disabilities but also because the notion of individualized education is the greatest single idea out there that will ultimately be the idea that I think will be the revolutionary next step in American public education.

I asked her a pretty simple question. Once again, if the President pursues his plan to take \$20 billion and invest it in private schools, should the private schools receiving those dollars have to follow the Individuals with Disabilities Education Act? Should they have to work with students with disabilities, diagnose the disability they have, and then offer them a fair and appropriate education tailored to that disability?

It is a pretty simple question. You get the money from the Feds. Should you have to follow the law? Remember, this is a Federal civil rights law. It applies to every ZIP Code in this country. It applies to every school district in this country.

My question of Mrs. DeVos was, If a private school gets Federal money, should they have to follow this important civil rights law?

Her answer to me was: I think the States should make that decision. I think that should be up to the States.

I said: It is a Federal civil rights law. It applies everywhere.

The States should make the decision.

We struggled in my State of Virginia with States' rights arguments because after the Supreme Court decided on another really important civil rights principle, you couldn't segregate schools. Barbara Johns' walkout of Moton High School, and *Brown v. Board of Education*—and now it is the law of the land. You can't segregate kids on basis of race. It is unconstitutional under the 14th Amendment.

The leaders of my State stood up in court for years and said: You can't tell us what to do; education is a States' rights thing. We don't have to follow the Supreme Court. We don't have to follow civil rights statutes at the national level. We believe in States' rights.

States' rights arguments have been used throughout our history to rebut the notion that Congress or the Supreme Court can pass civil rights laws of applicability all around the country.

I was surprised. I did not know what Mrs. DeVos's history would be, unlike reading her speeches where she says the public schools are a dead end and government is soft. I didn't know what her position would be on the IDEA. When she told me that a Federal civil rights law should be a State decision, I was very, very troubled. I was surprised.

I blurted out: Well, what do you mean it should be a State decision? If you are a parent and you have kids with disabilities and the State isn't treating them right, you are supposed to move around the country until you find a State that treats your kids well? You are not entitled to have the law apply to you in the community where you live and you are going to have to move somewhere until you find a State that is going to treat your kid OK?

I think it should be a State decision.

Later on in the hearing, one of my other colleagues, MAGGIE HASSAN, the Senator from New Hampshire, who has a child with cerebral palsy, followed up on this, and Mrs. DeVos tried to back out of it: Well, I wasn't sure we were talking about a Federal or State law.

I was very, very troubled by this. I was troubled by it again because of the peculiar history that we have had in Virginia and other States where people have used States' rights arguments to try to trump Federal civil rights statutes.

I would say that the answers to the questions about students with disabilities became kind of a pivotal part of that hearing because both Senators COLLINS and MURKOWSKI, who have since said they are going to vote against the nominee, at that hearing and then in the markup session we had last week talked about that as one of the things that they found troubling.

Another member of our committee, who is supporting Mrs. DeVos, Senator ISAKSON of Georgia, also found it of enough concern that he had a written exchange with her. He wrote her a letter and asked her a question: Do you really understand what the IDEA is?

She wrote a letter back, which I have had the opportunity to review, but I still don't believe that the letter she wrote demonstrates a real understanding for this issue of the rights of kids with disabilities.

This is a really important point. Some of the States that have voucher programs—we don't have these programs in Virginia for the reasons I have described, but there are States that do—Indiana, Florida. Some of the States that have voucher programs and receive public money for kids make children sign away their rights under the IDEA as a condition of being admitted to the school. You want to come to our private school and you want to use voucher money to do it?

We will let you in, but you have to sign saying you will never take us to court for violating your rights, for not treating you fairly under the IDEA, and only if you sign such a waiver, will we allow you to come to our school. I just don't think that is fair. I don't think that is right. Especially if we are now going to give \$20 billion of Federal money to private schools, I think they should have to follow the law.

Many private school principals in Richmond—I talked to them about this issue long before the hearing on Mrs. DeVos, and they are pretty candid often with parents of kids with disabilities. My longtime secretary in my office—who has worked for me for nearly 30 years—has a daughter with a disability. She was going to parochial schools for a while in the early grades, but as she was progressing up into late elementary school, there just weren't the programs in the parochial school that were tailored to her particular situation, partly because the school was just too small. In a really small school, it is tough to do education of kids with disabilities. You have to have some particular training to be able to do it. The difference of a small K-8 parochial school and a larger county school is pretty big. The principal was candid and honest in a way that my secretary appreciated and I did too. "We just don't have the kind of educational program for somebody of your daughter's special needs that the public high school has. You really should think about that." My secretary agreed and made the change to the public school. It was actually a better environment because the resources—which are not cheap—the resources to help do disability-specific education were there.

Imagine now what would happen if we start to invest money in private schools, and we don't make them follow the disabilities law. Follow this through. We take \$20 billion away from public schools. That is weakening public schools' ability to do a lot of things, including educating kids with disabilities. We give the money to private schools. We don't require them to follow the Disabilities Act. So families—like many we know—say, I might like to go to private school, but there is not enough appropriate education, so I am not going to. I am going to stay with the public school. So we have just taken the dollars away from the public school, but all the kids with the significant needs, the needs that are really costly to deal with, are going to stay in the public school. It is a spiral that is a bad spiral.

We will defund you, but all the kids with the significant needs that are costly, they are going to stay. That will dilute and hurt the quality of the education they will get, while the private school is getting the money and not having to follow the requirements of the IDEA. They get the money. They don't have to be equally accountable for it. They don't have to follow the requirements of the IDEA. This is very troubling stuff.

Those were the three questions I got to ask her in 5 minutes. Can you be a champion of public schools, do you believe that any school receiving Federal taxpayer dollars should be equally accountable for student outcomes, and should schools receiving Federal taxpayer dollars have to follow the requirements of the IDEA? With each of those questions, I was prepared to get an answer I liked, but I got an answer I didn't like.

I don't think Mrs. DeVos can be a champion of public schools. She has told me she doesn't think all schools should be equally accountable to receive Federal taxpayer dollars, and she is not committed to schools that are receiving Federal moneys following the Individuals with Disabilities Education Act. This explains to me why the volume of calls into my office over this have been so high—higher than the government shutdown, higher than any other nominee, higher than any other issue. We have been at war with ISIS for two and a half years. I have been trying to make the case that we shouldn't be at war without a vote of Congress. I get a lot of calls in my office about it, but it is not ringing off the hook like it has been ringing off the hook with respect to the DeVos nomination. While I credit Mrs. DeVos for being philanthropic, and I credit her for caring about kids—that is very sincere. I see that in her philanthropy and her care. I don't see in her an understanding of the role that public schools play for 90 percent of our kids. Using arguments like States' rights arguments, that brings up a real painful history in my State. I don't want to see that return and especially be at the pinnacle of educational policy.

I mentioned the volume of calls we are receiving. We all asked ourselves in the office, what has explained this volume? I think the thing that explains the volume is the disability issue. Because a lot of folks with disabilities are not used to their issues ever being made front and center in anything. It matters so much to them. As we said, every family has somebody with a disability or who will have a disability. People know folks with disabilities. But the disability community—which are Democrats, Republicans, Independents and every ZIP Code in this country—they are not used to their issue being the front and center issue in something. They are more used to being ignored or being marginalized.

At this hearing, when the disability issue became front and center—I think that is one of the reasons the uptick of concern has been so significant, because people who otherwise are not that into politics or otherwise not that into who is the Cabinet Secretary going to be, there is one thing they do know, which is they want Americans with disabilities to receive equal treatment. They want them to be all they can be. It is good for their happiness and good for our economy and good for our society.

I was honored last week to write an op-ed about this issue with a former member of this body, Senator Harkin of Iowa, somebody the Presiding Officer knows very well. Senator Harkin was one of the congressional authors of the Americans with Disabilities Act. Senator Harkin was a champion of the Individuals with Disabilities Education Act. All the issues surrounding Americans with disabilities were very close to his heart. We really miss that because he was such a champion, and I am not sure anybody can really fill his shoes on that issue. But we wrote an op-ed about this disabilities point in Time magazine that has gotten a lot of attention because it touches every family.

I will start to recap a little bit now as I await my colleague who is going to be following me. I will just go back to where I started. This is not a minor matter. It is a little bit unusual to be on the floor at 10 to 4 in the morning. It is a little unusual to be speaking 30 hours in a row. I had some folks ask me: Why would you do 30 hours of speeches on this? I said: Well, don't you think the Secretary of Education is important enough—education in our country is important enough to spend a day and a half, a day and a quarter talking about it?

I go back to that Jeffersonian vision: Progress in government and all else depends upon the broadest possible diffusion of knowledge among the general population. The United States, beginning in the early 1900s—then after the GI bill it really accelerated. We became the educational leader in the world. We weren't necessarily that during the 1800s—Germany, other nations, England were—but we really became the educational leader. We made education available to all. The GI bill helped democratize higher education and make it available to many more.

Our education system is still one of our crown jewels. The number of foreign students who come to our country to go to college, compared to the reverse, is still a tribute to the fact our education system is so strong. I haven't really talked about higher education at all. That is also within the province of the Secretary of Education. The basic point I am making is, of anything we do that is about whether we will be successful as a country tomorrow, education is key. That is why we are taking 30 hours to dig into issues of concern.

I put three questions on the table. The three I put on the table are all about K-12 education. I had colleagues at the hearing who asked searching questions about higher education, the cost of higher education, student loan debt, what is the right way to deal with debt, how do we make college less expensive. These are critical issues too. I am very passionate about a career in technical education. My dad was a welder, and I ran a school in Honduras that taught kids to be carpenters and welders. This is a big and important

job. It is such a big and important job, it would be wrong to expect any person to be an expert on all of it. That would not be a fair hurdle to set for somebody. You are going to have to come in and bring expertise in and hire good people to work with you, but I think there are some fundamental threshold questions: Can you support and be a champion for public education? That seems fundamental. Do you believe in equal accountability for everybody that gets Federal dollars? That seems fundamental. Do you believe that kids with disabilities should be able to get this kind of education? That seems fundamental. And in those areas, Mrs. DeVos did not succeed.

I voted for a number of the Cabinet nominees of President Trump. I am not standing here taking the position that I am voting against all of them. In fact, I voted for quite a few because even if they would not be people who I would nominate, President Trump is the President. He is entitled to have his own team, but the advice and consent function of the Senate means, in certain cases, if people do not seem to meet the threshold criteria for being able to do the job and do it well—that is how you exercise advice and consent and express opposition to a nominee. That is what I am going to do in this case.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MURPHY. Madam President, let me just express my thanks to all of those who have facilitated the floor staying open through the evening. We still have a ways to go. I know that puts a lot of pressure on staff here and on all of the folks who make this place operate. We thank you for that. These are, in the minds of many of my constituents, very exceptional times and they call for exceptional tactics and probably a few more exceptional moments on the floor of the Senate. I appreciate everyone here staying through this long evening.

When I was a kid, I took an art class at a little one-room schoolhouse on Wells Road in my hometown, where I grew up, of Wethersfield, CT. That little one-room schoolhouse is still there. It is iconic. It is a part of Wethersfield's history. The town is really proud of it. There is not a lot that happens in that one-room schoolhouse any longer.

But once upon a time there was a lot that happened in that one-room schoolhouse. That is where the kids of Wethersfield, CT, the oldest town in the State of Connecticut, got their education. You know, wrapped up in the

identity of this country is this association with those little one-room schoolhouses that were peppered throughout the landscape of New England and, indeed, across the country, as our new Nation progressed west.

It symbolizes the deep connection that this country has had with this very unique idea of public education. I say that as a means of trying to explain to folks why we are here at 4:20 in the morning, why this nomination—the nomination of Betsy DeVos for Secretary of Education—has commanded this kind of exceptional attention, why the switchboards here at the Capitol have been experiencing a volume never before seen in the history of this place.

There is a special connection between our constituents and the idea of public education, because it is rooted in some of the founding ideals of this country. This country stands for the notion that you can come from anywhere, you can be of any background, and you will have a chance to make it here in the United States.

We did not just say that; we lived that value. We built a society in which people could actually take that idea of succeeding, despite any built-in impediments they may have faced, and we turned it into a reality. Public education from the very beginning of this country has been at the root of that uniquely American idea—the idea that you can succeed despite any barriers that may have been presented in front of you by circumstance or by birth.

Public education at the outset was in those one-room schoolhouses. Everybody packed into one place, all sorts of ages and learning abilities, and one teacher, normally a female, at the front of the classroom. But over time, this country adapted. We learned from others. It was Horace Mann, the famous Massachusetts educator, who borrowed from ideas that he had found in Prussia and brought to the United States, the idea of the professionalization of public education, the professionalization of teachers, the sorting of students into grades, the idea that it wasn't just enough to put a whole bunch of kids into one classroom, that we needed to actually think through pedagogy. We needed to put some time into making sure there were high-quality teachers and instruction in all of our classrooms.

You can go around the country and find a lot of schools named after Horace Mann because what we have today springs forth from many of his ideas, from his commitment to high-quality public education.

The system that he helped create is the one in which many of us grew up in. I went to public schools in Wethersfield, CT. My mother went to public schools in Wethersfield, CT. My father went to public schools in Wethersfield, CT. They met in public schools in Wethersfield, CT. My wife went to public schools in Fairfield, CT. My kids go to public school today. So when I try to figure out why my office

got 13,000 phone calls and emails with regard to this nomination, I think it is because public education is so deeply connected to who we feel we are as a country. We feel we are the most powerful, the most affluent Nation on Earth because of our unique commitment to public education; this idea that in order to succeed, you need first to have access to learning, to the ability to read and write, to do arithmetic, to be able to think creatively about science and the history of your country and your people, but also because public education is personal.

When we talk about who we are, when we all think about our own personal biographies, it starts with where we went to school. Not everybody went to public school, but the vast majority of people in this country went to public school.

When you think about who you are today, almost everybody's story runs through a great public school teacher. The things that you learn that make you who you are today, they probably come first and foremost from your parents or from whoever raised you, but, boy, you learn an awful lot about how to relate to people, about values. You make mistakes; you correct those mistakes in school, whether it be in the classroom or out on the playground.

For me, it was my fifth grade teacher Ms. Evanisky, who instilled in me a love of learning but also a discipline about how to learn. I don't know that teachers would do this today, but Ms. Evanisky had a list of all the assignments each week on the chalkboard and had our initials next to each one we had completed. There were 20 or 30 each week, and she would erase your initials and move it to the next one. It probably was a little bit too much of an exercise in public shaming for the kids who fell behind, but, boy, there was accountability because every day you walked in, you saw whether you were keeping up with the assignments that week or you were falling behind. There was a rigor to it that attracted me and made me a better learner.

There were two male teachers I had in high school and middle school: Mr. Hansen, my eighth grade social studies teacher, and Mr. Peters, my junior-year American history teacher, who got me thinking about government and the effect it has on my life and the life of people around me.

My family did not have a history of politics or public service. My love of public service, my interest in government comes from teachers who inspired me to care about the role people played in our common history.

So when I think about why I am here today, I think about teachers. I think first and foremost about my parents, but I think about teachers, and so do millions of other people around the country.

Our common experiences are rooted in our public schools, and, of course, it is still personal today for millions and millions of folks in my State and

across the country because they have their kids, as I do, in public school, and they are seeing the great benefit that comes to their kids, the growth that happens in our public schools, and the continued learning that happens for our educators.

Public education is different today than it was when I went. We learned things, that we can't just focus on teaching basic skills, like reading, writing, and arithmetic, but today we have to teach other skills, like social and emotional skills. We are getting better all the time in public education, and that is why people are so proud of it.

So when presented with a nominee for the Department of Education who says that public education is a "dead end" for students in this country, people take it personally. It feels different than when they listen to the nominee for Secretary of the Treasury talk about banks or when they hear the nominee for Secretary of Health and Human Services talking about health insurance.

When you say that public schools are a dead end and then, as Mrs. DeVos has, spend your entire career trying to empty out public schools and put kids into private schools, it hurts. It hurts because, well, we all know public schools can be better. We all have our critiques of the public education we got or the public education our kids have gotten. We know it is not a dead end.

Public education wasn't a dead end for me. I get to be a U.S. Senator because of the public education I got. It wasn't a dead end for my mother, who grew up in the housing projects of New Britain, CT. Because of the public schools that challenged her as a very poor little girl growing up in New Britain, she got to be the first woman in her family to go to college. It wasn't a dead end for my father, who went to public schools and ended up running one of the biggest companies in Hartford, CT. And I hope it won't be a dead end for my kids, who are getting smarter and smarter every single day they go to public schools.

Public schools aren't a dead end. They can always get better. But to have someone in the Department of Education who doesn't believe in the way that most public school parents, most public school products believe in public education, it is offensive, and that is why our offices have received this unprecedented volume of correspondence.

I represent a pretty small State. Connecticut isn't that big. But I got 13,000 letters and emails opposing Mrs. DeVos's nomination in a short period of time. She was only nominated a couple months ago. I don't know that there is any other subject in the entire time that I have been in government in which I received more correspondence over a short period of time like that. I received 13,000 pieces of correspondence, and almost all of them are in opposition to it.

That is the other thing. There were a few people who called who support her nomination, but almost without exception, people are calling in to my office and to Republican offices telling us that she is not the right fit.

I am writing to you as the mother of two children in kindergarten and first grade. My son is 5 and is autistic. I watched the recent nomination hearing on Betsy DeVos, and I am left sick to my stomach. I implore you to not support this woman for Secretary of Education.

I am beyond worried at what this might mean for our school systems, and particularly what this would mean for the education and development of my son. We fight every single day for my son. We work for the services he needs. I spent 2 hours on the phone yesterday with health insurance companies trying to get his occupational therapy covered. With Betsy DeVos in charge of the public schools, I can't even imagine the roadblocks we would face.

As a parent, all I want is for my son to grow and develop and thrive like any other child. It is hard enough doing this with his disabilities, knowing our President openly mocks those who are disabled. Please, please, please do not support his nominee. I fear for my son.

Another piece of correspondence from a college student from Old Lyme, CT:

I strongly urge you to oppose the Secretary of Education nominee Betsy DeVos, whose confirmation hearing proved that she lacks both the experience and qualifications to lead the Department of Education.

Mrs. DeVos has had no experience in public schools, not as a student, an educator, an administrator, or even as a parent. Further, she admittedly has no experience with higher education or student loans.

I am a student about to earn my undergrad college degree this spring. I highly suspect that Mrs. DeVos has no interest in repairing or mending my or my fellow students' colossal debt problems, nor does she have the intent to alleviate the strain of other costs on parents and guardians.

I might read some more of these letters, but they are sort of endless, and they speak to a real worry people in my State have about Mrs. DeVos's commitment to public education. So let me talk a little bit about why they are concerned.

They are right to point out that this nominee has really no personal experience in our public school system. She didn't go to public schools. Her kids didn't go to public schools. She wasn't a public school educator. But that is not disqualifying in and of itself. I mean, all of us work on policy in which we don't have personal experience. It is the fact that she has spent her entire career and much of her family's enormous fortune trying to undermine public education that is so concerning.

Mrs. DeVos, as it has been repeated over and over on this floor, is a big fan—perhaps the biggest fan in the country—of vouchers, which is a means of giving students a handful of money so that they can go to a private school or a nonpublic school.

In theory, there is an attraction to this idea that you should be able to take that amount of money that we generally allocate to your education

and bring it to a school of your choice. But in practice, vouchers are a disaster for our kids. Why? Well, first and foremost, it is because, contrary to what Betsy DeVos and her family believe, the free market doesn't work the same for education as it does for the breakfast cereal industry, right? Kids are not free actors in the way that other consumers are. So what happens is that the parents and the families who have the means and the income to go find and afford private school do so. They take that voucher and then they bring it into the private sector, and the kids and the families who don't have the means to do that get left behind in underperforming schools, and the imperative to fix those underperforming schools gradually disappears.

Well, vouchers are never going to equal the amount of money that it costs to send a student to most private schools. It may cover the cost of the cheapest private schools, but families of means take those vouchers and supplement it with money that they already have and send their kids to private schools. So vouchers just end up taking wealthier families and moving those kids into private schools, while leaving behind kids who don't have parents who can supplement the amount of money in the voucher to allow those kids to go to private schools. So vouchers become a means of both economic and racial segregation. White families or families of higher economic means take the vouchers and they send their kids to private schools and families with kids of lower economic means get left behind in lower performing public schools.

Vouchers are a wonderful way to guarantee that you have very little mixing of kids of different backgrounds or races and incomes, and that is what the evidence bears out. But vouchers have been used in even more insidious ways over the years. Think about what has happened to disabled kids.

In many States, kids with disabilities will be offered a voucher to go to a private school that may have a basket of services that is more appropriate for them, but they have to make a deal with the school district in order to get that voucher. They have to renounce their legal rights to contest an appropriate education in order to get that voucher. For many families, that voucher is a very shiny object that looks like their salvation, but then, when they get to that voucher school and find out they are in fact not getting the services they thought they were going to get for their child—maybe because that school is being run by a for-profit company and they don't have that child's education in their best interests, and they have profit motives as their driving imperative—the parent can't exercise their rights under Federal law because they signed them away in order to get the voucher.

In States like Florida, this happens tens of thousands of times over, where

low-income, disabled kids sign away their right to contest services that are guaranteed to them in order to get a voucher, only to find that when they get to that school, the services they were promised aren't there and now they have no legal ability to try to get those services. The rug is pulled out from under them. They are left with no protection. So vouchers have been used in terribly insidious ways to take from students and families rights that wealthier families that don't need to rely on the voucher would never sign away.

So it is not that Democrats oppose Mrs. DeVos's nomination because we don't like charter schools. Frankly, it is not because many of us don't support school choice. I don't have any problem with public school choice done right. I don't have any problem with charter schools. In fact, I have a long history of supporting high quality charter schools. What we oppose is a voucher system that dramatically underfunds education and that requires students to lose or sign away their right to get a quality education.

Further, we oppose voucher systems that just end up taking public dollars and putting them in the hands of Wall Street. What is exceptional about Mrs. DeVos's experience in Michigan, what makes it different, frankly, from the experience of charter schools in Connecticut, is that in Michigan charter schools are by and large run by for-profit companies. Let me tell you, the operators of for-profit charters, I am sure, have the best interests of those kids in mind, but the investors in those for-profit charter schools have profit as their primary motivation. The people telling those administrators what to do have investor returns first on their mind and educational returns for the kids second, because if they didn't, they would be a nonprofit charter school. If your primary mission was to run schools for the benefit of kids, you would be a nonprofit. The reason you set yourself up as a for-profit is so you could make money. I don't know why any school is operated on a for-profit basis. But in Michigan, 80 percent of charters are owned by for-profit operators. We have seen what has happened in the higher education States. We have seen the fraud that is perpetuated on students because for-profit colleges have as their primary motivation making as much money as possible, not the education of kids. So vouchers, underfunded, tied to the denial of rights for disabled kids, and established as a means of enrichment for investors in for-profit companies are a terrible idea.

But students, parents, and teachers in Connecticut are concerned about Mrs. DeVos's nomination for other reasons as well. I wish that every minority kid and every disabled kid and every poor kid in this country got a fair shot, but that is not how education is played out. The Federal Government is involved in education for one primary reason and that is civil rights.

The whole reason that the Federal Government got into the business of education is because children—primarily minority children, primarily black children—were being denied an equal education. So in *Brown v. Board of Education*, it was held that separate education is unequal education, and in a series of civil rights acts following that decision, the Federal Government established laws to protect children and their parents from that kind of unjustifiable racist discrimination.

It happened in schools all over this country. Black kids were not given an equal education. Even after the schools were desegregated, States and municipalities found ways around the legal requirements to give an unequal education to minority kids.

Here is a news flash for you. Racism hasn't vanished in this country. Discrimination has not been defeated. We are watching the President today pry on people's prejudices as a means of dividing this country to his benefit. All across this country you can see examples of sometimes intentional discrimination and other times unintentional subconscious discrimination that continues to happen all over the United States, like what happens in school discipline. If you are an African-American boy in this country and you goof off at school, you are twice as likely, right now as we speak, to be suspended or expelled than if a White student engages in the exact same behavior. Disabled students all across this country are discriminated against.

I will give you an example from not so long ago in Texas. In Texas, an investigation by the *Houston Chronicle* discovered that the Texas Education Agency had arbitrarily decided that only 8.5 percent of students would get special education services. No matter if the school district had a higher percentage of kids with disabilities, the Texas Education Agency said that only 8.5 percent of students in any particular school district can get special education services. What happened? Kids all across the State who were disabled were denied the services that they needed.

In Kentucky, just 2 years ago, an autistic 16-year-old named Brennen was severely injured, with both his legs broken when he was restrained at school. An investigation found that he suffered two broken femurs, a partially collapsed lung, and blood loss. He spent 8 days in an intensive care unit. An investigation found out that over the past 2 years, nearly 8,000 students in one county in Kentucky had been physically restrained, and 150 of them in this one county had been badly injured. That is just one example of what happens to disabled students all across this country. They get secluded and locked into chains and ropes, literally, as a means of trying to control their behavior. That doesn't work. That is by and large illegal, but it happens because still today minority kids, disabled kids, and poor kids don't have

the political power that other school children have. Their parents might not be as loud as other parents are, and so they get intentionally or unintentionally discriminatory treatment.

That is why, at the Federal level, we have a history of requiring that States provide equal education to minority kids, disabled kids, and poor kids. That was a bipartisan commitment in the *No Child Left Behind* law. It continues to be a bipartisan commitment in the new education law we passed. Republicans and Democrats voted for a bill that holds schools accountable for equal outcomes, equal opportunity for every kid.

Now we dramatically amended that accountability requirement in the new law. We recognized that it probably didn't make sense for Washington to decide how you measure accountability and how you intervene in schools where you are not getting results for those vulnerable populations, but we still require that every State have an accountability regime. Republicans and Democrats both voted for that. I sponsored the amendment with Senator PORTMAN that put that accountability section into the bill.

Another reason that parents and students in Connecticut are deeply worried about Mrs. DeVos's nomination is because she has a history of fighting accountability. In Michigan, she fought a State law that would have made all schools in that State—whether they be public, private, charter, or traditional—accountable for their results. When questioned before the Education Committee about her position on accountability by Senator Kaine, who just finished speaking, her answers were bizarre.

Senator Kaine: "Will you insist upon equal accountability in any K-12 school or educational program that receives Federal funding whether public, public charter, or private?"

Here is the easy answer to that question: Yes.

That is not a gotcha question. I know folks have said that the Democrats were trying to embarrass Mrs. DeVos in the hearing, but that is an easy question.

Will you support equal accountability in any K-12 school that receives Federal funding—public, public charter, or private? The answer to that question is yes. But she says: "I support accountability."

OK. That is not as good, but maybe it is heading in the right direction.

"Equal accountability for all schools that receive Federal funding?" asks Senator Kaine.

"I support accountability," she says.

Senator Kaine is sort of figuring out that this might be an evasion rather than an answer. He says: "Is that a yes or no?"

"I support accountability."

Senator Kaine: "Do you not want to answer my question?"

"I support accountability."

"OK, let me ask you this. I think all schools that receive taxpayer funding

should be equally accountable. Do you agree with me or not?"

"Well, they're not today."

"But I think they should. Do you agree with me or not?"

"Well, no."

So at the end of that line of questioning, Senator Kaine finally gets his answer—that Betsy DeVos does not support equal accountability for public, public charter, or private schools. That isn't surprising because she didn't support equal accountability when she was pushing for private charter schools in Michigan.

(Mr. JOHNSON assumed the Chair.)

Mr. President, that has devastating consequences for our children, to have a Secretary of Education who is not going to require accountability for results in schools, regardless of how they are established. It has devastating consequences for poor kids, Black kids, Hispanic kids, and disabled kids who need in a Secretary of Education a champion for them, not someone who advertises in her committee meeting who is not going to fight for accountability in our schools.

Frankly, I am friends with some of the operators of charter schools in and around Connecticut. In my experience, the supporters of charter schools have tended to be the loudest champions of accountability because for many charter school proponents, they go hand in hand. Accountability gives you sort of a clearer sense of the outcomes in public schools, which for charter school advocates tends to be an advertisement for an alternative way of education.

So charter schools, even those that are regularly critical of the public schools, like Mrs. DeVos, normally argue for accountability, but not Betsy DeVos. She has a long career of opposing accountability. And if you look at an examination of the charter schools that she has supported, you can figure out why. Her charter schools aren't very good. If they had to be measured on equal footing with public schools in Michigan, the results would not be an advertisement for her or for her nomination to be Secretary of Education.

In Michigan, they have set up a Byzantine system in which there are like 30 different regulators of charter schools, all with a confusing array of different ways that they measure performance. There is no way in Michigan to pull out data about how disabled students are doing on a school-by-school basis. They intentionally obfuscate the results of charter schools. Why? Because many of them—many of those associated with Mrs. DeVos—are not getting good results for their kids. That doesn't mean charter schools can't get good results; many of them can. But if you don't have accountability, if you don't require charter schools to prove they are doing good for kids, then many of the bad ones will continue to provide low-quality results without any accountability.

So many of the parents in my State are very concerned about Betsy DeVos

when it comes to whether she is going to stick up for disabled students and low-income students.

I asked her specifically whether she would keep on the books a regulation that was passed at the end of last year which gives guidance for States on how they develop these accountability regimes for vulnerable populations. Again, this was an easy answer because everybody in the educational space supports this regulation—superintendents, principals, teachers, parent groups, civil rights groups, groups representing the disabled. Frankly, it was a Herculean task for then-Secretary John King to come up with an accountability framework that all those groups would support, but they all support it.

So I asked Mrs. DeVos in the hearing would she work to implement that regulation or would she work to undermine it, and she gave me no answer. She certainly refused to commit to implement that regulation which, by the way, is supported by everybody in the educational space. Undoing it would be a giant headache for everybody who works in education. Nobody wants it undone. Yet she would not commit to keeping it in place.

Then I asked her another super simple no-brainer when we submitted written questions. I just said: Would you support the maintenance of the civil rights data collection system? This is like once every 2 years, you have to report data on the performance of your minority kids in your State's schools. Once every 2 years, you have to submit this report, and it is very important because it is one of the only ways the Federal Office of Civil Rights and the Department of Education can figure out if minority kids—Black kids, Hispanic kids, Native Americans—are getting a raw deal. She wouldn't even commit to maintaining the data collection, never mind do anything with it.

So at some point, you have to figure out that where there is smoke, there is fire. She has been given all of these opportunities to say: I am going to be a champion for disabled kids. I am going to stand up for minority kids. I am going to make sure that every child, no matter their race, no matter their religion, no matter their learning ability, gets an equal education. Every time she was given an opportunity to set the record straight, she obfuscated, she fudged, she clouded.

When she got a question about the Individuals With Disabilities Education Act, she didn't seem to know what it was. So maybe that is why the answers were fuzzy when it came to protecting students with disabilities—she didn't know what the law was. Maybe if she was asked specific questions about the accountability framework that demands results for minority kids, she would have given a similar answer because she might not have known what that was, either.

If you are going to be Secretary of Education, you need to have a moral

commitment to protect these kids, but at the very least you have to know what the Federal laws are that provide those protections. Over and over again, she was given the chance to show that moral commitment; she did not. And in that hearing, she showed a troubling lack of knowledge about the statutes that protect those children. The Secretary of Education, more than anybody else in this country, is responsible for delivering results for our kids. The Federal Government is not in education, except for the cause of civil rights.

Finally, I wish to speak about what was, to me, maybe the most troubling answer she gave in that hearing. We had 5 minutes to question this witness. We had 5 minutes. I worked pretty hard to become a U.S. Senator. My constituents think this is a pretty important job. I was given 5 minutes to ask questions of the next Secretary of the Department of Education—the person who is going to be in charge of the thousands upon thousands of public schools in this country. There is no precedent in this committee—the Health, Education, Labor, and Pensions Committee—for Senators being cut off, being denied questions when they have them.

We spent a lot of time in the committee hearing arguing over how much time we were going to get to question Mrs. DeVos, and it became pretty apparent why Senator ALEXANDER was restricting questioning as the hearing went on. This was a nominee who was simply not qualified. This was a nominee who was not ready for this hearing, who is not ready to be Secretary of Education. I had a wonderful meeting with Mrs. DeVos. She is a nice person, but she is not qualified to be Secretary of Education. Senator ALEXANDER knew that. What I gather is that Senator ALEXANDER sat down with her, figured out that she was not qualified, knew that she was not going to perform well, and came into that hearing with the specific intention of limiting our questions, because as the hearing went on, it got worse and worse.

I really wanted to ask questions about protecting disabled kids and low-income kids, so I had planned to ask all of my questions about whether she was prepared to stick up for those kids. She gave very short answers to my questions that, as I said, didn't give me any confidence that she is going to stand up for those children.

When I looked down at my clock, I still had 30 seconds left. I only had 5 minutes, so I better use all of my time. So I asked her what I thought was a no-brainer. I asked her whether she thought guns should be in schools. She probably should have known that question was coming from me. I wasn't intending on asking it, but my public service is defined by what happened in Sandy Hook, CT, in December of 2012. And she knows she is going to work for a President who has promised to ban States' and local districts' ability to

keep guns out of schools. And so her answer, which has now been replayed on the Internet a million times, was shocking.

First, her inability just to plug in to the emotion of this issue. The first thing you should say in response to that question is, our No. 1 obligation as education policy professionals is to keep kids safe. Start there. Start with a commonality about our obligation to keep kids safe. But that is not where she started. She started by saying: Well, that is really up to the States and the local school districts.

The reason she gave for that is now infamous—that some schools in this country need to be protected against grizzly bear attacks. It is probably unfair how much attention that response was given; she sort of came up with it on the spur of the moment. I don't suggest that it reflects her full thinking on the subject of guns in schools. But she then immediately contradicted her answer. Her first answer was that really should be up to States and local school districts, so I asked her the next logical question: Well, if President Trump asked you to implement his proposal to ban local school districts' and States' ability to decide for themselves as to whether they want guns in schools, would you support it? She said: I would support whatever he did, whatever he asked me to do.

So on the one hand, she says it should be up to States and local school districts whether they have guns in the classroom, and then on the other hand, she says that she would support a Federal prohibition on gun-free school zones. You can't have it both ways.

Much of the outpouring of opposition from Connecticut is due to the answer she gave to that question.

Parents in Sandy Hook, CT, can't understand—can't understand—how a Secretary of Education could think that putting guns in our schools would make our schools safer. This idea the right has—and the folks the DeVos family hang around with—that if you just load up our communities with guns, it will guarantee that the good guys will eventually shoot the bad guys has no basis in evidence. Routinely, guns that the good guys have to protect against the bad guys get used to shoot the good guys, and even when guns are around when bad stuff goes down, they don't get used to shoot the bad guys. Parents and teachers in this country are freaked out that we would have a Secretary of Education who would promote arming our schools.

Although at the end of that short back-and-forth between Mrs. DeVos and me, she did admit that kids getting killed in schools was a bad thing, suggesting that schools need to be armed in order to protect against wild animal attacks doesn't suggest that is on the top of your mind.

How deeply offensive that answer was to families like those in Sandy Hook who have gone through these tragedies and who know that the answer is not to

arm principals and administrators and teachers with high-powered weapons so they can engage in a shootout inside a school.

Even that school in Wyoming that she referenced noted within 24 hours that they didn't feel like they needed a gun to protect against grizzly bears. They had a fence and they had bear spray and that was good enough.

I admit, she has gotten probably a little bit too much grief for that particular answer, but it capped off her performance in that hearing that was disqualifying; that showed a lack of interest in protecting vulnerable kids—poor kids, Black kids, Hispanic kids, disabled kids; showed a stunning unfamiliarity with the laws that govern education; demonstrated an enthusiasm for market-based principles in public education that simply don't work; showed a disregard for the danger of profit motivation driving decisions in education; and uncovered some incredibly dangerous positions that we had not previously known about, like her enthusiasm for putting guns in schools. That is why 13,000 people in my little State of Connecticut sent letters and emails and made phone calls in opposition to her nomination.

I had a really nice meeting with Mrs. DeVos in my office. I concede that she could have spent her money and her time—she has a lot of money—on something other than trying to make schools better.

So I give her credit. I give her a lot of credit for the fact that she spent much of her fortune and put a lot of time into making kids' education better. But that is not a qualification alone. Being rich and spending your money for a good cause doesn't automatically qualify you to be in the Cabinet.

Despite those good intentions, over and over again, Mrs. DeVos has shown she is willing, with her time and money and with her advocacy, to make good on her belief that public schools are a dead end, to empty out our public schools of money and students, to use taxpayer funds to enrich for-profit investors, and to leave behind millions and millions of vulnerable kids who need a champion in the Department of Education.

Public schools were not a dead end for me. Public schools were not a dead end for my parents. Public schools were not a dead end for my wife. I am sure, having only watched my kids progress through second grade and pre-K, that public schools will not be a dead end for my children. But to have a Secretary of Education who doesn't believe the public schools that are going to be under her charge can lead to results for our kids like they have for generations is unacceptable. It is why this body in a bipartisan way should rise up and say no to her nomination and ask this President to appoint someone who is going to be a daily champion of our public schools and not use the Department of Education to undermine them.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. 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. MERKLEY. Mr. President, this morning and throughout the night, the Senate has been considering the nomination of Betsy DeVos to be the next Secretary of Education. My colleagues have come down here to the floor, and I appreciate my colleague, who just completed his comments, for his knowledge and his insights on public education and his passion for a system of education that provides opportunity to every child in America.

We are down here speaking through the night to raise the issue of why the nominee for Secretary of Education is so completely inappropriate. We see the passion that has arisen across America, ordinary citizens calling us up on the phone, inundating our phones, thousands of phone calls—I had more phone calls in a single day than I normally get in a couple of weeks— inundating us with thousands of emails and letters.

Why is there so much public passion about this nomination? The short answer is that public education is a cherished institution in the United States of America. Public schools are a vital pathway through which our children have the opportunity to gain the knowledge that allows them to thrive in our society. We don't want to see that system of public education, that gateway for a successful life, destroyed by Betsy DeVos. That is why the American people are sending us so many letters and emails and making so many phone calls—because Betsy DeVos has no education experience, no public school experience.

Our students, teachers, communities, and our Nation deserve leadership that does have public education experience, someone who does have a passion for the success of every child, not someone who is simply dedicated to trying to tear down public schools so she can run private profit institutions and put money in the bank.

What do we really care about in the United States of America? Do we care about the education of our children or about an entrepreneur hijacking the public education system for personal profit? That is why the citizens of this country are so outraged by this nomination and outraged that Senators on this floor are planning to vote for her later today.

I had the chance to go to school starting in first grade down in Roseburg, OR. Roseburg is a timber town. My mother showed me the path that was somewhere between a quarter of a mile and half a mile long. I walked that path over to the first grade

school. It had classrooms that did not have hallways; they opened to the outside. The school ground was a magical place for me to go in the first grade.

I still remember vividly Mrs. Matthews. Mrs. Matthews was a very stern public school teacher. She had probably about 20 people in her classroom, 20 little kids. She was determined that by the end of the first grade, we would all read at the third grade level. That was her mission in life. And we would do math at the third grade level. Thus, every moment in that classroom we were working.

She was a senior teacher. I thought of her as quite old at the time. I don't know if she was in her fifties or sixties. Suddenly that age doesn't seem so old to me now. She was very experienced, and she had her system of working with little kids. She would divide us into groups of about four to five kids, and we would work in different clusters around the schoolroom. She would travel from one cluster to another keeping us on track, making sure we were progressing as we were reading to each other, as we were doing our math problems. By the end of the school year, everybody read at the third-grade level. We were afraid of Mrs. Matthews because she was a very stern teacher, but we all thrived in that classroom because we had a person dedicated to the success of children.

One of the things that helped Mrs. Matthews was that there were 20 students in her classroom. When I went to my son's first grade classroom, there were 34 kids in that classroom. I don't know that Mrs. Matthews' strategy could have worked with 34 children. I don't know if she could have taken 34 kids and gotten them to the third grade level at the end of first grade.

It is unfortunate that we are not providing for our children the same quality of education that our parents provided for us. Yet we are living in a knowledge economy world where public education is much more important today for success than it was a generation ago. So it is more important, but we are funding it less. Certainly we have growing national wealth. Why aren't we making the investment in our public schools?

Along comes Betsy DeVos, who says: Here is an economic opportunity for me to make even more money and convert these public schools to private schools, private for-profit schools. That bothers me an enormous amount because I want to see the resources not go into the bank accounts of wealthy, ambitious entrepreneurs; I want to see those resources go into our public classrooms, which, quite frankly, don't have enough resources as it is.

For first grade, I went up to Portland. My family moved with the timber economy. The mill shut down outside of Roseburg, OR. We had been in Roseburg through first grade. By second grade, my father had taken a job as a mechanic up in Portland. We moved to the public schools of Portland and the following year bought a

house outside of Portland and moved to the David Douglas High School system, where I was from third grade through graduation. That grade school and high school system provided the foundation on which I could pursue virtually any path I put my mind to.

Isn't that the goal in America, that every child should have the opportunity to pursue their dreams, not to have that opportunity cut short by somebody who wants to drain the resources out of our public education system?

When I was in grade school, my father said to me: Son, if you go through the doors of that school and you work hard, you can do just about anything here in America.

I thought that was pretty cool because I lived in a blue-collar community. I knew there were fabulously more affluent communities in different parts of Portland, and our community was not one of them. We were a working-class community. The idea that if I went through those doors and worked hard, I could pursue just about anything was a really cool notion. It gave me a lot of pride in the United States of America, and it gave me a lot of pride in my parents' generation that they were providing public schools to enable every child to have this opportunity to thrive.

That is what we want to have—not a system for the elite, not a system in which the rich get their education over here and they are therefore destined to seize the best jobs in society and generationally build wealth upon wealth upon wealth while the rest of our Nation is left out in the cold—no, a system where every child has the opportunity to thrive. That is the great foundation for a nation that says we are going to dedicate our resources so that all families are lifted up. But that is not the vision of Betsy DeVos. That is why I am on the floor today at 5 a.m. speaking about my concerns about her nomination and what it represents for public schools.

We need, plain and simple, an Education Secretary who actually has experience with public education. Betsy DeVos has none. She did not attend public school. She did not send her children to a public school. She did not volunteer in a public school. She did not get a degree and teach in a public school. I don't know if she has ever set foot in a public school.

The process—the journey of becoming a teacher—is one that requires substantial education so you are prepared to convey and to find the pathway with which children can learn, absorb knowledge, move forward, and be inspired. But Betsy DeVos likes the idea of schools in which there is no accountability for the preparation of the teachers.

Why undermine the success of our children for personal profit? For a moment, think about the type of backgrounds previous Secretaries of Education have had. They have been pre-

pared to understand our school systems and issues before, here in America.

John King was our 10th U.S. Secretary of Education from March of 2016 through January of 2017, just recently. He had a J.D. and a Doctor of Education from Columbia University. He taught in the Massachusetts school system. He had been Commissioner of Education in the State of New York from June 2011 until January 2015. He had been the Deputy Secretary of Education for a little more than a year. He had a lifetime of study about our public education system, a lifetime of dedication to that system, a lifetime of experience in that system brought to bear to make that system work for our children.

How about Arne Duncan, who preceded him? He was the ninth U.S. Secretary of Education, serving from the time President Obama came into the office through December 2015. Arne Duncan graduated from college with a bachelor's degree in sociology. He was deputy chief of staff to the Chicago superintendent from 1999 through 2001. He was superintendent of Chicago Public Schools for 8 years—or almost 8 years—from June 2001 to January 2009. He also brought to bear substantial, extensive experience and an understanding of the issues and how to address them in America.

Let's go back to a Republican administration and Margaret Spellings, our eighth U.S. Secretary of Education, serving for 4 years, from January 2005 through January 2009. She worked on the Education Reform Commission under Texas Governor William Clements. She was executive director for the Texas Association of School Boards.

We can keep going back and see the type of experience that has been brought to bear on this important position. Rod Paige was a son of public school educators. Rod Paige was our seventh U.S. Secretary of Education. Rod Paige taught at Texas Southern University. He was Dean of the College of Education of Texas Southern University. He was a trustee of the board of education of the Houston Independent School District. He was a superintendent of the Houston Independent School District. In other words, as we work backward through his career, he was involved in education in one role after another.

Betsy DeVos has none of that background. She has a background, and she certainly has things she knows well and is very good at, but education—public education—is not one of them. She was chairwoman of the Windquest Group, a private technology and manufacturing investment firm. She was a Republican National Committee member for Michigan from 1992 through 1997. She worked at that point to divert children from our public education system and to divert resources from that system.

Michigan's charter school system, which she has backed, has most of

them run by private for-profit companies—80 percent, the largest percentage of the country—companies driven by making a buck and squeezing every dollar out of the system they can rather than squeezing every ability into our children.

Public education being converted into a private profit company is the experience that she brings. She likes the idea of those schools having no accountability because if you have no accountability, you don't have to spend as much money on the kids, and you make more money for yourself.

That sort of self-serving, for-profit depletion of our public schools should not be represented or advocated for by the Secretary of Education.

She has other experience. That experience has to do with being very involved in one party of the United States—the Republican Party—serving as the Michigan Republican Party chairwoman from 1996 through 2000 and 2003 through 2005. Serving as a party chair is different than gaining experience in public education.

She wanted to further press the case to convert public schools over to for-profit, a strategy that she was benefiting from so much. She worked on a 2000 ballot measure, and the people of Michigan rejected it. She also put a lot of money into a PAC but, again, putting money into an advocacy group—an advocacy group dedicated to depleting our public schools—is not a foundation for running public schools. It is a foundation for not running public schools.

During her confirmation hearing, it became so incredibly evident that she knows nothing about public schools. It makes sense that she has no background because she didn't attend public schools. It makes sense that she didn't learn anything about public schools by teaching; she didn't teach. Or volunteering in ones—she didn't volunteer. It makes sense that she didn't learn about public schools from her children going to public schools because they didn't go to public schools.

You might have thought for all her dedication to converting our public schools over to for-profit schools, she might have learned something along the way, but we found out during her confirmation hearing that she knows literally nothing about public schools.

If she knew she was going to have a confirmation hearing, you would think she would have prepared for this experience. One of the major questions that we wrestled with in public schools is how to use assessment tools and whether they should be used in the context of measuring students' growth or students' proficiency and how that reflects on the teacher.

When asked by Senator FRANKEN about her views in this dialogue on proficiency versus growth as a tool of measurement, Betsy DeVos said: I think if I am understanding your question correctly about proficiency, I would also correlate it to competency and mastery so that each student is

measured according to the advancement they are making in each subject area.

FRANKEN said: That is growth. That is not proficiency. I am talking about the debate between proficiency and growth, and what are your thoughts on that?

She was unable to respond to that question because she was unfamiliar with the issue. That is a fundamental debate that is going on as we try to make sure that we have accountability in our public schools. Perhaps she was not familiar with the issue because she opposes accountability in her for-profit operations, because the less you spend on a student, the more you can put in the bank.

That is a very sad point of view—to put profit over people, and those people are children. Another major issue in our school system is how to address the education of students with disabilities. We have an act called IDEA, Individuals with Disabilities Education Act. She was asked by Senator Kaine about IDEA and said that is a matter best left to the States.

Her response worries educators and those with disabled family members because before IDEA passed in 1975—so it has been with us for 42 years now—only one in five students with disabilities received a public education.

I will put it differently. Four out of five or 80 percent of students with disabilities were left out in the cold. They didn't get the benefit of a public education. Our goal from 1975 forward as a nation has been to make sure students with disabilities also receive the best education that their circumstances enable them to have.

Before 1975, many States had laws on the books that specifically excluded disabled students. That began to change with a series of court cases and the eventual passage of IDEA, a vision in which we said: Let's embrace our students with disabilities and give them a pathway to the maximum opportunity they might be able to have in life.

IDEA gives such students the right to a free and appropriate public education. That is the wording of the law—free and public education, and the right that this education should take place in “the least restrictive environment” possible.

A right to free and appropriate public education and that it should take place in the least restrictive environment has meant so much to millions of our students who have some disability in life because we haven't said to them we are setting you aside. We have said: We are going to empower you to seize all the opportunities you can possibly seize by making sure you have an education, an appropriate education in the least restrictive environment.

When Betsy DeVos responded to the issue about IDEA and said it is a matter best left to the States, people across the Nation envisioned how States used to operate, which they ba-

sically said: Disabled child, there is no pathway to a successful life.

That is not the way we should treat our children with disabilities.

To facilitate these rights, each student under IDEA receives an individualized education program, referred to as an IEP, a legal document that lays out how public education will be tailored to their needs. Once a year, the family, the student, the school officials, and experts gather around a table to update the IEP, the individualized education program, for that particular student, based on that student's abilities and disabilities.

The IEP lays out the accommodations the student may get in the classroom and any related services the school will pay for, such as occupational therapy or speech pathology and services. IEP can even be used to pay for certain kinds of private school education in the event a family requests it and the IEP determines that it is in the best interests of the child.

Betsy DeVos would throw all this out the window and say: Let's not as a nation guarantee an opportunity for these children. Let's not require accountability for our States to provide an education to these children. Let's not provide a pathway. Let's leave it to a State. Maybe they will get an opportunity, maybe not, and that is OK with her.

It is not OK with me. It is not OK to the parents of the thousands of children who wrestle with a disability in my home State of Oregon. It is not OK to the parents across this Nation that their children be tossed aside in the vision of Betsy DeVos.

Betsy DeVos had little constructive or helpful things to say on how she would protect students in our schools and on college campuses if she became Secretary of Education. Sexual assault on campuses is a very significant issue. It is estimated that roughly one-fifth of women on campuses are victimized by sexual assault, and many of them know the offender; that of every 1,000 women attending a college or university, there are 35 incidents of rape each academic year. Only a small portion of those are reported to law enforcement.

So Senator CASEY asked her if she will commit to maintaining President Obama's attempts to curtail sexual assaults, and the answer didn't leave confidence with the Senator or the committee that she would be dedicated to that issue or understood that issue.

Senator MURPHY asked Betsy DeVos whether guns have a place in and around our schools, and again she seemed unfamiliar with the national debate. She said: “I think that is best left for locales and States to decide.” And referring to a school in Wyoming, she said: “I think probably there, I imagine you need a gun in school to protect against grizzlies.”

Senator MURPHY asked whether she would support President Trump's proposal to ban gun-free school zones, and she responded that she would.

There are many challenges in the details of this debate, but Betsy DeVos didn't seem prepared to understand and be able to articulate those issues.

It remains very clear for many of us all that has occurred in America since 2013. There have been 210 school shootings. There were 64 school shootings in 2015. In Sandy Hook Elementary in Newtown, CT—the Senator from Connecticut was speaking during the previous hour—there was an assault that killed 20 first grade children and killed 6 adults. And this question of how to create a secure environment is one that any nominee for public education should have a deep understanding of.

Betsy DeVos has a questionable history in terms of her interest and concern about LGBTQ rights for students, so that is a concern as well.

She does have this history of this war against public schools in Michigan, and if we had a department for a war against public schools, maybe she would be the right person to lead it. It would be a mission I would disagree with because I am here to tell you that this vision of public schools—every child has the opportunity to thrive is a vision we have embraced in America and should continue to embrace.

If we believe in the American dream, if we believe in opportunity for all, then we should not have millionaire Senators voting to confirm a billionaire Secretary who knows nothing about public education and the struggle for education among working Americans and Americans with modest means. That is the concern—Senators living in a bubble confirming a Secretary who lives in an ultra-rich bubble and knows nothing about our public schools.

We can take a look at some of the schools that Betsy DeVos has promoted with her vision of no accountability. Seventy-nine percent of Michigan charter schools are located in Detroit. Very few perform in the top tier of schools.

There is a school in Brightmoor, a charter boasting more than a decade of abysmal test scores—not good test scores, not outstanding test scores, but terrible test scores.

That school is not alone. Another charter school, Hope Academy—serving the community around Ground River for 20 years—test scores have been among the lowest in the State throughout those two decades. In 2013, the school ranked in the first percentile. That means out of 100 schools, it was the worst. But its charter was renewed under this vision of no accountability.

How about Woodward Academy? It is a charter that has bumped along at the bottom of school achievement since 1998, while its operator, despite running an abysmal school, a terrible school, was allowed to expand and run other schools.

How about the idea of outstanding schools, not terrible schools? How about the idea of resources invested in the success of the school, not an entrepreneurial for-profit strategy designed

to squeeze as much money out of that school as you possibly can at the expense of our children?

Stephen Henderson, an editor at the Detroit Free Press, summed up the carnage in Michigan—Betsy DeVos's destructive results in Michigan—as the following: “Largely as a result of the DeVos lobbying, Michigan tolerates more low-performing charter schools than just about any other State, and it lacks any effective mechanism for shutting down or even improving failing charters.” That is a powerful statement, that DeVos's assault on public schools—converting them to charters with no mechanism for shutting down poorly run charter schools, no mechanism for improving failing charter schools—Betsy DeVos's vision of zero accountability—producing failing schools—is an assault on the opportunity for the success of our children. And it should not be entertained, and she should not be within a thousand miles of the Department of Education.

A columnist, an editor with the Detroit Free Press, went on to summarize that “as a result of DeVos's interference and destruction of the schools in Michigan, we are a laughingstock in national educational circles, and a pariah among reputable charter school operators, who have not opened schools in Detroit because of the wild West nature of the educational landscape here.”

Often what we see with this strategy from the very rich who want to masquerade as helping our children and challenging communities is what they really want: They want the government to pay for their elite education in private schools. Take the money out of the public system and help the wealthy in America be even wealthier by subsidizing or paying for their children to go to elite schools.

The strategies that Betsy DeVos implements results in this failing system in Michigan that has become “a laughingstock in national educational circles, with no accountability for improving the schools, and no accountability for shutting them down.”

If anyone was running a private business with no accountability, that business would fail. But when it comes to squeezing money out of the public system, there are opportunists who say: Here is something. Don't care much about public education, but I sure see an opportunity. I smell an opportunity for profit right here. I can squeeze that school, and I can make a lot of money.

That person belongs nowhere near our public education system.

There are other things that concern folks. In 1983, Betsy DeVos's family funded the creation of the Family Research Council. FRC is known for its incendiary anti-LGBT agenda. It is known for its promotion of junk science, claiming a connection between homosexuality and pedophilia. The FRC thanks on its Web site the DeVos and Prince families of Michigan for establishing its DC base. And FRC advo-

cates for conversion or reparative therapy.

Well, in all those ways, it sends a message that as the Secretary of Education, Betsy DeVos is not going to watch out for LGBTQ students, who have plenty of difficulty figuring out life and a pathway to life in a world in which they don't necessarily find support in many places. And their concern is amplified by her opposition to non-discrimination protections for the LGBTQ community. In fact she has donated hundreds of thousands of dollars to defeat marriage equality—an opportunity for opportunity in our Nation. Funding these anti-LGBTQ causes is plenty of concern for students and their parents across America.

Well, why is she nominated to be Secretary of Education? I think an objective observer would say that she has been a massive donor to the party of the President, and that objective observer would be right. Some \$200 million was donated to the President's party.

When discussing her contributions in 1997, DeVos said the following: “I have decided to stop taking offense at the suggestion that we are buying influence. Now, I simply concede the point.” She continued: “They are right. We do expect something in return.” She concluded: “We expect a return on our investment.” Well, she is seeking a return on her investment by seeking the nomination and receiving the nomination to Secretary of Education, but pay-to-play politics has no place in our public schools. Let me repeat that once more. Pay-to-play politics has no place in our public schools. Our children's education is not for sale. That is why we are here tonight on the floor of the Senate conveying our passionate dissent against this nomination.

The Secretaries in the Cabinet—their position—should not be sold to the highest political bidder, and certainly one should have a small modicum of experience to bring to the post, particularly when it comes to the education of our children. Throw on top of that this pay-to-play politics. Throw on top of that a determination to destroy our public schools and to turn them into for-profit operations for the benefit of the rich, to squeeze profits out of these schools that are investing in our children, and this person is uniquely unqualified, the most unqualified individual to be considered for a post of this nature probably in the history of the United States of America.

I was home in Oregon last week. I attended a rally of folks who wanted to share their thoughts about Betsy DeVos's confirmation. CREDO helped organize the rally, an organization that fights for progressive change, for opportunity for every child, opportunity for every family to thrive.

In a short period of time, 1.4 million Americans had signed the CREDO petition for her nomination to be blocked. Just yesterday, I was at a rally outside

the Russell Senate Office Building, just a few yards from here, where hundreds of activists came out to rally against her confirmation.

The phones in my office have been ringing off the hook for weeks, with folks calling in opposed to this nomination. We have received 19,667 letters and emails from constituents—that is the last count—who are writing in opposition to her nomination—opposition to potential confirmation by the Senate.

These letters, these phone calls, they are coming from teachers and administrators, they are coming from parents, they are coming from concerned citizens who know what powerful role public education has played in the opportunity for our children. Now, this vote today has been laid out as something that virtually equally divides the Senate; that there may be 50 votes for her nomination, maybe 50 votes against.

Half of the Senate saying no is a rather spectacular rejection of this individual, but we need another Senator. We need a 51st Senator who values our children over for-profit destruction of our public schools. Is there not one more Senator who will stand up and fight for our children here in the Senate?

We need a Secretary of Education who knows about education policy, a Secretary who has experience as a teacher, who has experience as an administrator, and who wants to fight for our schools to thrive, not for our schools to be exploited, but we don't have that nominee today. So that is when this body needs to stand up and say no to the President; say, no, Mr. President. We know you were pushed to do this because this individual donated massive amounts of money to your party, but that is not a qualification for serving as Secretary of Education.

We need for the Senate to reject this and the principle it represents, the principle that experience matters, that the heart for our children matters, not how much money you pump into the President's party. I think it might be helpful to look at some of the writings that have been put forward. Let me read an op-ed from an Oregon paper, the Register-Guard, our Eugene paper. This article is by Belicia Castellano. She writes the following: After having donated \$9.5 million to Donald Trump's Presidential campaign, President-Elect Trump selected Betsy DeVos as his Secretary of Education. This decision has been widely viewed as controversial. With Trump's decision, it is apparent that education policy will focus on the privatization of public education. DeVos is not a suitable candidate for this position and much more consideration should be taken into who has offered such a significant role in our government and society. DeVos would not be actively supporting our public schools, and would not commit to advocating for only public schools. We need a Secretary of Education advocate of all teachers, principals, staff, students, and families within different

types of schools. DeVos never worked in a public school and will struggle to empathize with public school students and teachers. In order to hold the position of Secretary of Education, an individual should have a teaching license or have some experience working within the field of education.

I guess that is kind of the point here, is someone should have some experience working within the field of education. This Register-Guard editorial said:

The morning after Election Day, a Register-Guard editor asked University of Oregon President Michael Schill what he knew about President-elect Donald Trump's views on higher education. Schill's answer: hardly anything.

It goes on to say: DeVos is a long-time advocate of charter schools and school vouchers, but the Chronicle of Higher Education and other publications have turned up few grains of information after sifting through her positions on issues affecting colleges and universities. DeVos's home State of Michigan has more charter schools run by private companies than any other State, she is expected to be friendly to for-profit colleges. Maybe, maybe not—who knows.

So the point is that the Secretary of Education should also have experience related to higher education. Let me speak a little bit to that. Our public K-12 system, which has now become sometimes a preschool through community college system, or a K-20 system, has expanded vision.

We have started to understand that just as we said at some point that the equivalent of a high school education is essential for a pathway for opportunity in our country, so now is the ability for many visions of what you will do with your life, to attend school after high school; that is, higher education. Now there are many pathways to success through apprenticeship programs and other routes that we should publicize and honor, many trades that need more people in them, very successful pathways to stable family finances, a foundation for raising your children.

But much of our economy does require the experience of gaining a higher education through our community and 4-year universities. The cost of this pathway has exploded. There was a chart a couple of years ago in the New York Times that showed the cost of different products over a 10-year period. Over that period, the product that had increased the most in price was the cost of a university. University education tuition, that was the very top curve. The bottom curve—the things that had decreased the most in price—was large flat-screen TVs. Now, you don't need a large flat-screen TV to thrive in life, but for many opportunities in our economy, you do need a 4-year education at a university. So the thing we need, our students need, for many pathways had increased the most in price. That cost effectively creates a massive barrier. If you are a million-

aire or you live in a bubble community, a gated community, you don't really see this because parents just write a check.

But in my community, in a blue-collar community, people worry about this all the time. Parents worry about whether they can save a little money to help their child go to college. Then they look at that savings in the context of the cost of college and realize it is not enough and that their children will have to take on a lot of debt to be able to attend even a public 4-year school.

So back a couple of years ago, I held a whole series of meetings with students on different campuses in Oregon. The students brought balloons that said on the balloon what their debt was or their anticipated debt would be at the time of their graduation from college. Some of them said, \$22,000, some said \$14,000, but a lot of those balloons said \$55,000 or \$85,000. Some students had gone from undergraduate to graduate school, and their numbers started to get to three figures: \$112,000.

It is in light of that debt in the higher education system that parents start to wonder whether college makes sense because with that kind of debt, that is half the price of a home in my community. You can buy a two- or three-bedroom house for \$250,000 in my community, although the price has been going up.

So you are saddling a child with a debt the size of a home mortgage or at least a good portion of a home mortgage. The fear is, what happens if you graduate with that debt and you actually can't get a job to pay off that debt. That concern has many folks saying to their children in middle school and in high school that they are not sure their child should follow that pathway.

When a child hears from their parents that they are not sure that pathway makes sense, that affects and reverberates back to the way they treat junior high and the way they treat high school because they see it as a pathway that has been paved for them by society so they can thrive. And if they will be able to afford public education on through college, that is more inspiring and more powerful and can persuade a person to work hard in junior high and high school than the message that, no, it is so expensive we don't think that you are going to be successful going that route and it is going to be a trap. That message hurts our public schools. But Betsy DeVos has none of this understanding, how the high cost of college then reverberates back into junior high and high school.

How about the issue of STEM education—science, technology, education, mathematics—and the role that plays in our schools. You know, I feel particularly lucky in life. I am the first in my family to have gone to college. My mother and father came from very, very modest backgrounds. Yet thanks to the economy after World War II,

they were able to buy a home on my father's blue-collar income. They were able to provide a foundation for the family to thrive.

My father told my sister and me: We didn't go to college, but we hope you will. We are saving some money to help that be possible. Even though I had no understanding of what college was all about, the message from my parents, that they were encouraging my sister and me to aspire to that pathway and that they were going to help us, just sent a message: It is a feasible pathway.

So I always assumed, not knowing the details of what college cost or what scholarships might be available, I just always assumed it would be possible to go. We need a system of higher education in which people can afford to go to college without massive debt. What is important to understand is this affects not only the opportunity after high school, it affects how children feel about schools when they are in school.

We see this, for example, in the DREAMS Program, where children are sponsored from grade school, and they are told: Listen, you have been the beneficiary of an individual who is going to pay your college expenses and for a program for you to get extra mentoring during your K-12 years of school. Those children thrive at a whole different level in public schools than the children in an adjacent classroom who don't have that sponsor and don't have that vision laid out for them that there is an affordable college awaiting them.

So that is an issue we need to have an advocate for, as Secretary of Education, as well as an advocate for our K-12 system, and we don't have that in Betsy DeVos. She doesn't bring her personal experience in life to bear with that.

I am going to wrap up my part of this conversation by noting that this is a potential turning point in our history. If we hand over the reins of our education system to a person who wants to see it as one more corporation, one more opportunity for profit, we will destroy a system that is the foundation of the American dream, the foundation of the vision for every child to thrive. We are a society to make sure that the pathway of opportunity is there for each and every child, including children who are English language learners, including children who have disabilities, including children who come from blue collar communities, as I do. Every child. That is the vision we are fighting for that is about to be deeply damaged.

Should the reins of public education be handed over to an individual who wants to destroy it?

That is why I am encouraging our colleagues to search their hearts, step aside from party politics and pay-to-play politics, and fight for the children of the United States of America.

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. REED. 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. REED. Thank you, Mr. President.

Mr. President, the nomination of Betsy DeVos has triggered an outcry of deep public opposition. It has also inspired an outpouring of popular support for public schools.

Public education is what has made America great. It is at the heart of the American dream. Our schools are much more than just a collection of classrooms. They are expressions of our communities and our values.

This is a lesson I learned from my parents. My father was the school custodian in a public school. He took tremendous pride in ensuring that the school was clean, in good repair, safe, and welcoming to the students. He was part of the public school team entrusted with our community's children. He, along with the teachers, principals, and every staff member at the school were deeply committed to public education. We saw that commitment each and every day. He spoke of that commitment when he came home in the evening. The teachers would do much more than what was asked of them to ensure that students got the best opportunities and best education. Everyone in our school was pulling for our children. That is the way it should be, and that is the way it must be. This was free public education, the hallmark of America, and perhaps one of the most important contributions that we have made to progress, prosperity, and economic growth, not only here in the United States but around the globe. That is what we are talking about today—the future of public education.

It is that kind of commitment to public education, going in early, working hard—I can remember of course in the wintertime, when the storms would rage through Rhode Island, it was not uncommon for my father and his colleagues to be out there on a Sunday afternoon, if the storm was bad enough, shoveling all night long so that Monday morning the school was open for the children, the teachers could get there, and the food could be prepared. That is the type of commitment that has been evidenced throughout our history when it comes to public education. That investment of effort but also of trying to understand and trying to improve public education has been at the heart of what we have all done.

Indeed, I believe it is that kind of commitment to public education that has caused millions of Americans to speak up about the nomination of Betsy DeVos. Teachers, parents, and community members have been calling

across the country, writing, emailing, urging the Senate to reject her nomination. I have received over 12,500 calls and messages from Rhode Islanders, an unprecedented negative response to a Presidential nominee.

We are the smallest State in the Union. We have a population of just over 1 million people, and we understand that even for the most challenging and publicized issues, we rarely get this type of response. It is because this nomination touches a nerve. It touches a nerve with people who are products of public schools because they honor the success of public schools, but it also touches the nerves of people who may not have attended public schools because they recognize the value, the necessity, the need for good public education. Without it, we can't move forward as a nation; without it there is no alternative except typically very expensive private arrangements to educate our children.

Once again, free public education has been a hallmark of this country. It might have been one of the most dominant factors in ensuring equality. Our country is based on equality—equality before the law. But without a good education, how can one be equal? How can one understand their rights and use their rights, understand their abilities and use their abilities?

Our constituents all across the country want a champion for public education at the helm of the Department of Education. They want someone committed to public schools, someone knowledgeable about the Federal role in education, and they have determined that Betsy DeVos is not that person. Having looked at her record and viewed her performance during the confirmation hearings, they are telling us that she is the wrong choice to lead the Department of Education, and we should heed their pleas. Of the thousands of Rhode Islanders who have contacted me to express their opposition to Mrs. DeVos's nomination, I would like to share the sentiments of a few who exemplify the deep concerns I am hearing.

One teacher wrote:

Mrs. DeVos is not versed on the real concerns of families and their children, and does not know the issues and concerns educators face in our schools. As a teacher in a public school, I believe she is completely unqualified to lead the Department of Education. She does not understand the definition of proficiency and she did not know our children were protected by Federal laws (disability act). As a parent, I do not believe Mrs. DeVos understands the concerns middle income families have regarding their children and their futures. She also does not believe that guns should be kept out of our schools. This proves how out of touch she is with our students, their families and teachers.

I think many Americans agree with the sentiment that Mrs. DeVos is out of touch and out of step with American families. Neither she nor the President seems to have much, if any, experience with public schools, as students, parents, educators, or administrators.

Another theme that Rhode Islanders wrote about was the double standard of this nomination. One vice principal wrote:

We as administrators are required to be highly qualified in order to run our schools through an evaluation process. We also require this of our teachers as well. How can we support someone in a position to lead the educational process who is not held to these same standards?

That is a fair question that neither Mrs. DeVos nor the Trump administration has answered.

But again, it is not purely about her resume. Another theme I heard about from many Rhode Islanders is their fear of the empathy gap from this administration. Here is an example from a letter written by a public school principal:

[M]y heart is sinking. I have worked as an educator in urban public schools for the past 19 years, as a teacher and, now, as a principal. I was an attorney before I was a teacher—I came to the profession as a second career, by choice, with a passion for righting the inequities our students face. I have worked all of my career with our most needy populations, a group whom I believe also to be our most brilliant, caring, loving, and amazing young people. I feel blessed to get to work with them and their teachers every day. I ache for the things they don't have that other schools have, and for my powerlessness to right that wrong. Betsy DeVos wishes to take on a role with the power to right those wrongs. Yet, she seems unaware that such inequities exist, and is undisturbed by them. She has never worked with young people in schools, much less in public schools, much less in urban schools. She has never been a teacher or an administrator or the parent of a child in a public school. She has never wrestled with the incredible want for resources, the choices we have to make every day, all within a city and state with some of the most prestigious and wealthy schools just a few steps away.

The realities for our urban students are so vastly different from the reality that Betsy DeVos and her contemporaries live in. To hear her unable to even comprehend the need for equal access and equal opportunity for high quality childcare and post-secondary education was painful. To hear her say it would be nice for everyone to have access to a college education, but nothing in life is free—she is completely unaware of her own privilege, the privilege of her children, and the privilege of her family and extended circle, those who have billions of dollars, who were born into great wealth, and who have never had to struggle economically. That is unacceptable in someone who wishes to fill one of the most distinguished offices in our land.

Our students and teachers and schools need a champion who will work tirelessly to reverse the inequities of our educational system—inequities that I am painfully aware of every day here in Rhode Island. It isn't right that some students have football fields, and 1:1 computers, and huge libraries, and food choices and AP classes and much more, while others have no outdoor spaces, little access to technology, and crumbling buildings. We cannot allow

that to be who we are. Our families work incredibly hard and want the very best for their children. To say, “everything in life isn’t free,” when it has been for Mrs. DeVos’s family, is hypocritical and mean. We need a champion of equity. Please vote against her confirmation.

This next letter I want to share is from the mother of a special needs child. Like many Rhode Islanders, she is distressed by the fact that Mrs. DeVos has suggested that a landmark civil rights law should be left up to the States. She writes:

I have grave concerns about the nomination of Betsy DeVos as Secretary of Education. As a parent of a special needs child, it would not be an understatement to say that I was horrified at Ms. DeVos’ answers to the questions about the Individuals with Disabilities Education Act during her recent hearing. The one thing we rely on the Department of Education to do is to vigorously enforce and uphold the landmark civil rights law that is IDEA. Without it, our children will fall through the cracks. It is extremely difficult to navigate the system and make sure your child gets the support he or she needs. My son is 20 now so I’ve been doing it for a long time. I’ve served on both state and local special ed advisory committees, school committee, taken special ed training, even mentored other parents, and I STILL don’t completely understand all of the nuances of the IDEA laws. For someone to be appointed to the highest office in the land in charge of upholding those laws and not be aware of them, is unacceptable. It’s too big of a learning curve. Surely there are more qualified candidates.

Last Congress, we came together to rewrite the No Child Left Behind Act. We passed the Every Student Succeeds Act on a strong bipartisan vote—85 to 12.

We moved toward giving States and school districts more flexibility in designing their accountability systems, especially regarding how they identify and intervene in schools that are struggling to serve their students as well. We strengthened transparency, including greater transparency about resource equity. We agreed to maintain key Federal protections—or, as Senator MURRAY calls them, “guard rails”—to ensure that we do not return to the days when students, such as students with disabilities, English language learners, poor and minority students, routinely fell through the cracks.

For the Every Student Succeeds Act to work, States and school districts need a strong partner at the Department of Education—a partner who understands how public schools work, a partner who is committed to strengthening public schools. Mrs. DeVos is not that partner. Her life’s work has been to divert taxpayer dollars to fund alternatives to public schools.

Some on the other side of the aisle have argued that private school vouchers are no different from Pell grants or GI Bill benefits. This claim is another one of those alternative facts that the new administration is so fond of.

Public elementary and secondary education is enshrined in our States’

constitutions. Attendance is compulsory. Public schools do not charge tuition, and they must accept all students.

Pell grants and GI Bill benefits support postsecondary education, which is voluntary. Schools do not have to accept all students, nor are students required to attend. Individuals must pay to go to college.

We do not want a system of elementary and secondary education where students and families must pay and schools can choose which students they serve. That is not the universal system of public education that has made our Nation great.

Our constituents understand that, which is why we have seen the public outcry against this nomination. And with this public outcry, they reaffirm our commitment to public education, recognizing that it has been the force that has pulled this country forward over generations; indeed, generation after generation. With that understanding, we have just, in fact, on a bipartisan basis, provided more flexibility and more discretion to the Department of Education. We need a Secretary who will take that discretion and flexibility in the spirit of public education with a fundamental and primary commitment to American public education, with a desire to see American public education succeed, not fail. We need that type of Secretary. Unfortunately, Mrs. DeVos is not that type of Secretary.

So I urge my colleagues to heed the call of all of our constituents in an unprecedented outpouring of messages and phone calls and text messages and rallies, and join me in voting no against this nomination.

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

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

Mr. DURBIN. Mr. President, we gather on the floor of the Senate at an unusually early hour. In fact, the Senate has been in session all night. The question before us is the nomination of Betsy DeVos to be Secretary of Education. It is possibly the most controversial nomination made by our new President Trump.

This is an office which doesn’t usually attract this kind of controversy. Former Secretaries of Education have included Arne Duncan, who ran the Chicago Public Schools system. He was the first to be appointed in the first term of President Obama. Senator LAMAR ALEXANDER of Tennessee—who is a friend of mine and whom I have served with—before his service in the Senate, was also the Secretary of Education.

The choice is usually one that is bipartisan and largely supported by not only teachers but parents and administrators and education officials from across the United States. In this case, though, we have in Betsy DeVos of Michigan a person of some controversy.

Last Saturday, I spoke to the Illinois Education Association, a group of about 150 teachers who had gathered in Springfield, IL. They have been my friends for many years. Cinda Klickna, who is the President of the organization—we have a relationship that goes back to the days when she was a classroom teacher—she now has risen through the ranks and heads up one of the major teachers organizations in our State.

Cinda is a true teacher at heart and really cares for students, cares for schools. She has devoted her life to it. She brought together 150 of her best teachers from around the State, preparing them to become more active politically in our State and Nation.

Naturally, they were tuned into this nomination of Betsy DeVos. They have a lot on their minds these days with the selection of the new President. Nearly all of them have written me, sent me an email, or contacted me personally opposing the nomination of Betsy DeVos.

I have not met Betsy DeVos. We tried to set up our schedules so I could, but it didn’t work. I take as much blame as necessary for that not happening. I have studied her background. I have paid close attention to what she has said since she has been nominated and tried to understand where she comes from.

It is true that she is a person of wealth. The Prince family, which she was born into, is well known in the Midwest and in Michigan for its success in the automotive industry and many other endeavors. Then, she married into the DeVoses of Amway, another legendary business, where she has been able to accumulate some money.

There is nothing wrong with that in America. In fact, many people aspire to it and reach that goal and are admired for reaching it. It doesn’t disqualify her for anything in life as far as I am concerned, but it does not necessarily qualify her for certain things in life.

It is not clear to me from her record, when it comes to the field of education, that she is prepared to serve this Nation as our next Secretary of Education. I don’t find in her background qualifications for the job that I found when the Presiding Officer was chosen as Secretary of Education or when my friend Arne Duncan of Chicago, whom I had breakfast with yesterday, was chosen for the same position.

Ms. DeVos’s experience in education is limited to using her family’s substantial wealth to push for a so-called reform agenda in her home State of Michigan. Ms. DeVos has never been a teacher. She has never been an administrator. In fact, she has never held any

job in public education. Neither she nor her children have attended public school. That is not a disqualification. I attended Catholic schools. My children attended both. She has never been a professor or college president. She has never had anything to do with college financial aid, as I understand it. She has never been involved in a loan program—least of all one as large and complex as the Department of Education's Direct Loan Program.

She has never taken out a Federal student loan, nor have her children. Admittedly, that is not a requirement to be Secretary of Education, to have had any of these experiences, but had she had even one or two of these, we could point to real-life experiences which would prepare her for this awesome administrative responsibility.

I think these gaps in her life experience are fair to raise when a nominee to be the Nation's top authority in education has shown a lack of familiarity with even basic educational policy issues, as Ms. DeVos did in her testimony before the Senate HELP Committee.

She could not articulate the difference between proficiency and growth in the context of K-12 accountability. I can tell you that Saturday at the Illinois Education Association meeting, everyone in the room knew those terms well. They knew the central role they had played in the national debate on education since the election of President George W. Bush and the creation of No Child Left Behind.

Ms. DeVos also said in her testimony that States should be able to decide whether to enforce the Individuals with Disabilities Education Act. She apparently didn't know that IDEA is already a Federal law and has been for more than 40 years. As a nominee, Ms. DeVos did not do her homework.

Is that the person we want as Secretary of Education? The experience Ms. DeVos has is limited to using her considerable wealth in favor of an agenda for so-called school choice. Ms. DeVos has spent years supporting school vouchers, which funnel taxpayers' money from public schools into private schools.

I am familiar with that model, as it was implemented here in the District of Columbia years ago. It actually started with an amendment in the Appropriations Committee by a friend of mine. Mike DeWine was the Senator from Ohio and offered an amendment to create a voucher program in the District of Columbia. It was a surprise because a markup of the Senate Appropriations Committee is not usually the place you tackle something of that moment, but he offered it, and I offered some amendments. The notion behind it was that the District of Columbia would provide vouchers for the parents of children so they could choose the schools for the kids. They wouldn't be forced to attend public schools. They might not attend charter schools. They

might choose instead to use their voucher to send their kids to a private school.

I offered three amendments that day in the Appropriations Committee. The fate of those amendments told a pretty graphic story about the voucher program in the District of Columbia, and it also reflects on the candidacy of Betsy DeVos to be Secretary of Education.

The three amendments were, No. 1, that the teachers in the voucher schools had to have college degrees. That to me did not sound like a radical idea. Most of us assume that if you are going to teach in a school, you have a college diploma. It turns out my amendment was rejected with the DC voucher program that day when it was offered. The argument was made they needed more flexibility in terms of who would teach in these schools. That was worrisome.

The second amendment I offered said that the schools themselves, the students, had to take the same test—achievement test—as students in public schools in DC so we could measure one against the other. That amendment was also rejected. They wanted to have the right in the so-called voucher schools to have their own set of tests that they would approve, not necessarily the same test as the kids in public schools. That amendment failed.

The third amendment I was sure would pass, but it failed as well. The third amendment said the actual school buildings used for DC voucher schools had to pass the fire safety code requirements of the District of Columbia, and that was defeated too.

I voted against the DC voucher program for those reasons. I couldn't understand how you could push for a voucher program not guaranteeing that the teachers had diplomas from colleges, that they had schools in safe buildings, and that the students would be tested against the same public school test that DC Public School students faced.

That raised questions in my mind about the true intent and motive of those who were pushing voucher schools. Ms. DeVos, in Michigan, has been a proponent of voucher schools. She has pushed the expansion of charter schools and used her extraordinary wealth to insulate them from common-sense oversight and accountability in her State.

Even as the schools failed to deliver on the promises made to children of parents, Ms. DeVos continued to protect them from the same accountability standards as public schools. In 2015, a Federal review found "an unreasonably high" percentage of charter schools on the list of Michigan's lowest performing schools.

Today, for-profit companies operate almost 80 percent of charters in Michigan, more than any other State, and are underperforming compared to public school counterparts.

Let me be clear. I believe some charter schools can be effective. I have vis-

ited so many schools in my State, public schools, Catholic schools, charter schools, every imaginable school. I have supported high-performing successful charter programs.

I think about the KIPP program here in the District of Columbia, in Chicago, and other places, consistently producing some of the highest results, the best results, and the highest standards for students. Is there a lesson to be learned from the KIPP model for all schools? Of course there is. You have to be blind to ignore it.

But on average, charter schools don't perform any better than public schools—on average. To say that this is a model that we should embrace regardless is unfair to students. If we are going to exalt performance and results, let's do it in an honest fashion.

These schools that receive Federal and State taxpayer funding should be held accountable, as all schools. Ms. DeVos doesn't agree. Senator TIM KAINE from Virginia asked Ms. DeVos at her confirmation hearing if she agreed with equal accountability for any K-12 school that receives taxpayer funding, whether that school is public, charter, or private. She refused to agree, and at one point even said "no".

Ms. DeVos also seems unwilling to acknowledge that many private and charter schools are not equipped to support students with disabilities and other special needs in the way the public schools are required to do. These students, along with many low-income and minority students, would certainly be left behind in Ms. DeVos's ideal education world.

Last year—and the Presiding Officer was a major part of this decision—Congress did what seemed unimaginable. We came together and passed the Every Student Succeeds Act, or ESSA. ESSA makes important improvements to our elementary and secondary education program. It requires States to set academic standards, measure student achievement, and develop accountability plans for all schools receiving Federal money.

Giving Illinois parents, teachers, and principals a replacement to No Child Left Behind was a great bipartisan achievement. I do want to call out in a favorable way, my colleague, the Presiding Officer, Senator ALEXANDER of Tennessee, and my colleague Senator MURRAY of the State of Washington. They did a great job.

While ESSA provides more authority to States and local school districts, it also included important Federal guardrails to ensure key civil rights protections and holds States and school districts accountable. Federal rules to carry out that important Federal task are now in doubt and in jeopardy.

I don't have confidence that, as Secretary, Ms. DeVos will appropriately carry out the Federal Government's responsibility under the law to ensure that all students—regardless of income, race, gender, or disability—are achieving.

For me, it all boils down to this. I do not believe Betsy DeVos will keep the promise we made more than 50 years ago when Lyndon Johnson signed into law the Elementary and Secondary Education Act, which guaranteed in the United States of America a free and equal quality public education to every child.

I am not going to give up on that promise, which really is a bedrock principle of America. There is more work to do, I am sure, but I believe we can improve America's public schools.

Let me also say that I couldn't disagree more with what Ms. DeVos has said about guns in schools.

My colleague Senator CHRIS MURPHY represents the State of Connecticut. Both he and Senator BLUMENTHAL have told us many times, in heartbreaking and graphic detail, what happened that day at Sandy Hook Elementary—what they went through just as observers—what they saw in the eyes of the parents who came to realize that their children had been killed—brutally killed in the classroom at that elementary school. I have had the responsibility to meet with the parents of those kids, and to try to make some sense out of a tragedy which is just nonsensical.

Ms. DeVos was asked by Senator MURPHY about guns in schools. Ms. DeVos said she would not commit to opposing efforts to repeal Federal law that makes schools gun-free zones. She went on with a hard-to-explain explanation about grizzly bears and why schools may need guns to ward off grizzly bears. That kind of statement is reckless and dangerous. We should expect more of someone who wants to be our Nation's top education authority.

I am also concerned when it comes to higher education policy. Betsy DeVos has a tendency of siding with corporate and for-profit interests over students when it comes to education. Take for-profit colleges as an example. Despite years of fraud and abuse by for-profit colleges, the extent of which is unparalleled in other sectors of higher education, Ms. DeVos does not see the connection between the business model of for-profit colleges and these abuses. When she was asked by Senator MURRAY if she believes different types of corporate-controlled structures result in different decisions and behaviors by for-profit institutions compared to nonprofit institutions, Ms. DeVos simply answered: "No."

Even for-profit industry insiders have acknowledged that the business model indeed encourages abuse. In a 2015 interview with Deseret News, John Murphy, the founder of the University of Phoenix, admitted that the company experienced a shift in priorities that led to diminished student outcomes when it became a publicly traded company. He says the new focus became increasingly the value of the stock—at any cost, including "lowering its admission standards," and "jettisoning the academic model" it had previously

relied on. Other companies soon followed the University of Phoenix's corporate example. As John Murphy said, "Phoenix was the one that got it rolling, then all the other for-profits followed them in."

What resulted was an entire industry built on defrauding students and fleecing taxpayers. For-profit colleges and universities in America today are the most heavily subsidized private for-profit businesses in our country. These are not good corporate models. These are crony capitalist ventures that have found a way to tap into the Federal Treasury at the expense not only of taxpayers but of unwitting students and their families. Nearly every major for-profit college has been investigated or sued by one or more State or Federal agency for unfair, deceptive, and abusive practices.

The numbers tell the story, and I have told them many times. Some 10 percent of college students go to for-profit colleges and universities, and 20 percent of all the Federal education aid goes to the same schools. That is 10 percent of the students and 20 percent of the Federal aid. The schools are extraordinarily expensive. And 40 percent of all the student loan defaults in America are students from for-profit colleges and universities.

Corinthian may be one of the worst and well-known examples, though it's not unique. Corinthian, a for-profit college, falsified and inflated job placement rates to entice more students to sign up for their worthless programs. One of the tricks they used was to pay employers to hire their graduates for a couple of months so they could count them as successfully off to work after they graduated. It was a fraud, and they were caught red-handed. The company's predatory practices, once exposed, led to its bankruptcy. But tens of thousands of students were left with huge amounts of student debt and a worthless education.

Shame on us in the United States of America for the Department of Education's giving the green light to these schools to do business in America and to defraud these students, their families, and, ultimately, the taxpayers.

This embarrassing episode at Corinthian led the Department of Education to create an interagency task force to coordinate Federal oversight efforts of for-profit colleges and a new enforcement unit within the Department to investigate allegations against schools participating in the Federal title IV program. Unfortunately, at her hearing, Ms. DeVos would not commit to maintaining this important office, signaling she is ready to take the cops off the beat at the Department when it comes to for-profit colleges and universities. I am afraid that is consistent with what she has done in Michigan, where she leans toward the for-profit model—blind to the fact that many of these for-profit schools in her State are worthless. For-profit colleges, the most heavily subsidized private entities in

America already, have friends in high places in Washington.

We know what happened to their stock prices over the years, as students and families realized how terrible they were and stopped attending them. Enrollment went down in many of the schools. Guess what happened the day after President Trump was elected? The stocks of for-profit colleges and universities started to rise again. They saw new opportunities. They were going to get a Department of Education that would stop enforcing the law to stop the fraud that they have been guilty of.

At her hearing Ms. DeVos gave us no hope for any different outcome. We know from recent data released by the Obama Department of Education that many for-profit colleges actually receive nearly 100 percent of their revenue from Federal taxpayers in the form of title IV funds, Department of Defense tuition assistance, and Department of Veterans Affairs GI bill. I don't know how a good business-oriented Republican could overlook the fact that these so-called for-profit schools are thinly veneered operations, gleaning every available Federal tax dollar to keep their schools open. Annually, they take in nearly \$25 billion in title IV Federal funds alone.

The Department has a responsibility to ensure that taxpayer funding isn't wasted by enriching investors and executives at institutions that prey on students and don't deliver on their promises. In keeping with that responsibility, the Obama administration created new Federal regulations to ensure that career training programs are meeting the statutory requirement and that they prepare students for gainful employment. The gainful employment rule cuts off title IV funding for programs where graduates' ratio of student debt to earnings is too high. In other words, if they sink these students deeply in debt and they can't end up with a job that is worth at least as much as they need to earn to pay off their debt, then something is wrong with the program.

Ms. DeVos would not commit to maintaining this protection for students and taxpayers. Proactive oversight and enforcement is one thing, but when fraud and abuse do occur, Ms. DeVos would not even commit to make it right by the students harmed. She refused to say that she would ensure defrauded students received the Federal student loan discharges to which they are entitled under the law.

Maybe this shouldn't surprise us. For one, Ms. DeVos's would-be boss, the President of the United States, Donald Trump, operated his own for-profit college that defrauded students. And as it turns out, Ms. DeVos, a billionaire, has financial connections to the for-profit college industry. She has disclosed investments with several entities linked to for-profit colleges, including Apollo Investment Corporation, which is connected to one of the organizations that

just bought the University of Phoenix. Apollo invests in another for-profit college chain that has several programs that are in danger of losing Federal funding because of the gainful employment rule. These colleges also happen to be accredited by the Accrediting Council for Independent Colleges and Schools, or ACICS, which put its stamp of approval on the likes of Corinthian, ITT Tech, and the notorious Westwood College. Last year, the Obama Education Department revoked ACICS' Federal recognition, and the accreditor is now actively suing the Department over this decision. Now Ms. DeVos wants to take over the Department, and she is supposed to defend against the lawsuit when she has a financial interest in the schools that are involved?

For-profit colleges aren't the only ones who may be given free rein to prey on students under a Secretary DeVos. The private student loan industry is also licking its chops. A recent Chicago Tribune article entitled "Student Loan Lenders May See Opportunities with Trump in The White House" told the story. It noted that, since the election, stocks of major private student loan issuers have also gone up. The article quotes a report by financial analyst Bob Napoli that says: "There could be substantial growth potential in the student lending business as we believe the Trump administration is likely to reduce government involvement in the student lending business."

What is government involvement in the student lending business? Well, it is an effort to have oversight so that students and their parents aren't exploited by student loans. The fear is that with Secretary DeVos, that oversight would disappear. This government involvement in student lending, which Napoli speaks about, also includes Department of Education direct loans, which help millions of low-income and middle-class students attend college each year with lower interest rates for loans. These loans have fixed interest rates, strong consumer protection, and flexible repayment. In addition to loans, Federal Pell grants provide much needed financial support to thousands of low-income students across the country—financial support they don't have to repay.

On the other hand, private student loans often have variable interest rates that can reach nearly 20 percent, hefty origination fees, few consumer protections, and no alternative repayment option. Unlike nearly all other private debt, private student loans are not dischargeable in bankruptcy. That is a debt they will take to the grave. A greater role for private student lenders, without strong new protections and oversight by critical agencies like the Consumer Financial Protection Bureau, would be a "sentence to debt" for many college students across our country.

I have deep concerns about Ms. DeVos's ability to hold this job as Secretary of Education. This morning or

perhaps early this afternoon, we may see history made on the floor of the Senate. It is quite possible that the only way Betsy DeVos can become Secretary of Education is if the Vice President of the United States will come and preside and cast the deciding, tie-breaking vote so that she can become a member of President Trump's Cabinet. I understand from news reports that this will be the first time in history that someone has had to rely on the Vice President's tie-breaking vote to become part of a President's Cabinet. Doesn't it say a lot about the controversy surrounding Ms. DeVos that it has reached this point, that she has to pull out all the stops—literally, all the stops—to become part of the Cabinet?

She was asked at one point—I believe by Senator SANDERS of Vermont—how much money she had actually contributed to the Republican Party over the years. Was it \$200 million or more? She said she just didn't know. Well, it is not against the law to contribute money under most circumstances. It shouldn't be held against people because many folks who receive political appointments are contributors to the President who makes the appointments. That is not unusual. It has happened with both political parties, but it is seldom a person with such a thin resume—and such a big wallet—who is given such an important job. This goes too far. For Ms. DeVos to be the Ambassador to Aruba, or wherever she might be, that is a good political reward. To be placed in charge of the public education system of the United States of America, I think, is a step too far.

I have deep concerns about Ms. DeVos's ability to hold this job and her commitment to public education and protecting students from for-profit interests that seek to exploit them. Like tens of thousands of Illinois parents, teachers, and principals who call my office—as well as national education civil rights organizations—I oppose Betsy DeVos's nomination as Secretary of Education.

Two of my Republican colleagues have shown extraordinary courage in announcing their opposition to Ms. DeVos. I want to salute Senator LISA MURKOWSKI of Alaska and Senator SUSAN COLLINS of Maine. I am sure it wasn't easy for them to come out publicly against Ms. DeVos. That means right now that there are 50 "no" votes and 50 "yes" votes, by rough calculation. We need, at this moment in time, one more Republican to stand up and do what is right for America's children and America's students.

Who will it be? Who will join these two women from Alaska and Maine and the Democrats in saying to President Trump: We can do better. To my Republican colleagues, I say: Parents, students, teachers in your States are counting on you to stop this dangerous nomination. Please don't let them down.

I would also like to note some excerpts from mail I have received about

Ms. DeVos's nomination from my home State of Illinois. Hannah is a graduate student at the University of Illinois in a K-12 librarian program. She writes:

I am a student who benefitted from IDEA. . . . Without this Federal protection it is unlikely that I would be where I am now. [Betsy DeVos] does not share the American value of equal and free education. Confirming her is dangerous and reckless. The children who need help the most will not be helped.

Barbara, mother of two Chicago public school high school students writes:

Please do not support Betsy DeVos for Education Secretary. She knows nothing about public education. We need strong support for public education.

Hanan, a certified and licensed speech language pathologist writes:

As . . . a Mother with three children who received therapy while two currently do, I beg you to vote no on Betsy DeVos. I am afraid of what will become of my children, as well as my students if therapy services are not provided through the public education system. Many of my student families cannot afford private therapy. They rely on getting their therapy through the school they attend.

Michelle, a teacher from Chicago writes:

As an educator myself, I believe Betsy DeVos is unfit to serve as Secretary of Education. Our schools and our children need a leader who supports public education, is qualified and experienced, and does not have conflicts of interest.

Katie, a school counselor from Chicago writes:

I fear the impact [Betsy DeVos] will have on the lives of our students. My greatest concern is her sheer lack of understanding of education in the U.S. For myself and my colleagues, many of the questions she was asked during the hearing were topics we share a variety of opinions and could talk about at length. The fact that she answered very few questions, did not know what IDEA is and doesn't even seem to understand the concerns of having guns in schools does not qualify her to be in this position.

Alejandra, middle schooler from Bellwood, IL. She writes:

I do not believe that Mrs. DeVos is a suitable choice for the place as Secretary of Education for the United States. One of the many reasons for this is because she lacks experience. Another reason . . . is because she has no plans and the few plans that she does [have] may result in harm to the public school system. I believe that Mrs. DeVos does not understand how public schools function and I also believe that she should be replaced with someone with more knowledge and understanding on this subject. Mrs. DeVos does not understand that public schools have the same impact on students as private schools and should be treated fairly. This affects my community because many cannot afford private school and public schools are their only option. If Mrs. DeVos were to become Secretary [of Education] she would most likely harm the public school system and leave many students without an education.

From Loves Park, IL, Lisa writes:

While my own child attended Catholic school, I am opposed to vouchers. I do not complain about paying education taxes. It was my and my husband's decision to send our child to a private school. It was our choice. But as my immigrant grandmother

often said, one of the things that makes America great is education for all regardless of social class. I want every person as well educated as they can be in grades K-12. For goodness sake, vote No [on DeVos].

Travis, a principal from Southern Illinois writes:

As a strong supporter of public education, I ask that you oppose the confirmation of Betsy DeVos as Secretary of the U.S. Department of Education. We must have a secretary who can commit to supporting every student in all public schools, and provide leadership that will help our neighborhood schools succeed. Betsy DeVos' record in education and her performance at the recent confirmation hearing prove she is the wrong candidate for the job. As a principal, I have spoken with teachers, parents, students, and community members who agree that America's future depends on a strong investment in our Nation's public schools.

Celia from Streamwood, IL, writes:

[Betsy DeVos] will not do justice to all of our students, because she has no experience with public schools. A lot of school districts outside of the metropolitan area do not have charter schools, which she is a big proponent of.

Tawnya from Chicago writes:

I attended public school in rural Illinois. My kids attend public school in Chicago. My husband teaches at a charter school, but you and I both know that not all charter schools are run efficiently . . . and the record of charter schools in Michigan, Mrs. DeVos' home state are proof of that. Mrs. DeVos has absolutely no business making decisions about public schools, having never attended, nor sen[t] children of her own, nor having worked in any capacity there. I am an evangelical, white Christian who votes in every election, and while I might share some of her basic beliefs, I vehemently oppose her nomination for education secretary. Please lean on those who support her to withdraw her name and do what is best for our Nation's children.

Peggy from Belvidere, IL, writes:

I am extremely concerned and actually appalled that Betsy DeVos is the nominee for Secretary of Education. I have been in public education my entire life and believe we need to look at the millions that benefit for quality public educators and their dedication. There are wonderful classrooms, but also some systems in need of great improvement, but this candidate is clearly not qualified for, or even interested in giving a second thought to what middle-class and poor children may need. Please vote no! Our children deserve better than this! In this uncertain time, please stand up for our kids' and educators!

When I went back to Springfield, IL, I asked the local office there what kind of telephone calls we have been receiving this past week. They showed me the results from Wednesday, approximately 600 calls voting no on Betsy DeVos, 3 yes.

Sarah from Hyde Park writes to me:

Mrs. DeVos would single-handedly decimate our public education system if she were ever confirmed. Her plan to privatize education would deprive students from a good public education, while helping students from wealthy families get another leg up. It would deprive teachers of a decent salary, and it would make it harder for parents to get a good education for their kids. Public education has lifted millions out of poverty, has put millions in good paying jobs, and has been the launching pad for people who went

on to cure disease and to create inventions that have changed our society for the better. I have a daughter who will be starting kindergarten in Chicago's public schools this fall. Please do the right thing for her and millions of other Illinois children who depend on public schools and who will be negatively affected by Mrs. DeVos's confirmation.

Dr. Kranti Dasgupta, a doctor from the City of Chicago writes:

Not only do ethical concerns exist regarding [DeVos'] conflicts of interest but I am also appalled at how unqualified she is to lead this country in such an important arena. As a family medicine physician, I have worked and trained in some of the poorest neighborhoods [in Chicago]. I have seen firsthand how behind many of these children are compared to their more affluent peers. I strongly believe [a] voucher program would further this education gap by taking money away from public schools that need it the most. Without a solid education, there is little chance for many of those children to lift themselves out of their socioeconomic situation. I implore you to consider the well-being of these children and give them a better chance to be productive citizens of Illinois. Please cast your vote against Betsy DeVos for Secretary of Education.

I have a message from Daniel from the Ukrainian Village; Michelle from Bolingbrook; Kristi, a mother of two from the Rogers Park area of Chicago; Crystal from the city of Pekin; and Kristin from Naperville, IL.

Daniel from the Ukrainian Village area of Chicago:

As the proud uncle of a wonderful autistic child who is being educated in the public schools, I cannot support someone so [un]qualified to be our educator in chief. Further, as you well know, DeVos has a long and documented record of lavishly supporting causes that are antithetical to the values I—and so many other Americans—hold dear. I hope that you will vote "no" on this important nominee.

Michelle from Bolingbook:

I have [worked] in Special Education for the past 20 years. [Betsy] DeVos' nomination is frightening to the future of all children. This isn't about politics; but about the lack of qualifications that she brings to this position.

Kristi, the mother of two from the Rogers Park area of Chicago:

I feel very strong in the separation of church and state and [Betsy DeVos] does not. She wants to "advance God's kingdom" through school reform.

Crystal from Pekin:

I am a special educator in central Illinois. I teach a very special population of students with severe and profound disabilities in an all special education school. As an advocate for my students, I urge you to reject the nomination for Betsy DeVos. She is not qualified to make decisions that will affect teachers and students in rural public schools across Illinois.

Kristin from Naperville:

DeVos' skillset is commandeering public funding for private education. She was a key player in shaping the Michigan charter school system, which is severely lacking in oversight, demanding little accountability for how tax dollars are spent or how well students are educated. I don't want to see the same thing happen nationally . . . America's students and teachers deserve better than DeVos.

I ask unanimous consent that this several-page document, which includes a list of letters of opposition to the nomination of Betsy DeVos, be printed in the RECORD. There are some 322 letters in opposition. To spare the Government Publishing Office, I will not ask that all of these letters in their entirety be printed, but it is a voluminous list of opposition to Betsy DeVos.

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

LETTERS OF OPPOSITION TO THE NOMINATION OF BETSY DEVOS FOR SECRETARY OF EDUCATION

Includes:

National Women's Law Center; People for the American Way; National Council of Jewish Women; NAACP Legal Defense and Educational Fund, Inc., National Education Association; Americans United for Separation of Church and State; The Leadership Conference; Legal Aid At Work; YouthCare; American Federation of State County and Municipal Employees; OCA—Asian Pacific American Advocates; National Urban League; HRC; Feminist Majority Foundation; Tri-Caucus; NASSP; YouthCare; Outright Vermont; National Organization of Women; American Federation of Teachers; AFL-CIO; American Federation of State, County, and Municipal Employees; CLASP; Council of Parent Attorneys and Advocates (COPAA); Council of District of Columbia, Chair of Committee on Education; American Association of People with Disabilities; Autistic Self Advocacy Network; Center for Public Representation; Children's Mental Health Network; Disability Rights Education and Defense Fund; Education Law Center-PA; Judge David L. Bazelon Center for Mental Health Law.

Juvenile Law Center; National Council on Independent Living; Pennsylvania APSE; Philadelphia HUNE, Inc.; Public Interest Law Center; Southern Poverty Law Center; The Arc of Philadelphia; Transition Consults; Disability Rights Education & Defense Fund; Education Trust; Alabama Association of Elementary School Administrators; American Civil Liberties Union; Americans for Democratic Action (ADA); Americans for Financial Reform; Center for American Progress; Citizens for Effective Schools; Clearinghouse on Women's Issues; Directions for Youth & Families; Easterseals; Educators Rising; Equality Federation; Generation Progress; Hawaii Elementary and Middle Schools Administrators Association; Higher Ed, Not Debt; Indiana Association of School Principals; Kappa Delta Pi; Kentucky Association of Elementary School Principals/KASA; Know Your IX; League of United Latin American Citizens; Maryellen Armour, LICSW; Massachusetts Elementary School Principals' Association; Minnesota Elementary School Principals Association; National Alliance of Black School Educators; National Association of Elementary School Principals; National Association of Secondary School Principals; National Council of Teachers of English.

National PTA; Nebraska Association of Elementary School Principals/NCSA; Oasis Youth Center; Ohio Association of Elementary School Administrators; Oklahoma Association of Elementary School Principals/CCOSA; PolicyLink; Rhode Island Association of School Principals; Sacramento LGBT Community Center; School Administrators Association of New York State; Secular Coalition for America; South Dakota Association of Elementary School Principals/SASD; TASH; Teach Plus; TESOL International Association; Texas Elementary Principals &

Supervisors Association; The American Federation of State, County, and Municipal Organizations; Utah Association of Elementary School Principals; Vermont Principals' Association; Virginia Association of Elementary School Principals; West Virginia Association of Elementary and Middle School Principals; Wyoming Association of Elementary & Middle School Principals; Young Invincibles; 284 Professors across the country; LCCR; The Leadership Conference on Civil and Human Rights; The Advocacy Institute; African American Ministers In Action (AAMIA); All Our Children National Network; American Association of University Women (AAUW); American Atheists; American Dance Therapy Association; The American Federation of State, County and Municipal Employees (AFSCME); American Friends Service Committee; Americans for Religious Liberty; Asian Pacific American Labor Alliance; AFL-CIO (APALA); Black Women's Blueprint; The Center for Civil Rights Remedies at UCLA's Civil Rights Project; Center for Law and Education; Center for Law and Social Policy (CLASP); CenterLink: The Community of LGBT Centers.

Champion Women; Children's Defense Fund; Communications Workers of America; Council of Administrators of Special Education; CREDO; Disability Rights, Education, Activism, and Mentoring (DREAM); Equal Justice Society; Equal Rights Advocates; Family Equality Council; Four Freedoms Forum; Franciscan Action Network; GLSEN; Harriet Tubman Collective; Healthy Teen Network; Helping Educate to Advance the Rights of the Deaf (HEARD); Hispanic Federation; Immigration Equality Action Fund; In Our Own Voices, Inc.; Jewish Women International (JWI); Labor Council for Latin American Advancement; Lawyers' Committee for Civil Rights Under Law; Learning Disabilities Association of America; Legal Aid at Work (formerly Legal Aid Society-Employment Law Center); MANA, A National Latina Organization; NAACP; NAACP Legal Defense and Educational Fund, Inc. National Action Network; National Alliance of Black School Educators; National Alliance for Partnerships in Equity (NAPE); National Alliance to End Sexual Violence; National Association of Social Workers.

National Black Justice Coalition; National Center for Transgender Equality; National Coalition Against Domestic Violence; National Council of Asian Pacific Americans (NCAPA); National Council of Gray Panthers Networks; National Council of La Raza; National Council on Educating Black Children; National Employment Law Project; National Immigration Law Center; National Latina Institute for Reproductive Health; National Law Center on Homelessness & Poverty; National Partnership for Women & Families; National Urban League; OCA—Asian Pacific American Advocates; The Opportunity Institute; Parent Advocacy Consortium; Partners for Each and Every Child; People Demanding Action; Poverty & Race Research Action Council; Progressive Congress Action Fund; Project KnuckleHead; Roosevelt Institute; Saving Our Sons & Sisters International; School Social Work Association of America; Southeast Asia Resource Action Center (SEARAC); Stop Sexual Assault in Schools; Students Resisting Trump, a project of Students for Education Reform Action Network; Teaching for Change; The Trevor Project; United Spinal Association; Women Enabled International; Women's Intercultural Network (WIN); World Without Genocide at Mitchell Hamline School of Law; YWCA USA; ADAPT Montana; Advocates for Children of New York.

ALSO Youth, Inc.; American Federation of Teachers/North Carolina; American Samoa

Alliance against Domestic and Sexual Violence; Arizona Coalition to End Sexual and Domestic Violence; Arkansas Advocates for Children and Families; Arkansas Coalition Ag; California Down Syndrome Advocacy Coalition; California Foundation for Independent Living Centers; CDCRC Inc.; Center for Pan Asian Community Services, Inc. (CPACS); Chapel Hill-Carrboro Federation of Teachers; Chesapeake Down Syndrome Association; Chicago Coalition for the Homeless; Citizens Against Government Overreach; Citizens for Educational Awareness; Citizens for Public Schools; Coalition for Equal Access for Girls; Collaborative Parent Leadership Action Network; Colorado Coalition Against Sexual Assault; Community 412; Community Resources for Independent Living; Connecticut Alliance of School Social Workers; Creative Learning Enterprises, Inc.; Dayle McIntosh Center; Deb Davis Advocacy; Decoding DyslexiaMD.

Disability Action Center; Disability Policy Consortium of Massachusetts; Education Opportunity Network; Elmhurst Action for a Better Tomorrow; Faculty Senate, Wheelock College; Fannie Lou Hamer Center For Change; Florida Association of School Social Workers; Florida Council Against Sexual Violence; Fort Wayne Urban League; Girls Inc. of Long Island; Grow Your Own Teachers Illinois; Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP); Illinois Association of School Social Workers; Independent Living Resource Center San Francisco; Indiana Coalition to End Sexual Assault; Institute for Women's Studies and Services, MSU Denver; Iowa Coalition Against Sexual Assault; Iowa School Social Workers' Association (ISSWA); Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence; JF STEM Institute; Kalamazoo Gay Lesbian Resource Center; Knoxville Lesbian Health Initiative (LHI); LGBT Center of Raleigh; Los Angeles LGBT Center; Los Angeles Urban League; Loud Voices Together Educational Advocacy Group; Louisiana Association of Special Education Administrators; Louisville Urban League; Made in Durham; Manhattan, Community Board 2; Maryland Multicultural Coalition/State Chapter of NAME; Michigan Alliance for Special Education; Michigan Coalition to End Domestic & Sexual Violence; Michigan NOW; Michigan Unitarian Universalist Social Justice Network; Minneapolis Urban League; Minnesota Coalition Against Sexual Assault; Minnesota School Social Workers Association; Montana Coalition Against Domestic and Sexual Violence; Mountain State Centers for Independent Living; National Association of Social Workers, CT Chapter; NC Coalition Against Sexual Assault; NCJW Peninsula Section; Nebraska Coalition to End Sexual and Domestic Violence; New Jersey Institute for Social Justice; New York State Coalition Against Sexual Assault; New York State School Social Work Association; Nollie Jenkins Family Center, Inc.; North Carolina Justice Center; Ohio School Social Work Association; Open Arms Rape Crisis Center & LGBT+ Services; OUT in the High Country; OutReach LGBT Community Center; Pennsylvania Coalition Against Rape; Placer Independent Resource Services; Planned Parenthood Keystone; Public Advocates Inc.; R.E.A.C.H. (Resources for Educational Advocacy and Classroom Help); Resource Center; Restorative Schools Vision Project (RSVP); Rich Educational Consulting, LLC; Rockland County Pride Center; Rocky Mountain Victim Law Center.

Ruth Ellis Center; Sandy Mislow LLC; SC Coalition Against Domestic Violence and Sexual Assault; SHK Global Health; SKIL Resource Center; Southwest Pennsylvania National Organization for Women; Student

Advocacy Inc.; Teachers Unite; The Chicago Urban League; The DC Center for the LGBT Community; The LGBTQ Center of Long Beach; The LOFT LGBT Community Services Center; The Pride Center at Equality Park; The Urban League of Greater Atlanta; Tri-County Independent Living; Urban League of Greater Madison; Urban League of Hampton Roads, Inc.; Vermont Network Against Domestic and Sexual Violence; Voices for Schools; Wisconsin Coalition Against Sexual Assault; Women's City Club of New York; 291. Women's Law Project; Wominstop; Youth Justice Coalition; YWCA Allentown; YWCA Aurora; YWCA Binghamton and Broome County, Inc.; YWCA Bradford; YWCA Greater Austin; YWCA Greater Lafayette; YWCA Greater Portland; YWCA Kankakee; YWCA La Crosse; YWCA Mount Desert Island; YWCA National Capital Area; YWCA Northcentral PA; YWCA of Asheville and WNC; YWCA of Kaua'i; YWCA of Rochester and Monroe County.

YWCA of the Greater Capital Region; YWCA Pierce County; YWCA Princeton; YWCA San Antonio; YWCA South Hampton Roads; YWCA Spokane; YWCA Union County; YWCA Warren; YWCA Yakima; Hundreds of state legislators; Local Progress, 70 local elected officials (mostly school board members); National Association of Secondary School Principals (NASSP); National Center for Learning Disabilities; Eli Broad.

Mr. DURBIN. I also want to direct my colleagues—I see my colleague on the floor from Connecticut, and I want to yield to him—to a New York Times article, which was published on June 28, 2016, entitled “A Sea of Charter Schools in Detroit Leaves Students Adrift,” by Kate Zernike.

Let me close by saying, this is rare. It is rare that we have a nomination for the position of Secretary of Education which has drawn such controversy. There were many things that Ms. DeVos could have been given as a reward for her loyal support of Republicans and all of the things she has done in her life, but to be entrusted with the responsibility of running America's public education system at this critical moment in our history certainly is not one of them, as far as I am concerned.

We should have taken the time and the President should have taken the time to find a person who had the resume, the qualifications, and the expertise in education policy for this important responsibility. We owe our children nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my great colleague and a champion of education and consumer rights, Senator DURBIN of Illinois, and to address this body and, most particularly, the Presiding Officer, who has contributed so much himself to the cause of education. We know, better than anyone, how important the Federal commitment to quality education is—not just a C or D education but excellence in education.

The American people deserve a Secretary of Education who embodies and exemplifies that commitment to excellence. Unfortunately, the nominee before us, Betsy DeVos, fails on every

count to meet that standard. So I am here today to voice my continuing concern about this nomination, which is antithetical to the very mission of the Department she has been selected to lead.

She is unquestionably unqualified, unknowledgeable, unprepared for this job. She is unfit to run the Department of Education. As hard and as unkind as that verdict sounds, we have an obligation to speak truth here and speak that truth to power, even when it is the President of the United States, even when it is a job as critically important as Secretary of Education—especially when it is as important as this job.

She is wealthy. She is a billionaire. She has committed her career to pushing for private school vouchers and unregulated charter schools. Having reviewed her full record, including her confirmation hearing and her responses and lack of responses to followup questions that my colleagues sent to her, I respectfully say to my colleagues: We should not approve this person.

She has committed her career to pushing for private school vouchers and unregulated charter schools, not to the public education our students deserve. The incoming Secretary of Education will face a myriad of challenging and constantly evolving problems that will demand a high level of leadership and guidance, from soaring student debt to faltering school and student achievement scores across the country, to the pervasive school violence and bullying that threatens so many of our students, to unscrupulous for-profit schools, profiteering off students and veterans.

Clearly, the problems, these problems and others, require a Secretary who will not just rubberstamp or approve the policies of special interests or delegate systematic problems to private schools.

The Secretary of Education is responsible for overseeing a budget of Federal spending over \$36 billion—that is K-12 education funding—and \$150 billion in higher education funding each year. In addition, there is a portfolio of more than \$1.2 trillion in outstanding Federal loans. That is the largest consumer debt in this country other than mortgage loans.

The leader of this Department is responsible for determining policies that affect our neighborhood public schools. She is responsible, if she is confirmed, for enforcing key protections under a number of civil rights laws designed to ensure every child access to education. This job requires a singular level of intellect and energy, preparation, devotion to the welfare of students, parents, and, yes, educators and teachers. Our educators and teachers are the real heroes of our educational system. Our public schoolteachers are second to none in the world for their commitment to opening businesses, creating dreams, and enabling students to achieve those dreams, and those dreams will be in peril if Betsy DeVos

is our Secretary of Education because she has demonstrated her disrespect for the enterprise of public education.

From implementing the Every Student Succeeds Act, improving education quality, protecting Pell Grant Programs, and reducing pervasive student debt in higher education, to policing the epidemic of campus sexual assault and protecting students' civil rights at schools across the country, clearly our Nation's chief education executive needs to be immensely qualified—not just questionably qualified—but unchallengeably prepared and well versed in these complicated issues.

The fact is, Mrs. DeVos has no relevant experience as a teacher or as a leader of a public school. She has said that neither she nor her children have ever received a student loan or a Pell grant. She has no direct experience with our public education system that would enable her to lead it.

In addition to her lack of knowledge of higher education public schools, she has demonstrated a profound animosity, an antipathy to them. She has spent her career systematically privatizing and dismantling public schools instead of working to build them and improve them.

For decades, Mrs. DeVos spent millions of her fortune advocating for the diversion of public money to unacceptable private schools and unaccountable private schools, especially in her home State of Michigan. Mrs. DeVos helped to design an ineffective charter school system with little accountability for results in Detroit. However, the systems that she helped to design and promote actually siphoned money from Michigan's already underfunded public school system and caused achievement rates there to drastically plummet.

Despite her rhetoric, school privatization schemes are plagued with severe problems. They often strip students with disabilities and their families of their rights under the Individuals with Disabilities Education Act. This point underscores a fundamental theme for Mrs. DeVos's record, indicating how she would pose a threat—in fact, an unprecedented danger to students' civil rights across the board.

When asked during her confirmation hearing about the IDEA, Mrs. DeVos admitted that she was "confused" and thought that States were best positioned to enforce the Federal law. That answer exposed not only her lack of knowledge but her lack of caring. Someone who cares about students with disabilities would have known that this landmark education law depends on Federal enforcement for its effect, and she, as Education Secretary, would be the one to do that enforcement.

Before the passage of the 1975 law that later became the IDEA, when decisions about students with disabilities were left to the States, only one in five students with disabilities received an education. Does she believe that we ought to go back to a time when States

were able to openly discriminate against students with disabilities, that States should be again delegated that responsibility, which they failed to enforce effectively?

Whatever her answer, clearly her blatant disregard for the IDEA threatens students with disabilities and already underfunded disability programs.

Mrs. DeVos also threatens students' rights and campus safety under title IX, including rights that are designed to protect students against campus sexual assault and other violence. This issue has concerned me. I have held roundtables around the State of Connecticut and have submitted a measured bill that would help address this problem at the college level. But Mrs. DeVos has advocated for legislation that would actually increase the difficulty for victims of sexual assault to receive support.

During her hearing, Mrs. DeVos told Senator CASEY, my colleague, that she could not commit to continuing the Obama administration's title IX guidance that requires schools to have procedures in place to investigate and address instances of campus sexual assault or risk losing Federal funding. That title IX commitment is at the core of the Federal responsibility to protect students against sexual assault. We can agree or disagree on the detail, but this blatant disregard for title IX responsibilities goes to the essence of her commitment to education in this Nation and to protecting students against the scourge of sexual assault, which we know is all too pervasive still on many of our campuses.

Even worse, according to tax records, Mrs. DeVos has spent millions of dollars funding ultraconservative organizations that promote anti-choice, anti-Muslim, and anti-LGBT policies like conversion therapy. I never would have thought that I would be on the floor of the Senate considering a candidate who supported anti-LGBT policies or anti-choice or anti-Muslim policies. They don't belong in our schools. They certainly should not be supported by our Nation's Secretary of Education.

On the issue of for-profit education, again, it is a source of great concern because it has given rise to so many abusive tactics directed often against our veterans. During her Senate hearing, Mrs. DeVos did little to allay my concerns about her record as a school choice advocate and political donor, averse to protection against the abuses of for-profit.

We know there are for-profit schools and colleges that do great work. They contribute vitally, but unfortunately, for-profits also have been plagued by abuses that need to be fought and overcome.

Mrs. DeVos successfully lobbied to expand even failing schools in Michigan and to protect those for-profits from scrutiny and oversight. This record of enabling for-profits and her own self-dealing in a for-profit preschool herself does not bode well—that

is an understatement—for the hundreds of thousands of students who have been neglected, deceived, and scammed in recent years by predatory for-profit college institutions like Corinthian Colleges and ITT Tech. They left in their wake, when they collapsed and failed those students, a myriad of tragic stories, tragedies not just for the loss of money but for the loss of future opportunities, and that is far from the kind of record that we want replicated under our next Secretary of Education.

In fact, during her hearing, Senator MURRAY asked Mrs. DeVos about 17 specific bad actor for-profit higher education institutions, including Corinthian and ITT. They have been accused of using exotic dancers to recruit students, falsifying job placement rates, or stealing Federal financial aid. Mrs. DeVos would not confirm whether she believes that those practices and misuse of taxpayer funds at any of those 17 schools are, in fact, unacceptable. She simply would not respond definitively to that question.

The Secretary of Education is responsible for policies that could either lift or exacerbate the crushing burden of student debt at those for-profit schools. She is the one who could alleviate that burden, yet she refused to commit to protecting any current student loan repayment options or benefits or even helping severely disabled borrowers receive loan discharges that they qualify for.

She refused to commit to protecting the Pell grant, the Public Service Loan Forgiveness Program, or maintaining the existing transparency information on the college scorecard or Federal student aid data center.

Mrs. DeVos refused to commit to keep private banks out of the student loan system or ensure that taxpayers do not subsidize career education programs that consistently leave students with unaffordable mounds of debt, without meaningful prospects in the job market.

Her record and her responses to Senate questioning reveal that putting her in charge of the Department of Education would be akin to putting the fox in charge of the henhouse. I realize that analogy is overused, particularly in this town, where there are so many instances of it. But her lack of appropriate, definitive responses are as telling and compelling as her answers about her commitment to protecting, rather than endangering, the individuals and institutions that will be her mission if this body confirms her.

As a member of the Senate Committee on Veterans' Affairs, I have a special interest in protecting our Nation's servicemembers and veterans from insidious and pernicious predatory for-profit colleges. It is a paramount concern. It ought to be a paramount concern for our Nation because all too often, veterans are victims of these predatory for-profit colleges who lure them even while they are still in the military. They lure them with

promises and images that create expectations never to be fulfilled, and so many veterans emerge from these colleges with mounds of debt but no degree.

Yet Mrs. DeVos refused to say whether she understands that Veterans Affairs and Department of Defense student loan and assistance programs are even federally funded or whether she would commit to closing the 90-10 loophole that has enabled colleges to aggressively market and mislead many vets.

We have all spoken on the floor about the need to close that loophole. It is the plain vanilla solution that should be a matter of consensus, yet Mrs. DeVos refused to commit on that issue.

She has earned a failing grade for lack of study, complete lack of diligence in preparing for her testimony and to lead in higher education programs. Her commitment to protect students and veterans from massive debt, low-quality education standards and accountability, or pernicious for-profit companies and leaders deserves a failing grade as well.

I will not support a nominee who fails to agree that predatory practices, exploitation of taxpayers, and deception of students have no place in our education system.

While Mrs. DeVos evaded questions about bringing accountability to schools, she also refused to commit to keeping guns out of schools. When asked by my colleague CHRIS MURPHY whether guns have any place in or around schools, Mrs. DeVos gave the following reply: "I would imagine that there is probably a gun in the schools to protect from potential grizzlies."

That statement has given a lot of amusement to a lot of people around the country, but it deals with such an intensely serious subject, that it is really no laughing matter. All of us who went through the tragedy and grief experienced by those families and loved ones who lost children in Sandy Hook, CT, and saw the strength and courage of the Newtown community cannot regard with anything but contempt that answer.

When she was further pressured whether she would support a plan from President Trump to ban gun-free school zones, Mrs. DeVos revealed that she would support "whatever the President does."

In some ways, that answer is as repugnant as the remark about grizzlies, saying she would follow whatever the President does, without leading and providing vision and intellectual tools that are necessary for the President to act, is an abdication of responsibility.

These answers are woefully unacceptable.

We recently observed the fourth anniversary of the Sandy Hook Elementary School shooting. We still remember the 20 beautiful children and 6 exceptional educators who were brutally murdered in Newtown.

The day of the Sandy Hook shooting was the most heartbreak day of all

my years in public service. According to Everytown for Gun Safety, there have been at least 210 school shootings since Sandy Hook. Words cannot capture the sense of grief and outrage we must feel in the face of continued gun violence around the country—in our schools, malls, clubs, churches, public venues, and private homes. This scourge of gun violence must be combated, and yet Mrs. DeVos has indicated she is impervious to the emotional force of the tragedies arising from gun violence.

I want to share a passage from a column written by my friend Erica Lafferty, the daughter of Dawn Lafferty Hochsprung. Dawn was the heroic principal of Sandy Hook Elementary School murdered at the massacre that day as she desperately attempted to save her students and staff.

My mom spent her life preparing to take care of students. She earned a degree in education. She spent years in a classroom, teaching special education for kindergartners and middle-schoolers. By the time she became a principal of Sandy Hook, she knew exactly what elementary schools should be—a happy place for kids where they could learn and grow in a safe environment.

To claim that she should have done more to take care of her kids is an insult to all that she did, and to the lengths to which so many teachers go to ensure a good and safe learning environment.

That Mrs. DeVos thinks "bears" when asked about guns in schools proves just how little she has considered the important role of the Education Secretary in keeping students and faculty safe.

It is insulting to tell teachers that they should add "sharpshooter" to their job descriptions. It is absurd to teach students to duck and cover in active shooter drills rather than demanding our legislators do the responsible thing and make it more difficult for dangerous people to get their hands on firearms.

That is what Betsy DeVos should have said in her hearing when she was asked about gun violence in our schools. That is the sense of outrage that should have come from her spontaneously, and it should be the leadership that she should provide.

There is nothing more important than keeping our children safe from anyone who would do them harm, particularly in a school, which should be the safest place in the world, and that means that our Secretary of Education must provide leadership, courage, and strength to stand up to an administration that fails in its responsibility on the issue of gun violence.

The families of Sandy Hook asked us to honor their children and family members with action, to make America safer and to make our schools safer. I cannot support a nominee who fails to prioritize the basic safety of students in our schools or take the scourge of gun violence seriously. I cannot support Betsy DeVos because she fails to demonstrate basic caring—put aside her lack of knowledge—but a basic caring about the fate of students who may be in danger of gun violence and equally in danger of failing to achieve the American dream.

Her responsibility is beyond being a bureaucrat or a placeholder in a Federal organization chart. She has a public trust, even as a nominee, to show America the importance of public education. Her career is about demeaning and detracting from public schools. Her testimony at the Senate hearing betrayed a lack of preparing that would disqualify students in schools from a passing grade.

I have received numerous correspondence, letters, and emails about this nomination. In fact, 14,000 letters from teachers, concerned parents, and citizens expressing outrage at the threat that Mrs. DeVos poses to public education, disability rights, and student success. For a small State like Connecticut, 14,000 emails and letters is unprecedented. It is an outpouring, an uproar that is certainly unprecedented in my time in the U.S. Senate and in the memory of staff who work here. These letters come from teachers, students, parents, really everyone affected by public education.

I want to close by saluting them and most especially the teachers and parents who are so committed to their students.

Erin, a third grade teacher from Connecticut captured this fear in her letter to my office:

I write this to you as a teacher in despair. After a decade and a half of public service as a teacher, I fear that our basic precepts of our obligation to educate ALL children has come into question.

I am fearful of what lies ahead for my students if someone like Mrs. DeVos is in charge of our Department of Education. Her lack of experience in public education, her desire to separate and sort our children by their income, academic ability and socio-economic status, her blatant disregard for students with special needs and our obligations to these students under IDEA—strike panic in the education community.

One of the best things about being a public school teacher is the challenge and privilege to work with all kinds of students with all kinds of abilities and needs. I have the honor to work in a school that is rooted in the inclusion of all students.

More than 15% of the students in my school have special needs. We are so proud to provide this group with the services that are specialized just for them to meet their academic, social and emotional needs.

You see, our work here is not merely about proficiency, it is indeed about growth. We are tasked to help our children grow to their own individual potential—not just meet a mandated standard.

When I think of some of the beautiful and important achievements that my students make, they are often not about a score on a proficiency test. I think of the autistic student in my class that is working to be able to communicate his wants and need to others.

When he can play a board game with a peer, that is growth.

My classroom reflects the tapestry of our American society. I have students of all abilities and needs and we have built a caring classroom community that allows for us all to grow each day.

I have been highly trained to work with ALL students. I assure that my student's Individualized Education Program goals under the law are being provided for. I seek out and

provide resources. I advocate. I accommodate educational programs to meet each child's unique learning needs. I encourage.

I celebrate the milestones and yes, the growth.

The public education system as we know it ensures a free and equitable education for all students—regardless of their academic needs, their socioeconomic status, their race, religion or parental involvement.

Please continue your efforts to convince your fellow Senators that Mrs. DeVos will be a reprehensible choice for our Department of Education.

Jen, another teacher in Connecticut shared a similar message with me in her letter to my office:

I am a teacher in esteemed Fairfield County, Connecticut—but don't let the package fool you. My section of Fairfield County, my very public middle School in Danbury, Connecticut has hosted over 37 nationalities at one time under one roof.

You see, our public schools are a mirror. Our schools reflect the world as it exists outside our doors. We open them and the world pours in. This is how it works. We offer influence. We set expectations. We administer tests and benchmarks and are tied to terms like "proficiency" and "growth". Within this academic framework, cultures clash. It's inevitable. Differences abound. And yet, in this sphere of gaps and spaces, we bridge to one another.

We reach because we have to; there is no option. We see differences and we've learned the inherent power in them. We develop minds of course—but we also develop tolerant citizens who can thrive in a multi-cultural and diverse society.

Vouchers and school choice, as Mrs. DeVos champions, present as an antithesis to these core democratic philosophies.

What is showcased as an opportunity for growth is a thin veil for layered discriminatory practices.

Vouchers decrease the potential of many to the potential of few. Vouchers are a cousin to segregation, if not a sibling—and the consideration of DeVos as secretary undermines, with longevity, the very fabric of a United Nation.

I was asked to share personal stories and I can—I've seen it all in fifteen years: kids who experience unprecedented success and kids who break your heart in two with the devastation forced upon them. We can't ever know who will triumph, it is impossible to know—we can only keep the playing field as fair and accessible as possible to all.

Deborah, a fourth grade teacher from Connecticut, was frustrated with the conflicts of interest surrounding Mrs. DeVos in her letter to my office:

Mrs. DeVos has a very clear conflict of interest on many levels. Financially, she wants to maintain the \$5-25 million dollar investment she has in Neurocore, a biotech company which deals with attention deficit disorder. Her investment in Windquest Group, which backs Neurocore, is a company focused on "a science and brain-based program that targets children is clearly a conflict. She has presented a clear history of donating to and investing in companies or organizations which affect students.

As a teacher in a Title I public school, it is essential that the Secretary of Education is equipped to deal with the issues we deal with every day. In my class I routinely deal with issues of poverty, homelessness, underfed students who count on free or reduced meals and extra food sent home weekly for the weekend. Their parents normally work two or three jobs to try to pay the bills. If a student is hungry, they are concerned with

where their next meal is coming from, not which genre I'm teaching. This is not a business, it's personal for every student we teach. If students are held to standards which are not realistic, supported, funded, or understood by the federal government then the ability to achieve & thrive as a society will cease to exist.

Finally, Nancy, a 26 year veteran of teaching and Danbury, CT, 2016 Teacher of the Year, shared anecdotes of her experiences teaching special education students. Here is a passage from her letter:

Please do not approve a person who has no experience with public education and has no clear understanding about student need or how students learn. This is an extremely important job. We should not take it lightly and just let anyone take that title. Mrs. DeVos' plan for our children will disenfranchise the poor, the disabled and quite honestly, every child in America. Her inaccurate, incomplete and poor answers to questions posed to her by Congress as well as her track record in Michigan where she worked to destroy public education, serve as evidence that she is not qualified for the job. She bought her way to this appointment with huge donations to those who would vote for her. She does not understand that education is not a for-profit business; it is an investment in our most important resource and the future of this country—our children. Betsy DeVos is not the right person to lead education in the United States of America.

I will finish by saying that I firmly believe we owe our students high standards, just as we demand of them high performance, but that requires of us a commitment that Betsy DeVos has failed to make. It is a commitment to invest more resources in public education, to give back and give more to our public schools.

After observing her testimony, I am convinced she lacks that leadership ability or requisite record to serve as the steward of public education and to hold that trust that our country desperately and urgently needs now, not at some point in the future. That commitment is necessary now because every day, every month, every year is a lifetime in a student's education. So I will vote against her confirmation today, and I encourage my colleagues on both sides of the aisle to do the same.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I will start by thanking my colleague, the Senator from Connecticut, for his leadership on public education issues and the fight against gun violence. He has been a voice calling for common-sense measures to address gun violence and to make our schools more safe, and I thank him for all he has done in that regard.

Yesterday I came to this floor to discuss the risk that Betsy DeVos would pose to our public education system for students from kindergarten through 12th grade. With her zealous focus on vouchers for private schools, she has ignored accountability and the unique needs of communities in Maryland and

throughout the Nation. Education is a public trust, and we should not contract it out to the highest bidders in various voucher schemes.

In addition to overseeing support for K-12 education, the Secretary of Education is also responsible for Federal efforts in the area of higher education. So this morning, I would like to talk a little bit about higher education.

We know very little about the position the new President will take in the area of higher education. However, what we do know about his track record is very troubling. Based on the testimony of Ms. DeVos and her responses to questions for the RECORD, we can have little confidence that she will be a check on President Trump's worst instincts.

Here is what we know: We know that President Trump's main foray into continuing education was the now-extinct Trump University. Make no mistake about it, Trump University was a scam. It was a con game. It promised students great wealth if they only paid thousands of dollars for seminars on Mr. Trump's real estate "secrets."

As Senator RUBIO once pointed out not that long ago, "There are people who borrowed \$36,000 to go to Trump University, and they are suing now—\$36,000 to go to a university that is a fake school. And you know what they got," Senator RUBIO asked, "They got to take a picture with a cardboard cut-out of Donald Trump."

Senator RUBIO was absolutely right when he made that statement.

First of all, the word "university" in Trump University was totally misleading. Trump University was not an accredited institution, but it did promise to educate its students in the real estate industry so they could become skilled investors.

An article in the conservative National Review entitled "Yes, Trump University Was a Massive Scam" explained that prospective students were offered a free seminar where they would be pressured to purchase a class, where they would be "mentored by hand-picked real estate experts who would use President Trump's own real estate strategies."

Of course, Mr. Trump was neither handpicking instructors nor developing class materials, and instructors did not even necessarily have a real estate background. In a deposition, Mr. Trump could not identify a single instructor at Trump University.

Students were promised access to lenders, improved credit scores, and longterm mentoring. The university did not deliver. According to a former employee, Trump University "preyed upon the elderly and uneducated to separate them from their money." Employees were told to rank students based on their liquid assets so they could target them to sell more seminars. They took advantage of people.

Because of its fraudulent practices, Trump University was sued multiple times. In February 2016, Mr. Trump dis-

missed those suits saying: "I could settle it right now for very little money, but I don't want to do it out of principle."

Right before the class action lawsuit in San Diego was scheduled to be heard by a jury, those principles evaporated and Mr. Trump settled all the lawsuits for a whopping \$25 million, and about 7,000 former students were granted a full or partial refund.

Now, because Trump University was a university in name only and not accredited, students attending Trump University were not eligible to use Federal student loans or grants—thank goodness. But there are many accredited, for-profit colleges and universities that do take large sums of money from students who obtain Federal student loans or Federal grants, and it is the job of the Secretary of Education to make sure that those for-profit colleges are good stewards of those taxpayer dollars and that they are giving their students a good education.

For example, under President Obama's leadership, the Department of Education took action against the for-profit Corinthian College for fraudulently enticing students to enroll by lying about their job placement rates. They told students: You enroll in our programs, and we can get you a job. It wasn't true.

As California's attorney general, our colleague Senator HARRIS, pointed out in her lawsuit, they got more than \$1 billion in damages and restitution from Corinthian College because they targeted vulnerable, low-income populations, including the homeless. They directed them to predatory lending and failed to deliver an education that could really help them get a job. Their tactics were similar to those of Trump University—callously targeting "prospects they perceived as having low self-esteem," who were "unable to see and plan well for the future, and those who had few people in their lives who cared about them."

In order to stop these kinds of abuses, the Department of Education, under the Obama administration, put in place something called the gainful employment rule, which requires for-profit colleges to demonstrate real results for their students in order to continue to enroll students who use Federal student loans and grants. We want to make sure that students enrolling in those programs have a decent shot at success and are not simply being separated from their money, including Federal student loans.

This gainful employment rule is important for protecting both students and taxpayers. That is why it was alarming that during her hearing, Mrs. DeVos would not commit to enforcing the gainful employment rule.

Our veterans have been among the students who have been most targeted by these abusive practices. Just last week, I received a copy of a letter that was sent to Senators ALEXANDER and MURRAY and Representatives Fox and

Scott from a coalition of veterans organizations. I have it here. It is a letter from the Paralyzed Veterans of America, the Reserve Officers Association of the United States, the National Military Family Association, AMVETS, Blue Star Families, Vietnam Veterans of America, the Wounded Warrior Project, and Student Veterans of America, all opposing any weakening of the gainful employment rule and urging greater, not fewer, consumer protections.

As they note in this letter, a loophole in what is known as the 90-10 law, which caps the amount of funding for-profit schools can obtain from Federal sources, exempts funds from the Departments of Defense and Veterans Affairs. They write: As a result, our Nation's heroes are targeted with the most deceptive and aggressive recruiting.

The letter quotes Holly Petraeus of the U.S. Consumer Financial Protection Bureau, who said that some for-profit colleges are motivated to view veterans and their families as "nothing more than dollar signs in uniform."

The letter further states that "veterans express anger when they discover that the government knew that a career education program had a lousy record, but allowed them to waste their time and GI Bill benefits enrolled in it."

That should make all of us angry. It should make us angry because of the service our veterans have performed for our country. It should make us angry because it is a waste of taxpayer dollars to have these monies spent in institutions that are not providing an education to our veterans or other students in the way they advertise.

Yet Mrs. DeVos provided no assurance—none, none—that she would enforce the gainful employment rule that these veterans groups are calling to strengthen. She also provided no assurance that she would pursue other protections to help our students and veterans. In fact, when asked, she pointedly did not make that commitment.

Taxpayers and students should also be troubled by statements that have been made by the Trump team regarding their plans for the Federal student loan program. As many people know, the Department of Education is responsible for managing a \$1 trillion bank of student loans and \$30 billion in Pell grants each year. It is very important that these funds be managed in a way that protects the best interests of both students and taxpayers, rather than simply fattening the bottom lines of the big banks and big lenders.

In fact, 7 years ago, Congress—the House and the Senate—passed and the President signed the bill that "made important reforms to the Federal student loan program."

Under the old system, banks distributed Federally guaranteed loans in exchange for a subsidy from the Federal Government. In effect, banks were paid a premium to be the middleman and

were also insured against most of the risks of the loan with the Federal guarantee. In other words, they got a great return and took very little risk. In fact, the old system was rigged to provide huge returns to banks on certain loans.

Shortly after I came to Congress, I worked with my colleagues to close what was then called the 9.5 percent loophole.

The way it worked was like this. Written right into the code, some banks were able to make loans guaranteed by the government to give them a 9.5 percent return, even though students receiving those loans were paying a 3.5 percent interest rate. The difference—6 percent—was pure profit paid by the taxpayers to the banks for zero risk.

We were able to close that loophole after a number of years, and then in 2010 the Congress and President Obama agreed that we should stop using banks as the middlemen in the student loan process. We shifted entirely to the direct loan program through the Department of Education. That move saved taxpayers \$61 billion over a 10-year period, and we were able to use the savings to increase support for students to make college more affordable. By increasing funding for Pell grants and indexing them to new inflation, we were able to expand the income-based repayment program so more students could afford college, and we put \$10 million toward deficit reduction.

The Republican Party platform under President Trump calls for rolling back those important reforms and putting student loans back in the hands of the big banks. When Senator MURRAY, the ranking member of the Education Committee, asked Mrs. DeVos in a question for the record about privatization of the student loan industry, Mrs. DeVos refused to rule out a return to the days when the big banks reaped huge profits off students and taxpayers while taking very little risk.

It turns out that Mrs. DeVos may herself have investments that represent conflicts of interest for the job of Secretary of Education or indicate a preference for privatization within higher education. For example, according to her ethics forms, she has an investment in Procurement Recovery, Inc., which had a contract with the Department of Education for student loan debt collection. The court blocked that contract last year and it is currently challenging the decision.

There is a common thread connecting the approach that both President Trump and Mrs. DeVos have taken with respect to both K-12 education and higher education; that is, the idea that we should put for-profit private interests over the interests of students and taxpayers. As we have heard, in Michigan Mrs. DeVos was very instrumental in changing Michigan State law in a way that attracted for-profit charter schools to the State of Michigan. Those schools have a very sorry record

in terms of the education they provided to students in Michigan. Now, when it comes to higher education, in her hearing she refused to commit to enforcing the gainful employment rule, which is designed to protect students and taxpayers from the kind of predatory practices engaged in by the likes of Trump University. She did not disavow proposals to turn the student loan program back over to the big banks.

We need a Secretary of Education who understands that our education system is a public trust and not simply a vehicle that allows for-profit schools and big banks to make a profit off of these important taxpayer investments.

I wish to say a word, as well, about community colleges. I think all of us recognize the really important role that community colleges play in our education system. Just two weeks ago, I had the opportunity to attend a meeting of the presidents of Maryland's community colleges. It was organized by the Maryland Association of Community Colleges and included folks from all over the State. We are fortunate in Maryland and around the country to have some terrific community colleges that provide associate's degrees and certifications for advanced careers, 2-year programs for those students who plan to go on to get a 4-year education, and continuing education classes for people who want to go back to school to learn new skills. Our community colleges are particularly important because they are able to work closely with employers to identify skills that are in demand and adjust programs to prepare students to move directly into the workforce.

A number of years ago, I had the opportunity to work with my colleague, Senator Mikulski, and others, to obtain a Federal grant for a consortium of Maryland community colleges to train and prepare students in the area of cyber security.

Cyber security is something that is important to all Americans. We are realizing more and more the costs and dangers of hacking, both in the government sector as well as the private sector. It is really important we build a workforce which has those important skills, and I am pleased that Maryland is home to the U.S. Cyber Command at Fort Meade, alongside NSA. We need to make sure we have students who have those important skills, and community colleges, along with other institutions, can help fill that skills gap.

I also visited the Community College of Baltimore County, where they are responding to the need for medical professionals by providing training to nurses and other medical assistants. They use something called SimMan technology—lifelike mannequins that can simulate medical conditions—to help train nurses, emergency medical technicians, and physician assistants. I think we would all agree these community college programs are a really important block in our education system, and we should be supporting those col-

leges and the students who want to attend.

I was pleased that at the hearing, Mrs. DeVos acknowledged the importance of community college. Unfortunately, she didn't put forward any concrete recommendations about how we can help community colleges succeed. That is particularly troubling in light of the fact that if we look at previous Republican budgets, especially those coming out of the House of Representatives but also those adopted in a Republican-controlled Senate, they would do great damage to students' ability to access community college programs.

Let's just look at the last budget conference agreement that passed from fiscal year 2016. It contains a whopping 35-percent cut to Pell grants, which would eliminate all mandatory funding for Pell and eliminate another almost \$30 billion in discretionary funding. Altogether, it is a \$117 billion cut over 10 years.

Nearly 3 million community college students in Maryland and around the country depend on Pell grants in order to afford an education. Rather than making dramatic cuts to the program, we should listen to our community colleges and expand the program to a year-round grant to give students greater flexibility to finish their degrees in less time. Those are the cuts the Republican budget would make to the Pell Grant Program. At the same time, when it comes to the other components of the Federal student loan program, the Republican budget would cut so much that in order to compensate, we would have to raise student loan rates to make up the difference.

Those troubling positions are on top of a proposal made by the Trump team to require colleges to "risk share" by taking some responsibility for non-repayment of loans among their students, which would have a particularly damaging impact for community colleges. Community colleges already operate on very narrow margins. Any cut to their budget from risk-sharing would require them to do one of two things: increase tuition, making college less affordable, or cutting programs, including the kind of program I just talked about that helps students build the skills needed in the workforce of today.

Sam Clovis, a Trump campaign co-chair, also said that Mr. Trump would reject President Obama's plan for free community college for our students. In an interview with the daily online publication Inside Higher Ed, Mr. Clovis contended that community college is already "damn near free," and therefore did not require additional assistance. I hope Mr. Clovis will come out to the State of Maryland and talk to our students. We work very hard in the State of Maryland to keep tuition low at community colleges, but for those who are just trying to scrape by, I can assure him that it is not "damn near free." I certainly hope Mrs. DeVos does

not share this gross misunderstanding of student needs.

We heard from Senator BLUMENTHAL, we have heard from others on this floor, about the incredible grassroots outpouring of opposition to the nomination of Mrs. DeVos. She has drawn opposition from teachers, parents, and civil rights organizations. We have seen that groundswell overwhelm the phone system here in the United States Senate.

Maryland's schools, and schools throughout the country, deserve a champion in their Secretary of Education. When President Trump and congressional Republicans propose plans to cut and divert Federal education funding, we need a Secretary of Education who is going to fight for public education. Mrs. DeVos is clearly not that person.

Our Founders understood from the earliest days of this Republic that a free public education is a fundamental American value. Free public education at neighborhood schools throughout our land has helped make America more productive, broaden opportunity, and sustain local neighborhood schools and communities. I share my colleagues' deep concern that Mrs. DeVos does not appear to share a commitment to that American idea. She has devoted much of her adult life and career to advancing private education plans that would divert resources from our public schools. She has shown a lack of awareness and, in many statements, alarming views about our Nation's commitment to equal rights for children with disabilities. We cannot retreat from the commitment we made as a country, and we cannot return to an era where equal rights were just another concern for States to decide on their own.

We also heard, as Senator BLUMENTHAL discussed, flippant statements about guns in schools and the safety of our children. We cannot retreat from our determination to keep our schools safe and gun-free.

When President Trump has a history of promoting a sham, for-profit Trump University, we need a Secretary of Education who will zealously oversee for-profit colleges that receive students with Federal student loans and grants. Nothing in her testimony, statements, or responses to questions from Senator MURRAY or others gives me any comfort that Mrs. DeVos can be that person.

Education holds the key to a more prosperous America, a better informed electorate, and a society in which the Nation's bounty is more fairly shared as more citizens have access to a good education. We cannot advance those goals without a strong Secretary of Education. We cannot leave this job to just happen on its own. We need somebody who is going to fight for those ideals. Unfortunately, the record indicates that Mrs. DeVos is not that person.

I join with my colleagues in opposing the nomination. I hope between now

and the time of the vote, other Senators will take another look at the record because it is important we muster the votes to defeat this nomination. We also must show very clearly that we will not accept a Department of Education focused more on undermining our commitment to a public education than one that is upholding that important American tradition.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have been so impressed by the large number of Senators who have come to the floor to tell their stories of why public education is so personal and important to them and to their constituents.

I want to thank all of the staff who were here all night long—our clerks, pages, people in the cloakrooms—everyone who has given time of their own to be here to support us to be able to talk about this critical important nomination, the Secretary of Education.

I think all of my colleagues will agree with me that there has been an unprecedented outpouring of concern from across the country about this Cabinet nominee. Why is that? Why is it that the Secretary of Education has brought such emotion and discussion to this country? For a very important reason: Education is a critical part of everyone's life.

The Founders of this country knew that when they determined we in this country were going to have a free public education system. Why? Because they want to make sure that every citizen had the opportunity to read and write and participate in this democracy, a core principle to assure that all of us would have a voice in who our President and elected officials were so we would understand and be educated and make the right decisions.

That core principle is so important to this country and has allowed us for centuries to be the kind of country where we have a middle class. People who are born into poverty know there is a school they can go to, to learn to read and write and get the skills they need to be a participant in our democracy and in our economy. That is what is at stake in this nomination. People across the country are writing in, calling, holding rallies, talking to their neighbors and friends, and letting us know how important this is because they do not want to lose that principle.

In this nominee who has been sent to us is a threat to that very basic core value that so many people believe in, in this country; that no matter who you are or where you grow up or how much money you have and who your parents are, you will have that public education, that public school in your community that you will be able to go to.

I was a school board member before I was a U.S. Senator, before I was in the State senate. Those school board meetings were jammed with parents who wanted to know what was happening in

their schools, who would call me at midnight and complain about a school policy and what was going on. As a school board member, I had to listen and respond to that. People value their schools. They want to know they are there. Our schools are the heart of our communities. It is where people from different backgrounds who may be fighting with their neighbor across the street during the day, show up Friday night to cheer together for that football team. It is the center and epicenter of our communities. It is the epicenter of our country, and that is what is at stake in this nomination.

People want the Secretary of Education to be a champion for their public schools. In this nomination that has been sent to us by the President, Betsy DeVos, we have someone who values and speaks out for—and has used her fortune to fight for—something very different. She has denigrated public schools. She says they need to end. She advocates giving our young kids a voucher and telling them to find a private school, leaving behind kids who can't afford to go hours to another school or to pay the extra money the voucher doesn't cover, leaving kids in poverty, robbing really critical money from our schools and from the kids who would be left behind.

Yes, our kids want choices. This is not a debate about charter schools. Many States, including mine, have charter schools, but the difference is, in those States—in my State and many—those charter schools are held accountable, just like the public schools so you know your child is getting the education they have been promised and that it is held accountable to taxpayers. Mrs. DeVos refused in our committee to say that those charter schools, those private schools, if they take taxpayer dollars—which a voucher is—would be held accountable to the taxpayers. To the parents in those communities who showed up at my school board meetings to tell what they thought of their schools and what we should be doing and had a voice, it would not be accountable to them. I find that wrong, as a principle in this country and our democracy and what we have fought so hard for. That is why so many parents are speaking out. That is why so many Senators have been here on the floor. That is why we have been here all night long and will be here until noon today during this vote.

That is what is at stake. In our higher education system, all of us know that so many young people today want that ticket to success and student loan debt is such an incredibly huge challenge to so many people, a barrier to getting the education they need. They want someone who is going to head up the Department of Education who understands that.

Betsy DeVos has no experience in higher education, none. And she is going to lead the agency and be the voice and be the vision? That is why

parents, students, teachers, community leaders, superintendents, school board members, and families across the country have stood up and said no.

This is so close. We are within one vote of sending this nomination back and asking the President to send us a nominee who can be supported by Members on both sides of the aisle, who can set a vision, who can fight for public schools, who can be that champion and that leader who sets us apart in the world as a country, who values the core principle that every child—no matter who they are or where they live—will get a good education.

The Secretary of Education is not a figurehead. The Secretary of Education spends his or her days trying to make the right decision and being a champion across the country on issues across the board.

They oversee the Office for Civil Rights. Last night I had the opportunity to listen to Senator BOOKER speak about the importance of their office and what it meant to him and what it means to so many kids today to know that there is in this country an agency, the Office for Civil Rights, embedded in the Department of Education to assure that they will not be denied an education because of the color of their skin.

Isn't that a value we all want to continue? That is why people have spoken out and written letters and made phone calls and had their voices heard. So many parents in this country today want to make sure the basic education law that we have fought for for so long, IDEA, which assures that students with disabilities get a good education, is not put in jeopardy.

When Mrs. DeVos came to our education committee and was asked about this, she had no idea that it was the law of the land. She said to our committee: The States can do that.

Well, no—why is it the law of the land? Why is it a principle of the United States of America to assure that no matter where you live, if you are someone with a disability, you will get access to an education?

I listened to Senator HASSAN last night talk about her own young son and the challenges he has had. He is a bright man, but he is unable to speak or move, but he got an education in this country. He can give back, and he can participate.

Disabilities come in all sizes and all different shapes and all different forms. I assure you, when you are a parent of a disabled child, you are passionate and you want to make sure that your child has access to education, and you want a Secretary of Education, the top person in this land to be your advocate, too—not someone who doesn't know the law, not someone who isn't directing her staff to make sure that no matter where you are, if you are a student of disability, you get access to public education and are not denied.

Our country is great because we have these principles. Our country is great

because we value each individual. Our country is great and will continue to be great if we continue to do that, but it will not be great if this body gives their imprimatur to a Secretary of Education who doesn't value that.

What does that say to young kids across the country, to parents with students of disabilities, to young people in this country living in poverty or living in a community or having family issues who wants to know that they, too, live in a land of opportunity?

That is why we have heard from so many parents and so many administrators and so many community leaders. This is a core value of our country—the ability to know that you can get an education.

Again, this is not a debate about charter schools. There are charter schools in many States. This is a debate about taking as much as \$20 billion from our public education system and using it for vouchers for private schools that are not accountable to taxpayers.

If nothing else, I appeal to my Republican colleagues to think about that, to think about the fact that taxpayer dollars will not be held accountable under Mrs. DeVos's plans and policies. If you give a voucher to a student and they go to a school and they are not teaching what they should be, there is nowhere to go for those parents. It is their taxpayer dollars, and it is our taxpayer dollars. That is why this nominee is so important. That is why so many have stood up on our side and two Republicans have stood up and spoken out against this nominee.

Title IX makes sure that we protect students and makes sure that their rights are protected and that women have the opportunity to go and get a degree without being challenged or being put down or being a victim of sexual harassment. We need a Secretary of Education who knows that law and will enforce it so that students across the country know there is a champion at the top office in this land who is telling their staff to enforce this law and to back up those students. That is what this debate is about.

I heard some of my colleagues on the other side talk about the fact that we have a GI bill, which they essentially called in the debate a voucher for men and women who served our country to go to higher education and likened that to the voucher system they are talking about in K-12. That is not equal. That is given to members of our service, rightly so, to say: You served our country; we will make sure you get an education.

In our country, we value every student in every community. To give them a voucher and say "Go find a school" is not a way of providing education. Ask any school board member in this country. Ask any parent in this country. They want that public education school, that school in their community that is valued. They don't want that money taken away from that

school, and they want every child to know that just as our Founders said, a public education will assure that every child has that opportunity.

This is an important debate, and we are very close to the hour when we are going to have a vote. It will take only one more courageous Republican to say: You know, I have thought about this. I listened to her testimony—the short testimony that we had. I have looked at her answers to their questions, and I, too, want to send a message to this country that the value of public education is critical.

The President has other people he could send over, a lot of them who value education, who have had experience—unlike this candidate—who will send a message to this country that, truly, we do value public education.

I hope that in the next few hours we can take pause and have that happen. It will not be the end of the world. It will not be the first nominee who doesn't get the votes they need in the Senate, but it virtually will be a moment in the history of this country where we will stand up and are proud to say: Not on our watch; not on our watch. We want a head of the Department of Education who actually values education for all students, public education for all students.

I have a colleague behind me who is ready to speak, and I thank him for being here this morning. We will yield him the floor. I want to say, again, thank you to all the parents, students, family members, school officials, community leaders, and so many people who have called and written and spoken up. Your voice matters. Your country matters. Public education matters. I am so proud to stand with all of you and to fight to make sure that this country remembers that and votes right at the end of the day.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before I begin my remarks, I want to make sure that everyone understands that Senator MURRAY has been on this floor hour after hour for a reason; that is, these nominations are enormously important. This one is right at the heart of what families and parents and communities want because it deals with education.

I heard that again this weekend. I had three townhall meetings, mostly in rural areas. We had record turnouts. As Senator MURRAY knows, Oregon and Washington have been pounded in the last few weeks with bad weather—had to fly all night to get back for this debate. Everybody said how important this was because they understand what Betsy DeVos, if she is confirmed, would mean for our country.

I want to start by putting a focus on this issue around what Oregonians are particularly concerned about this morning. They are concerned, when we talk about education, about boosting our high school graduation rates. Parents, teachers, and communities are all

mobilized. I want to start my remarks by saying that I know people across the country are concerned about this. We worked very closely with Senator MURRAY and Senator ALEXANDER on this.

The reason that Oregonians feel so strongly is that we have been first in so many areas, for example, protecting our natural treasures, but we are not where we want to be in terms of high school graduation rates. For communities across Oregon, the business community, Democrats, Republicans, liberals, conservatives, Independents—you name it—it is top priority business for our State to improve high school graduation rates. That is because we understand that getting those graduation rates up is crucial to making sure that young people can be better prepared for their next step, whether that is college, whether it is the workforce—anything they want to do.

I want to start my remarks with respect to the DeVos nomination very specifically. I do not believe improving high school graduation rates can be built on a foundation of alternative facts. Yet that is what Betsy DeVos has been promoting. For example, she recently told the Senate that graduation rates at virtual private schools—private schools which she has invested in—were almost twice as high as the actual graduation rates at those schools.

She said that at the Nevada Virtual Academy there was a graduation rate of 100 percent. The actual graduation rate is 57 percent. She claimed that at the Ohio Virtual Academy there was a graduation rate of 92 percent. The actual rate is 46 percent.

I think this pretty much qualifies as a set of alternative facts. At home, at the kinds of townhall meetings I had this weekend, people would probably call them four-Pinocchio falsehoods and ideological hocus-pocus. The alternative facts may be the DeVos way, but they aren't the Oregon way.

As I said to Oregonians this weekend—we had teachers and community leaders come to these meetings—what we do is operate on something we call the Oregon way. The Oregon way is about Democrats and Republicans, people of all philosophies. We had great Republican Governors—Tom McCall, Mark Hatfield—who also served in this body and were independent. We want fresh, practical approaches.

We focused on our ideas that work, ideas that get results, and we focus not on alternative facts but on the truth. What I heard again this weekend at home is that we are bringing together teachers in the classrooms and parents and community leaders and trying to determine what are the key factors in why students are not graduating. At home people are asking, how do you get results? What actually is going to work in the classroom and at our schools? Educators and principals tell me that mentoring programs work. They tell me at home that summer

learning programs work. They point out the track record of afterschool programs, and they have the facts to back them up. These facts aren't alternative facts. They are not inflated graduation rates, the way Betsy DeVos told the Senate. These are based on actual studies: Studies that have shown that youth—especially at-risk youth—with mentors are more likely to join extracurricular activities, take on leadership roles at school, or volunteer in their communities. Afterschool and summer learning programs, again, have very solid track records, providing a safe place to learn and keeping low-income and at-risk youngsters on a path towards graduation.

Those same educators have told me in my townhalls that they oppose elevating Betsy DeVos to a job with the important responsibility of steering the future of our Nation's children. The reason they have expressed these views is much like what I have stated to the Senate; and that is, that the evidence—not alternative facts but hard evidence—doesn't back up many of the judgments Betsy DeVos has made in guiding her work in this field.

In Oregon, citizens—thousands of them—worry that the confirmation of Betsy DeVos is going to make it harder to help students succeed in the classroom and graduate from high school. This graduation rate for us in Oregon—and I am sure we are not alone—takes on a new and important urgency because of the changes that were made last year—bipartisan changes Senators MURRAY and ALEXANDER made to pass the Every Student Succeeds Act. The whole point of this bill was because, of course, there was great frustration across the country with No Child Left Behind, the predecessor.

I remember at one point illustrating the frustration with that law. We had a wonderful school in rural Oregon with mostly low-income youngsters and mostly minority youngsters. They worked like crazy. Their parents were very involved. Their teachers rolled up their sleeves, and they were doing well at getting their test scores up. At one point, we were told they were going to be labeled a failing school, because, apparently, for a short period of time, a number of youngsters had the flu, and so the attendance rate wasn't what it should be. Those were the kinds of stories that illustrated why it was so important to fix No Child Left Behind and focus on approaches that work.

It is my view that what Senator MURRAY and Senator ALEXANDER did with respect to bipartisan leadership was to work for an important bill—important for the future of students, important for their ability to get a job and do what they want in their years ahead. When you have a bipartisan bill that the President has signed into law, replacing failed education policies, and giving teachers more control over their classrooms, you ought to move quickly and boldly to carry out that law. That law included a provision that I wrote

to help high schools with low graduation rates turn around student achievement by putting the most disadvantaged students on a path to success. It allows local educators—this isn't run by Washington, DC. I am always hearing that everybody is talking about having it run from Washington, DC. That is not what I voted for. What I voted for—and the majority of Senators voted for—was a fresh approach allowing local educators to promote and expand programs and policies that actually work in their community. They recognized that what works in Coos Bay or Roseburg, OR, may not necessarily work in Tallahassee.

We wrote a bipartisan bill to come up with approaches tailored to what local educators want to pursue. Now as we are moving to see this law implemented in the States and as schools across the country are moving to implementation, it is more important than ever that the Senate get this right, that we get it right now, and that we use approaches grounded in the facts and grounded in the reality of public education. My concern is that—based on Betsy DeVos's record, which I have looked at in length—bipartisan work could be undercut by a system that has not been shown to improve academic outcomes for students.

In Detroit, Mrs. DeVos has spent years advocating for a voucher system that gives taxpayer dollars to private and religious schools. Her efforts have essentially left public schools to do more for their students with less of the funding they desperately need. I was on a program this morning, a radio program. They were discussing the views of various Senators on this. I heard discussion of my colleagues on the other side of the aisle describing the fact that they were supportive of Mrs. DeVos because they thought her unconventional approaches and her fresh ideas were a real advantage in her having this position.

I don't take a back seat to anybody in terms of being for unconventional approaches. I think it would be fair to say that pretty much most of my time in public life has been defined by taking unconventional approaches. So I welcome new ideas from people who have not been involved in government—and ideas that, frankly, are out of the box, that are unconventional. But they still have to be based on hard evidence that they are going to work.

We are trying fresh approaches in Medicare, for example. The idea is that Medicare today is no longer the Medicare of 1965. It is all about chronic disease—cancer, diabetes, heart disease, and strokes. A big bipartisan group of us here in the Senate have written bipartisan legislation to try a very different approach—certainly unconventional—but it is grounded on the facts. It is grounded on what we know about taking care of folks at home and on the benefits of telemedicine.

So that is why I am opposing the DeVos nomination. It is not because I

am hostile to unconventional approaches or fresh faces or people who haven't been involved in government—quite the contrary. I probably have a bit of a bias for just that. I am opposing the nomination, No. 1, because of the track record that much of what she has advocated for hasn't worked, and, No. 2, when she was challenged on it—such as the question of the graduation rates and some of those programs she invested in—she inflated the rates. She said they were almost twice as high as they actually were. So the country can't afford to allow failed policies—particularly as we move to implement the new laws that do not suggest a very positive set of opportunities for public schools at the local level.

We have recognized as a nation for years how vital public education is to giving children in America the chance to climb the economic ladder. It is a bedrock principle of public education that investments in public schools and investments where there is a track record of fresh ideas that work, rather than ideological approaches where the evidence suggests it doesn't work, can serve everyone.

I cannot support an Education Secretary with a track record that flies in the face of the need for our country to make smart investments in public schools. I described how the next Education Secretary faces a challenging agenda with huge stakes. Graduation rates and improving them are right at the heart of it. But, obviously, we are going to have a need for other fresh ideas, like making college more affordable.

Mrs. DeVos just doesn't have the qualifications to achieve the success that 50 million students in American public schools demand. The person entrusted with our children's future should not be put at the head of the class just because she is part of a family that wields enormous public influence. You get these jobs because you earn them, because you have been involved in your community and various kinds of charitable or philanthropic efforts, and your work produces concrete, tangible results that indicate that you can carry out a job of this importance. The reality is that these nominations are some of the most important judgments we make as a Senate. The people we put in these offices are going to control, literally, billions of dollars in spending. They are going to enforce laws that in some instances are decades old and, at a minimum, update the ones that need updating.

I can tell you that what I heard again this weekend in rural Oregon indicates that the people I have the honor to represent do not believe Betsy DeVos is up for the job. So this morning, I stand up for kids, parents, and families who deserve education policies that will let them go after their dreams and secure their futures. I believe they deserve better. I believe Betsy DeVos is going to make it harder for working families to achieve those aspirations. That is

why I will vote this morning against the nomination of Betsy DeVos to be Secretary of Education. I encourage my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Delaware.

Mr. COONS. Mr. President, I would like to thank my colleague from the State of Oregon for his detailed, lengthy, and compelling remarks on the floor this morning about why he will vote against Betsy DeVos for Secretary of Education for the United States. You have heard from my colleagues last night, this morning, and for an entire day the concerns they have come away with from her confirmation hearing and the concerns they heard from their home State and from educators and parents, teachers, and administrators—all concerned about education in their home State.

I am honored to have a chance to add my few brief words this morning to explain to my constituents and to everyone in this Chamber why I, too, believe that Betsy DeVos is not qualified to serve as Secretary of Education of the United States. A simple question for any parent out there is this: Why would a parent want a classroom teacher who wasn't qualified to stand before that class and teach their children? Why would any community leader, civic leader, parent, or educator want a principal who wasn't qualified to lead the school building, to lead instruction, and to make sure that the school was moving forward in a good and positive way? The answer is that they wouldn't. Why would any parent, why would any business leader, why would any legislator want a superintendent for a school district who had no previous experience in public education and whose agenda was well outside the mainstream in education? The answer is that they wouldn't.

So I think the question before us in the Senate today is, Why would any of us want, support, or vote for a nominee to be Secretary of Education who has demonstrated a lack of grasp for the basics of education, which makes her, obviously, unqualified? The answer is, I don't. We don't. We shouldn't.

As we saw during her abbreviated Senate hearing, Mrs. DeVos has no grasp of basic public education issues. She has zero direct experience. She hasn't taught in the public schools. She hasn't sent her kids to public schools. She hasn't been educated or trained in teaching in the public schools. She doesn't seem to understand, for example, that Federal law provides basic protections for students with disabilities. She has no idea what the IDEA is and why it is a central part of protecting, supporting, and serving students with intellectual disabilities. She refused to rule out privatizing public schools and refused to commit to enforcing Federal laws that protect women and girls in schools from sexual assault.

But that is not all. As if that weren't enough, Betsy DeVos has spent her entire career and millions—even tens of millions of dollars—methodically undermining the public school system in the United States, from privatizing and defunding public education to undermining accountability standards in Michigan and across the country. Betsy DeVos has turned Michigan into the biggest school choice experiment in the Nation. Unfortunately, for Michigan students and families, that experiment has gone terribly wrong. There is a lot of talk in education circles about two key issues—access and accountability.

What is stunning about Betsy DeVos's record in Michigan is that she worked tirelessly to ensure access to taxpayer dollars for the widest possible range of private and parochial schools, charters, and through vouchers—schools of all types—academies newly established to take advantage of taxpayer dollars and to siphon them into nontraditional nonpublic schools but without accountability.

Without accountability, charters and choice can lead to tragic results, can literally lead to siphoning desperately needed dollars out of our public schools and into the pockets of those who would profit from experiments in public education. Why would we allow access to taxpayer dollars with no accountability for the performance? When did it become something the other party would champion, that they would have access to taxpayer dollars without accountability for results?

I understand the drive, the desire, even the passion for experimentation in public education. I spent more than 20 years working with the "I Have A Dream" Foundation. We served parents and students in some of the toughest, most struggling public schools in the entire United States.

I heard from parents that they wanted better schools for their kids. I understand that in some communities there is a passion for experimentation with charters and with choice, but to embrace that without accountability, to ensure that the outcomes are better without making any serious effort to ensure that these diverted taxpayer dollars are not simply wasted or turned into a mill and a machine for profit, I think is the worst sort of taking advantage of the hopes and dreams of parents and students who are seeking progress, and it ends up undermining and defunding and devaluing traditional public schools all across our country.

As my colleagues, my friend from the State of Washington and many others have pointed out, there are serious concerns with how Republicans have considered her nomination. Mrs. DeVos was rushed into her confirmation hearing before she had submitted the basic and appropriate ethics paperwork, meaning Senators had no way of clearing her from potential conflicts of interest.

Traditionally, this has not been much of a concern, since we have often had Secretaries of Education with long public careers who had been subject to some transparency and some review previously. I cannot remember a time when we had a Secretary of Education who was a billionaire and thus subject to much broader potential conflicts of interest. I frankly cannot remember a time when we had a President who was a billionaire and declined—refused to release his taxes or to address his manifest conflicts of interest.

So, frankly, the fact that the Senate HELP Committee raced forward with Mrs. DeVos's confirmation without addressing some of these basic issues is more concerning in this context than at any previous time.

As the members of this committee, who represent a broad range of views and experiences—and it is exactly what the Senate is for—were limited to one round of 5 minutes for questions, hardly sufficient for any nominee, let alone a controversial nominee with no public education experience other than undermining the underpinnings of the public school system, we can only conclude that there was something behind this effort to race Mrs. DeVos forward.

We have seen here on the floor, she has become so unpopular that the other party has had to delay the confirmation vote in order to ensure her confirmation. It is my guess that later this morning, we will see the President of the Senate cast the deciding vote, something that although not unprecedented, is certainly unusual and suggests that other Senators have heard from their States, as I have from mine, a chorus of opposition.

In her confirmation hearing, Mrs. DeVos struggled to articulate basic concepts central to current debates in public education. In trying to identify and reconcile the simple concepts of growth and proficiency, she showed neither growth nor proficiency. She showed neither a grasp of the basics, nor an ability to learn, nor a mastery of simple concepts central to how we make progress in public education.

You know in the Senate, the Congress in recent years, after years of disagreement and fighting with the Every Student Succeeds Act, we had reached a modicum of agreement. We had reached a point of equilibrium and had hopefully turned to a point where we could work together in a bipartisan and balanced way on some of the pressing issues in higher education, in elementary education, in career and technical education.

Instead, we see one of the more radical nominees ever for Secretary of Education, someone who brings, I am afraid, an agenda, a strong and forceful agenda that if it is continued nationally, as it was in Michigan, I am concerned predicts a difficult future even for those who are most in need of support, of engagement, of quality schools.

Even those who Mrs. DeVos claims to have dedicated her education activism

to advancing I think will be deeply harmed. None of these reasons that I just laid out about the timing, about the length of the hearing, about the disclosures, about her performance in the confirmation hearing, none of them would, necessarily taken alone, be cause for grave concern and alarm, but taken in combination, they are fundamentally disqualifying.

Don't take my word for it. I am on five different committees. I have lots of other confirmations I am challenged to be engaged in. I have other issues going on that have made it hard for me to attend every single meeting and hearing about Mrs. DeVos, but there are folks in my home State of Delaware who have watched every minute, who have followed it very closely, and who have, in an unprecedented wave of input, reached out to my office.

Now, these numbers, if I were from a State like California or Texas or New York, might not seem striking, but from my little State of 900,000 constituents, the idea that more than 3,000 Delawareans have reached out to me urgently and directly is fairly striking. I have gotten more than 450 phone calls in opposition to Mrs. DeVos.

My office in Wilmington received a signed petition with 800 signatures from Delawareans asking me, urging me to vote no. Someone buttonholed me, literally, on the train this morning to make certain that I was going to vote no. I have received more than 2,200 letters from Delawareans, letters from educators, from parents, from community and civic leaders, of all different backgrounds, all up and down my State.

Those 2,200 letters make this one of the top issues that Delawareans have reached out to me on in this past year. As I said, that may not sound like a lot of input if I were from California, New York, Oklahoma, Washington State—3,000 would be relatively few—but in my State, that is a loud and clear message. So let me be just as loud and clear in my reply. I hear you, and I will today vote against Betsy DeVos for Secretary of Education. Let me take a minute and share with you some of the concerns I have heard from Delawareans, constituents who followed her confirmation hearing closely, who followed the record of its progress from committee to floor closely and who raised the alarm and who shared that with me.

One educator, a career teacher, somebody who is very agitated about the record she showed in Michigan and what it might mean for our State of Delaware, said—concisely: Why should we welcome a billionaire President who nominates a billionaire friend who sees children not so much as children to be educated and supported and served but as tokens to be used as an experiment in privatization and profit made off our public school system.

That educator said he was terrified. Jen, a middle school teacher at Redding Middle School in Appoquinimink

School District tells me that "her first thought after watching Mrs. DeVos's Senate hearing was that students deserve better than her."

Jen goes on to say that "students deserve a national leader in education who has real experience working in public schools, someone who knows the strengths and challenges that each student brings to the classroom."

Jen said: "As a teacher, I need someone who will fight for all students—low-income, gifted and talented, and especially our students with disabilities." Jen said: "I work in a classroom filled with students like these," students of every background, skill level and need, and "they deserve someone better."

Cheri wrote to me from Lewes, DE. She is a retired lifetime educator, a district supervisor and coordinator. Just a few years ago, she retired to Lewes after spending her life advancing public education. She wrote that until now she never felt it necessary to write my Senators to oppose a presidential nomination. But here's why this time is different. As Cheri writes, Betsy DeVos is "a proponent of school vouchers which siphon dollars off from public schools. She does not have a degree in education, has no experience in public education, and has not shown a willingness to listen to and learn from practitioners and experts in the field."

Cheri is exactly right. Our kids deserve better. That is why, when it comes to Betsy DeVos's nomination to serve as Secretary of Education, I am not just voting no, I am voting no way.

It is important to me that everybody here knows that my constituents in my State have spoken with nearly a unanimous voice. A very, very few have conveyed any support whatsoever for Mrs. DeVos, and an overwhelming voice of thousands have expressed concern, agitation, even alarm at the idea that this person, with this record, would be handed the reins of the Federal Department of Education with likely disastrous results.

For this most foundational experiment, that is at the core of American democracy, that is essential to our being a country where equality of opportunity, the freedom to pursue our own skills and gifts and have them enlightened, educated, uplifted is at the very core of what it means to be American—public schools in which any child of any background has a free and fair opportunity to pursue their God-given talents and to rise through our society and contribute at the highest levels—is not something to be played with, isn't something to be experimented with casually.

It is something to be taken deeply seriously. We have challenges in our public schools. We have challenges in our society. They are reflected in our schools, but if our schools are not strong, if our schools are not educating our children, we have no hope of becoming a more just, a more equal, a more constructive, a more coherent, and a more inspiring society.

Our public schools are the very foundation of what it means to be American. To put in charge of our Department of Education someone who does not share that view pains me deeply, concerns my constituents, and alarms many of us who have spent year after year trying to support, to improve, and to advance public education in the United States.

For all these reasons, it is my intention to vote no; in fact, no way today on Mrs. DeVos.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to discuss why I do not think Betsy DeVos is the right person for this very important job.

As you know, I have been a long and proud supporter of our education system. I have supported public, charter, private, and magnet schools across the great State of California. I have always supported a parent's right to choose the right school for his or her child, and I have always believed that different models of schools provide students with more individualized experiences that are tailored to meet their needs and how they best learn and are enabled to succeed.

While Mrs. DeVos is also a proponent of school choice, I believe we have very different philosophies on this issue. Personally, I can only support schools when there is accountability. Schools should be accredited, well managed with proper fiscal controls, and transparent in regard to student performance for all of the students they serve. We owe it to our parents and students to protect their right to access a high quality education. We owe it to our teachers to provide them with the resources and leadership they need to become master educators.

Mrs. DeVos has never worked in the classroom or as a school administrator, and during the Senate committee hearing on her nomination, she clearly showed she does not have a firm grasp of basic tenets of education policy or program implementation. Mrs. DeVos and her family have been longtime donors to efforts to expand unregulated school choice. Their financial efforts prevented accountability efforts to go into effect that would have provided regulation over the proliferation of the for-profit charter schools throughout Michigan.

Additionally, I found it troubling that, during Mrs. DeVos's confirmation hearing before the Senate Health Education and Pensions Committee, she testified that she would support the repeal of the Gun Free School Zones Act, which bans guns in schools. Mrs. DeVos cited that grizzly bears in Wyoming is one legitimate reason why guns should be allowed in schools; yet the vast majority of our Nation's schools face zero threat of an attack from grizzly bears that would justify the risk of allowing guns on their premises.

Throughout my career, I have been a strong supporter of gun free school zones. And educators, parents, and stu-

dents—who are all directly affected by this law—support gun free school zones. I find it problematic that Mrs. DeVos makes light of this issue and would go along with the President's opinion on this issue, considering we had 15 school shootings throughout 2016.

The Secretary of Education serves in a very important role. The Secretary ensures that all of our Nation's students have equitable access to a high quality education. They ensure that students' civil rights are protected under Federal law and that schools are held accountable for the performance of all students regardless of socio-economic status, language barrier or disability.

My colleagues and I have an opportunity to stand up for our children by opposing Betsy DeVos and demand that the President put forward a highly qualified candidate that can best serve our students, parents, and teachers in this important role.

I would also like to mention that I have heard from over 96,000 of my constituents, whether they left comments with my staff or wrote me a letter, explaining why Mrs. DeVos was an unacceptable candidate for Secretary of Education. I heard you all loud and clear, and I want you to know that I am here to serve you, and I will continue to be your voice.

Thank you.

Mr. COONS. 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.

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, again, I am on the floor, and I want to thank all of our staff and clerks and everyone who has been here throughout the last 20 hours. I thank everyone for speaking from their hearts about the issue of public education, why it is so important to them, and why they want a Secretary of Education who has that value and promotes that value and has the vision of that value, which is really why so many people in this country have spoken out and sent us letters and held rallies and inundated our phones. And I thank all those people who have done that. It has made an impact here and has made a difference. I think it has woken up each one of us to what we care about in this country and what we value and what we want.

Like many people, I received so many letters from my constituents, over 48,000 letters. That is just the letters—not phone calls—that I got, and I want to share some of them with you because they come from people's hearts. They are not form letters. They are not something they got from somebody else and forwarded. These are personal. And I think it is important that we hear these people.

I thank Marie Carlsen from Federal Way. She sent me a letter, and she said:

Dear Senator Murray,

Thank you for your continuing efforts at trying to prevent Betsy DeVos from becoming the head of the Department of Education. I have a child who has just started his schooling in our public school system, and from everything I have read or listened to about this woman, she has no business in education at all. She has no knowledge of the laws and protections guaranteed to our children, no comprehension of what our educators deal with on a daily basis, and would regress, gut, and otherwise destroy our educational system if she were allowed to become the head of the Department. I fear for my child's education, his safety, and his ability to compete in a global community in the future. I stand with you and thank you again for your efforts.

I thank Marie for writing in. Like so many people across the country, she watched the hearing Mrs. DeVos came to where she spoke to our committee. We were only allowed 5 minutes each, which I really regret because I think it is important that we see who is going to be leading this agency, and our inability to ask her questions with full information really gave just a shallow picture of who she was. But like many people, my constituents and those across the country watched and were just shocked that somebody who had been nominated to head the Department of Education had such little experience and knowledge and understanding of the agency they had been tapped to lead.

I heard from Ms. Ina Howell in Seattle. She wrote to me, and she said:

I am writing to express opposition to the nomination of Mrs. Betsy DeVos as Education Secretary. Mrs. DeVos does not have any experience in the field of education and, as a result, will not effectively lead the Department of Education in maintaining and improving public education in the country. She did not seem to possess a basic understanding of key education policies, including the responsibilities of the IDEA Act.

She did not understand the difference between student proficiency and student growth measures. She did not understand simple facts and figures, like the percent increase in student debt from 2008 to 2016. She failed to adequately answer questions on equal protection for LGBT students and their civil rights, confronting campus sexual assault and the regulation of the for-profit higher education industry.

This is Ms. Ina Howell—she happens to be with the National Alliance of Black School Educators—expressing deep concerns that the nominee doesn't have the basic issues and knowledge that she should have in running this agency, nor the passion for it, which is so important as the leading spokesperson in the country.

I heard from Dana Hayden from Poulsbo, WA, and she said:

Dear Senator Patty Murray,

I have been an educator in our State since 1984. I have seen your positive efforts for the citizens of WA firsthand.

Last night, we found out that our family will be welcoming our first grandchild in July—a girl. I am so joyful, yet quite worried about the world she is coming into.

Then I saw you on the news. You give me hope! Thank you!

I wonder what kind of school experience the next generation will have if DeVos is allowed to decimate our education system, the way Trump is decimating our Nation with orders.

These are people who have not written in before. They are writing long letters, many of them pages long, speaking from their hearts about the value of public education, what it means to them and their grandchildren. They know this country was built on a system of public education that ensured every child would be provided a school in their community to go to so that they could have the opportunity their parents and grandparents and great-grandparents had.

I could read through so many of these. Here is one from Miles Erdly from Kent, WA. He says:

My name is Miles Erdly, and I am the principal of Horizon Elementary in Kent. As a strong supporter of public education, I ask that you vehemently oppose the confirmation of Betsy DeVos as Secretary of the U.S. Department of Education. Educators and students deserve a Secretary who can commit to supporting every student in all public schools, and a leader who will work tirelessly to promote a public education system that provides each child with the optimum conditions for teaching and learning. Betsy DeVos's past work in education and her performance at the recent confirmation hearing demonstrated neither a depth of experience nor knowledge base in education policy and on critical issues facing the community. As a principal, I have spoken with teachers, parents, students, and community members across the political spectrum, and there is widespread agreement that Betsy DeVos is not the right person for the job.

This is Miles Erdly, a principal, and he watched the hearings, like so many people did, and was so concerned that we had in front of us a nominee for the Secretary of Education who didn't share that core value of public education for all students.

Ms. Gabrielle Gersten from Seattle, WA:

As a college student, the idea of Betsy DeVos becoming the Secretary of Education concerns me for multiple reasons. She obviously has been fortunate enough to go through school and a higher education without a worry about money, but that is not the case for most college students. I, myself, am lucky enough that my mom saved money for me to attend college, but many of my friends are working hard on their own to pay for college education themselves. Also, her zeroing the funds for title I is worrisome because every State should be held to the same standard to give children in poverty access to an education. An educated nation is a stronger nation. Not everyone can afford to go to private school or have the opportunity to attend one, whether that be the money or even finding a way to get to school. She has goals, but they are not as easy to achieve for everyone, and I don't think she keeps that in mind.

Additionally, title IX is very important to me, as a female college student, and the rest of my peers. She needs to support title IX and keep universities accountable to it.

Mr. President, I couldn't agree more. Title IX is critically important in our higher education system. We have

worked on a bipartisan basis to ensure that title IX is enforced. And to have a nominee for Secretary of Education who came before our committee, did not understand title IX, didn't have a commitment to title IX, sends shock waves through students across this country and their parents who have pushed and pushed for us to make sure that title IX is overseen in a way that makes sure our students at schools have the support they need from our highest education person in this country.

I could go on forever. I know several other Senators are going to be here on the floor shortly. Let me just say this: I have had the opportunity to be out here on the floor to hear from so many Senators who gave their personal stories about what education meant to them. Young people growing up in poverty knew that school was there for them. They knew they had teachers and friends who were there for them. Not everyone was perfect. Certainly not every school is perfect. Certainly all of us who have been involved in public education strive for better every day, but that school was there for them.

The thought that we have a Secretary of Education nominee who doesn't share that basic value, who wants to change the system to privatize it—she has said herself that she wants to end public education. Privatizing schools, having some kind of corporation running our schools, is just not what our country is about, is not what we want. We are not even leaning in that direction. They want our country to lean in the other direction—to strengthen all of our public schools, to have taxpayers across the country investing in every student, and that those schools be held accountable and that we ask our elected representatives to hold them accountable. That is not the vision that this nominee has presented to us, and it is a vision that I have worked passionately on through all of my life, and really that is why I am here to oppose this nomination.

I want to thank everybody who has written in and called and been passionate about public education in this country, and I encourage them to keep using their voices to fight for that passion. It is well worth the fight.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, "Now is the time to put country before party." That was an observation by the Democratic leader just yesterday on the Senate floor. Our friend from New York makes a good point, and I am hopeful it is a principle his own caucus will follow in the days to come.

We are no longer in the midst of a contentious Presidential election. We have a new President, and that President has now put forth an exceptional Supreme Court nominee and a number of well-qualified Cabinet nominees. Yet, more than 2 weeks into his term, President Trump has the fewest Cabinet Secretaries confirmed at this point than any other President since George Washington.

The President deserves to have his Cabinet in place. The American people deserve that as well. I would remind our Democratic colleagues of the things they themselves have said when the shoe was on the other foot.

Here is what their last Vice Presidential candidate, our colleague from Virginia, had to say: "I think we owe deference to a President for choices to executive positions." So yes, "Now is the time," as the Democratic leader said, "to put country before party."

One way to do so is by ending the unprecedented delay we have seen by Democrats on the President's Cabinet appointments. Our colleagues will have an opportunity to chart a different path later this afternoon and the rest of the week as we vote to confirm more nominees.

This afternoon we will vote on the President's nominee for Secretary of Education, Betsy DeVos. I look forward to confirming her to this important position so that she can get to work on behalf of America's students and schools.

As I said yesterday, this well-qualified candidate has earned the support of several education groups and nearly two dozen Governors from across the Nation. She understands that teachers, students, parents, school boards, and State and local governments, not Washington bureaucrats, are best suited to make education decisions for our kids. And I know she is committed to improving our education system so that every child—every child—has a brighter future.

After we confirm Mrs. DeVos, the Senate will turn to another well-qualified Cabinet nominee, our own colleague, Senator JEFF SESSIONS of Alabama. We all know Senator SESSIONS, and we know him to be a man of his word. We know he is a man who believes in the rule of law. We know him as someone who is willing to work with anyone, regardless of party, as he did when he teamed up on legislation with Democratic colleagues such as Senator DURBIN and our late colleague, Ted Kennedy.

I would remind Democratic colleagues that Republicans did not filibuster when a newly elected President Obama put forward his own Attorney General nominee, Eric Holder. In fact, the nominee who will soon be before us, Senator SESSIONS, crossed the aisle to vote for Eric Holder; this, despite the fact that the Holder nomination in the Republican conference here in the Senate was one steeped in considerable controversy.

What a contrast with the way the Democrats are now treating our colleague's own nomination now. They are looking to waste even more time for its own sake today. It has been unfortunate to hear the attacks that some on the far left have directed at our friend over the past few weeks, but I am pleased the American people have had the opportunity to learn the truth about Senator SESSIONS and to see for themselves how qualified he is to lead the Justice Department.

We can expect that Senator SESSIONS in his new role will continue fighting to protect the rights and freedoms of all Americans as he also defends the safety and security of our Nation.

Tomorrow I will have more to say about Senator SESSIONS and the impact that he has had on each of us here in the Senate, but for now, I would encourage colleagues to finally come together and show him and each of the remaining nominees the fair consideration they deserve.

Mr. DURBIN. 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. SCHUMER. 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. SCHUMER. Mr. President, I just listened to my friend the majority leader and the majority whip on the floor. They are able legislators, but they are sort of misleading the public as to our motivation. They have tried to paint every Democratic request as leftover resentment from the election. "Sour grapes" the majority leader said a few weeks ago. They can say it day after day after day, but it will never be true.

All we Democrats are insisting on is careful, careful consideration of nominees who we believe almost universally are below par. These nominees are going to have a tremendous effect on the American people.

Every mother and father in America should worry about Betsy DeVos's lack of dedication and almost negative feelings about public education. She heaps abuse on public education. Ninety percent of our children are in public schools. Of course, there should be discussion about it. She shouldn't be the nominee.

Yes, I understand, our colleagues on the other side of the aisle, there is a new President. My guess is, if we went in their cloakroom and heard their whispers, our Republican colleagues would say: I wish he could have come up with someone else.

Betsy DeVos is the negative trifecta. She is negative on competence. She doesn't even understand the basic aspects of education. She is negative on philosophy. She disdains public education, where 90 percent of our kids are. She is negative on ethics. Her con-

flicts of interest are legion, and she hasn't, unlike some other of the Cabinet nominees, tried to erase them.

So of course there should be a tremendous amount of discussion. Of course Democrats ought to bring to light who Betsy DeVos is. So when she does her acts as Secretary, when she does things that hurt public education as Secretary, the American people know what is happening and can stand up against it.

I have to tell my colleagues, it is not Democrats who are bitter about the election; it is the American people who are bitter about the nomination of Betsy DeVos, and that is why millions and millions of calls—almost unprecedented on a Cabinet nomination—have poured into this Capitol, into Democratic and Republican offices alike. The distinguished chairman of this committee—who is a dear friend; I have such respect and admiration for him, and we have spent time together socially—was put in the awkward position of having to rush through a nominee, 5 minutes of questions, that is it, for each Senator; 5 minutes at night, no second rounds. There was no rationale for that, other than he was afraid of what she would say or might not say. Sure enough, when she testified, those fears were actualized because Betsy DeVos couldn't answer the most fundamental questions about public education.

She couldn't get her paperwork in on time. What kind of nominee is that? How is someone who is going to run the Department of Education, with tens of thousands of employees, unable to get her paperwork submitted in enough time to clear the ethics organizations? How was she unable to get her paperwork in on time? Every nominee of President Obama's did, and we didn't hear from them until they did.

The rush; a few extra days, some hours last night so we might examine a nominee who has tremendous power over the future of millions of American kids and their families—oh, no. If anything, we should be spending more time on Betsy DeVos, not less. What should be happening is she should go back for a second hearing now that her paperwork is in. What should happen is she should be asked more questions because she was so unable to answer so many rudiments last time. What should happen is, there should be more time, not less, on debating this nominee, not because we want to be dilatory but because we want a nominee who at least meets some basic tests, and she does not.

That is why every Democrat will be voting against her, and two Republicans, who showed tremendous courage. Again, I have been around here a while. I know the pressures. That is why I have such respect for the Senators from Alaska and Maine who voted against Betsy DeVos not for political considerations, not in frustration that they lost the election but because they knew how bad she would be

for public education because their States are largely rural. In rural America, there is not much choice, which has been Betsy DeVos's watchword, although the charter schools she set up have been, by and large, a failure. They don't have that choice. So someone who decries public education, who disdains public education, is not good for their State and, I would dare say, is not good for the States of a lot of Senators on the other side of the aisle who feel compelled—that party loyalty—to vote for her. In fact, when we talk about parties demanding things, it is the Republican side demanding a vote for an unqualified candidate, not the Democrats delaying the vote.

I hope against hope that another Republican will have the courage of the Senators from Alaska and Maine and join us. Then what can happen is the President will get to make the nomination. We Democrats are not going to pick the Secretary of Education, but it will be a qualified nominee because they will have learned their lesson at the White House that they can't brush through these nominations with such little vetting.

NOMINATION OF JEFF SESSIONS

Mr. President, now I would like to say a word—we will be saying more later—on Senator SESSIONS, who will be coming forward after we vote on Mrs. DeVos at noon today.

The nominee for Attorney General has huge importance—far greater importance than the nominee would have had 3 or 4 weeks ago. We need a lot of discussion on that. What we have seen is a President who belittles judges when they don't agree with him. What we have seen is a President who is willing to shake the roots of the Constitution and a fundamental premise—no religious test—that is embodied within our Constitution within his first few weeks in office.

We certainly need an Attorney General who will stand up to the President. We have seen other Attorneys General do it, most notably in the Clinton administration. Senator SESSIONS—I ride with him on the bike in the gym—is not—if you can say one thing about him, he is not independent of Donald Trump.

He supported Donald Trump from the very beginning. Even when Donald Trump didn't look like he was going to be much of a candidate, if you had to pick someone who would not stand up to a President when the President goes too far—well, let's put it the other way. If you had to pick someone who would stand up to a President when the President goes too far on picking on the judiciary, on avoiding the tenants, breaking the tenants of the Constitution, whatever the legal case shows, you wouldn't pick JEFF SESSIONS.

His record is clearly troubling. We will hear a lot more about it later. He is probably the most anti-immigrant Member of this body, Democrat or Republican. And many of us on this side believe that immigrants are an asset to