

## Washington: EXECUTIVE SESSION

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### **Body**

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Washington: The Library of Congress, The Government of USA has issued the following house proceeding:

EXECUTIVE CALENDAR The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the nomination of Elisabeth Prince DeVos to be Secretary of Education, which the clerk will report. The senior assistant legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Recognition of the Minority Leader The PRESIDING OFFICER. The Democratic leader is recognized. The Cabinet Mr. SCHUMER. Madam President, I rise this morning to speak directly to my friends on the other side of the aisle. Now is the time to put country before party. I understand the pull of party loyalty. I understand deference to a new President. But from what we have seen in the first 2 weeks of this administration, party loyalty is demanding too much of my Republican colleagues on several issues. On the matter of the Cabinet, on the matter of the President's Executive order on immigration, and on the matter of dealing with Russia, we need Republicans to set aside partisan considerations in favor of doing what is best for the country; otherwise, our institutions of government, our Constitution, and our core American ideals may be eroded. My friends on the other side of the aisle are going along with the President and treating many of these things as if they are normal, but America knows they are not. We need Republicans to start recognizing it, saying it, and stepping up to the plate to do something about it. I understand my Republican colleagues will go along with the President 90 percent of the time, but there are certain issues that are too important that demand putting country above party. Now is the time to put country above party. First, on the Cabinet, our norms of good government and above all ethics are being tested by a Cabinet unlike any other I have seen in my time in public office. There are so many billionaires with so many conflicts of interest and so little expertise in the issues they would oversee. Take the nomination we are now considering: Betsy DeVos for Education Secretary. In my mind she is the least qualified nominee in a historically unqualified Cabinet. On conflicts of interest, she ranks among the worst. In her ethics agreement, which was delivered to the committee after the first hearing, it was revealed that she keeps interests in three family-owned trusts that have holdings in companies that could be affected by matters related to the Department of Education. Independent ethics watchdogs have criticized her ethics agreement for failing to deal with these conflicts of interest. On philosophy of education, her views are extreme. She seems to constantly demean the main purpose of her job--public education. Nine out of 10 American kids attend public schools. Her views on public education are a major concern, particularly for Senators from rural areas. There is not a lot of choice of schools outside major metropolitan areas. If you don't have a good public

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school in your neighborhood or in your community, you have nothing. Any Senator from a rural State should be worried about her commitment to public education. [[Page S686]] We in New York have the third largest rural population in America. I am worried for those schools where, if the school is no good, you don't have much choice; you don't have any choice. Above all, and on basic competence, Mrs. DeVos has failed to make the grade. She didn't seem to know about the Federal education law that guarantees education to students with disabilities. She could not unequivocally say that guns shouldn't be in the schools, and she didn't seem to know about a long simmering debate in education policy about measuring growth versus proficiency. Frankly, Mrs. DeVos's answers at the hearings were embarrassing, not only for her but for my Republican colleagues on the committee who rushed her nomination through with 5 minutes of questions, only one round, and at 5 p.m. Cabinet Secretaries can't be expected to know everything, but this is different. The nominee for Secretary of Education doesn't know some of the most basic facts about education policy. She has failed to show proficiency, and there is no longer any time for growth. The American people are speaking in one loud voice against this nominee. I have had many people come up to me in New York and say: I voted for Donald Trump, but I am making calls about this nominee. Americans across the country in red and blue States have been flooding our offices with phone calls and emails, asking the Senate to vote no on Betsy DeVos. Local newspaper editorial boards, many of whom have endorsed Trump, are saying the same thing. My friends, the Senators from Maine and Alaska, were profiles in courage last week when they announced their opposition to her nomination, but, unfortunately, so far they are the exception. We need just one more vote, and we can get a Secretary of Education who is a lot better than the one who was nominated. I ask my colleagues on the other side of the aisle to follow the courageous example of the Senators from Maine and Alaska. We have an obligation as Senators--not as Republicans and not as Democrats, but as Senators--to evaluate these nominees and their fitness for office because these nominees are going to wield immense power over the lives of Americans for the next 4 years. I ask my Republican colleagues to look into their conscience and cast their votes tomorrow, not based on party loyalty but based on whether or not Mrs. DeVos is qualified to be our Nation's leader on education policy. If one doesn't measure up, the Senate has a responsibility to reject the nomination. I realize it rarely occurs, but this should be an exception because she is so uniquely unqualified, whether it comes to competence, whether it comes to philosophy against the public schools, or whether it comes to conflicts of interest, which still exist in far too many instances with Mrs. DeVos. Travel Ban Madam President, second, the President's Executive order on immigration and refugees is so poorly constructed, so haphazardly implemented, so constitutionally dubious, so wrong in terms of what America is all about, and so contrary to our basic values as Americans that my Republican friends should feel a duty to country to help us rescind it. Several Members on the other side--I think it is over a dozen--have expressed concerns about it. Several spoke out strongly and unequivocally about imposing any type of ban during the campaign, but now that we have such a ban, they are unfortunately silent. It is time for that silence to end and for Republicans to step up to the plate and start backing up their words with actions. On Friday, the order was temporarily blocked by a Federal judge, Judge Robart. On Saturday, the President questioned his court credibility via tweet and then asked the country to blame any potential attacks on the country on the judge and the courts. He is not a "so-called" judge as the President tweeted but rather a Senate-confirmed Bush appointee. That is not how we do things here in America. There is a separation of powers for a reason. An independent judiciary is absolutely necessary to ensure Presidents and Congresses do not break the law or impinge on the Constitution, but this President has shown a certain callousness when it comes to judges who rule against his whim--Judge Curiel during the campaign and Judge Robart now. Instead of attacking the judge, the President should be working with Congress to tighten up security where it is actually needed. The President has said that if there are attacks, the judge will be to blame. I will remind him that not one attack on U.S. soil has been perpetrated by a refugee from one of the seven countries in the Executive order. This order doesn't make us any safer; if anything, the Executive order increases the risk of lone wolf attacks, our greatest threat. That is what happened in San Bernardino, it is what happened in Orlando, and no authority less than Senator John McCain has said exactly that--that it will increase the likelihood of attacks by lone wolves, those disaffected people who are egged on by the evil ISIS. So I make this offer to my friends on the other side of the aisle: Join Democrats in rescinding the Executive order, and we will work with you in a bipartisan way in good faith to actually make our country safer. Close up that visa waiver program where people from countries-- just because they are generally friendly to us--are not checked. We know places such as France and Belgium have homegrown terrorists lured by ISIS. They can get on a plane and come here far more easily than a refugee from those seven countries. Let's tighten that up. Instead, the President gives us this Executive order. Lord knows how he came to it. Every expert on terrorism will say there are a lot more important and better things that we need to do. So let me repeat: The stakes

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are too high for party loyalty to stand in the way of doing what is right to protect this country. We ought to scrap the order and start over. The order not only does not protect us from terrorism but makes it worse. It stands in the face of what America is all about. Our country has welcomed immigrants, and the beautiful lady with the torch in the harbor of the city in which I live has beckoned us for generations. Russia Finally, Madam President, I ask my Republican colleagues to put country over party when it comes to Russia. This administration has shown a disquieting reluctance to criticize Russia when it flouts international norms and laws. The administration seems hesitant to enforce new sanctions and has even hinted at relaxing existing sanctions at what has always been our most formidable enemy along with ISIS: Russia and Putin. Unbelievably, just yesterday the President insinuated that the Russian and American Governments were somehow morally equivalent. When asked about Putin's authoritarian regime, President Trump responded: "There are a lot of killers. You think our country is so innocent?" Can you imagine if a Democrat had said that? Every one of these seats would be filled with people decrying that kind of moral equivalence. Russia, a dictatorship where Putin kills his enemies, imprisons the press, and causes trouble anywhere he can in the world is morally equivalent to this great land? Come on. Where are you? You know if the Democrats had said that you would be howling at the moon, and rightfully so. But here, I don't hear much. Vladimir Putin has little or no respect for the diversity of his people, for freedom of religion and expression, for a free press, for free and fair elections in Russia--and America, it seems--and he has demonstrated on more than one occasion that he will go to any length to silence political dissidents, including murdering them. I would ask President Trump: Does that sound like America? Maybe in President Trump's mind it does, but it sure doesn't to most of America--just about every American. It is not the America that this body represents. As I said, my Republican colleagues ought to be aghast. I don't think anyone from the other side would associate himself or herself with those comments. I am encouraged that the Republican leader and other Senate Republicans have criticized the President for those dangerous remarks, but what worries me most is the policy. Russia is a persistent and strategic threat to this Nation. Will this administration cozy up to Putin and his oligarchs and relax sanctions? Will they look the [[Page S687]] other way when Russia supports separatists in Ukraine, commits human rights violations alongside Iran, Hezbollah, and the Assad regime? Putin is the kind of person who, if you give him an inch, he takes 10 miles. We all have come across people like that. President Trump's rhetoric is ceding more of the battlespace to our enemies each day. So what we must do in this body is ensure that current sanctions stay in place and are robustly enforced. We also need to increase sanctions on Russia for its interference with our election. We ask our colleagues to step up to the plate, do what they know is right, and join us in making sure that the President cannot unilaterally reduce sanctions and that we strengthen sanctions for what he has tried to do in our election. The stakes are too high to let loyalty to this President--any President--stop this body from doing the right thing for the American people. On the Cabinet and particularly Mrs. DeVos, on the Executive order, the lack of respect for an independent judiciary, and on Russia, I ask my Republican colleagues once again to consider principle over party and their duty to country before deference to the President. Madam President, I yield the floor. The PRESIDING OFFICER. The Senator from Washington. Mrs. MURRAY. Madam President, over the last few weeks, people across the country have continued to make their voices heard in opposition to the nomination of Betsy DeVos--moms and dads, grandmothers and grandfathers, students young and old, and cities, towns, urban, suburban, and rural communities. People are standing up and they will not be silenced. Thousands upon thousands have joined protests in their communities. Hundreds of thousands have emailed or called their Senators, jamming our phone lines, swamping the voicemail system, and shattering records. Millions have engaged on social media, sharing information with their friends, signing petitions, and pressuring their elected officials. It has made a difference. Every single Democrat will be standing with their constituents and opposing Betsy DeVos. Just last week, two Republicans announced their opposition as well. I can tell you I know for a fact there are other Republicans who are feeling the heat and could come around. This nomination is dead even right now, on the razor's edge. Fifty Senators, Democrats and Republicans will vote to reject Betsy DeVos. We need just one more Republican to join us, to stand on the side of students, parents, and public education in America and say no to Betsy DeVos. I come to the floor to kick off the final day of debate on this nomination. On Friday, I spoke at length, making my case for why the Senate should oppose Betsy DeVos. Democrats will hold the floor for the next 24 hours, until the final vote, to do everything we can to persuade just one more Republican to join us. I strongly encourage people across the country to join us. Double down on your advocacy, keep making your voices heard for these last 24 hours. Over the past 3 weeks, I have heard a number of Republicans wonder why Democrats and so many parents and teachers across the country were so focused on this nomination in this moment. President Trump has done so much in these first few weeks, and so many of his people he has nominated to run critical agencies have not been people I can

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support, but what is it about Betsy DeVos that has inspired so much grassroots energy and opposition across this country? I think I understand. It is very clear to me. For the vast majority of people across the country, public education isn't just another issue, it is different. For those of us who owe everything we have to the strong public education we received, for those who saw our children and grandchildren move through our public schools, for those of us who walked into a public classroom ourselves to teach or have friends or family who have dedicated their lives to teaching, for those of us who see the role strong public schools play in our communities, especially our rural communities, often offering an educational and a community resource where it simply wouldn't otherwise be offered, we believe that a commitment to strong public schools is part of America's core, the idea that every student in every community should have the opportunities that strong public schools offer. This is a notion that is embedded in our values. It is who we are. It is in our blood. For those people across the country who feel that way, who believe those things, the nomination of Betsy DeVos truly hits close to home. It was a slap in the face because she doesn't approach this the way most of us do. She doesn't cherish public education. She doesn't value it. She is someone who has dedicated her career and her inherited fortune to privatizing public schools, to tearing down public education, to defunding it in order to push more taxpayer dollars into private schools and for-profit charters. She has called public education "a dead end." Where she sits from a distance, she has called it "an embarrassment." She has disparaged those who work in our public schools, saying our best and our brightest "steer clear." She has said education is "an industry." An industry? Well, for someone such as she, a billionaire, rightwing activist who spent her career and inherited fortune buying and selling companies, she just doesn't understand an "industry" that isn't focused on profits and that doesn't exist in the free market. When people across the country hear someone such as Betsy DeVos say these things about public education, when they hear a rightwing conservative billionaire more focused on her antigovernment ideology than helping our students, when they see that someone who spent her career trying to destroy public schools has been nominated to lead the Federal Agency dedicated to public education, they start to pay some attention. In a Senate hearing, when they see that person so clearly lack any of the issues, when they see her unable to explain basic concepts in education policy, unwilling to make basic commitments to not privatizing or defunding our public schools, confused about the need for Federal protections for students with disabilities and so committed to a rightwing agenda that she pointed to the need for guns in our schools to protect against "potential grizzly bears" in response to a question from a Senator representing the Newtown families, people across the country pay even more attention, and they start to make their voices heard. I am not surprised that opposition to Betsy DeVos has caught fire across the country. I am not surprised people are talking about it to their friends, writing letters to the Senators, and showing up to protest when they have never done anything like that before because this is about their kids, their schools, and their communities. It is about the core idea that we are a nation that invests in strong public education and one that strives to guarantee the promise and opportunity it affords to every student in our country--not that public education is perfect, of course not. We have a lot of work to do, but that work should be directed toward strengthening public schools, not tearing them down. Public education is something that should be valued as an important piece of the fabric of this Nation and the expansion of our middle class, not scorned and ridiculed by billionaires who never had any use for it themselves. Friday I spent a lot of time on the floor laying out my case in detail opposing Betsy DeVos. I talked about the open questions that are remaining regarding her tangled finances and potential conflicts of interest. I ran through the strong concerns with her record, her lack of experience, and her lack of clear understanding of basic education issues. I discussed my strong belief that her vision for education in America is deeply at odds with where parents, students, and families across our country want to go. I went through the process of how Republicans jammed this nominee through our committee, cutting corners and doing everything possible to protect her from scrutiny. I will not go through all of that again now, but I do want to make one more point, one I hope will be compelling to my Republican friends who are still resisting pressure from their constituents and sticking with Betsy DeVos; that is, no matter what you think about Betsy DeVos's policy ideas, no matter what you think of her qualifications to run this agency, no matter [[Page S688]] what you think about her personal understanding of the issues or her financial entanglements, one thing is very clear; if she is confirmed, she would enter this job as the most controversial and embattled Secretary in the history of this Department. She would start this job with no credibility inside the agency she is supposed to lead, with no influence in Congress, as the punch line in late-night comedy shows, and without the confidence of the American people. A vote for Betsy DeVos is a vote for a Secretary of Education who is likely to succeed only in further dividing us on education issues and who may try to take steps to try to implement her anti-student agenda but would do so with people across the country. So many of us in the Senate are on guard and ready to fight back. I urge my Republican friends--and we just need

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one more--let's cut this off right now. Let's ask President Trump to send us someone who is qualified, who understands the issues, and who truly cares about public education. Together, let's stand with our constituents and say no to Betsy DeVos. Madam President, I yield the floor. The PRESIDING OFFICER. The Senator from Maryland. Mr. VAN HOLLEN. Madam President, I wish to start by thanking Senator Murray and the Members of the HELP Committee for the work they have done to cast light on the record and the lack of record of Mrs. Betsy DeVos, President Trump's nominee to be Secretary of Education. As the Senator from Washington has told us, the more the American people learn about the record of Betsy DeVos, the more concerned they become. The American people are making their voices heard in every Senate office. The switchboard has been essentially shut down, and I can tell you that I have received over 14,000 calls from Maryland on this nominee alone. People are calling because the more they look at the record, the more they realize this nominee's lack of commitment to the essential mission of the Department of Education. That mission is to provide every child in America with access to a quality public education. This concern about the nominee is shared across political parties. As Senator Susan Collins of Maine said on this floor, Mrs. DeVos's concentration on vouchers ``raises the question about whether she fully appreciates that the Secretary Of Education's primary focus must be on helping States and communities, parents, teachers, school board members, and administrators strengthen our public schools." Regardless of ZIP Code, our mission must be to provide every child with access to a high-quality neighborhood public school. It is absolutely true that in too many places around in country we are failing to meet the goal, but the response to a troubled school should not be to walk away from it in favor of sketchy voucher schemes. Instead we must work together to provide the necessary resources and interventions to help those schools and those students achieve success. Over the last 2 years, I have spent a lot of time traveling over the great State of Maryland. I visited schools, talked to college students, and heard from parents. No matter where I went, in every part of our State, everybody wanted the same thing: a good school, affordable college, either community college or 4-year colleges, and a fair shot at reaching their dreams. The U.S. Department of Education is supposed to help them get that opportunity. Let me take a moment to talk about what the Department of Education means to some neighborhoods in my State of Maryland. Not long ago, I visited a pair of community schools in Baltimore City, the Historic Samuel Coleridge-Taylor Elementary School in Upton/Druid Heights in West Baltimore and the Benjamin Franklin High School in Brooklyn, South Baltimore. Upton/Druid Heights is a historic African- American community in Baltimore. Supreme Court Justice Thurgood Marshall, jazz great Cab Calloway, and civil rights pioneer Lillie Mae Carroll Jackson all walked its streets, but today it is a community in distress. Most of its children live in poverty; 95 percent of the students at Samuel Coleridge-Taylor Elementary are on free or reduced lunch. Despite its challenges, it has a strong faith-based institution and community groups. Mrs. DeVos's approach to schools such as Samuel Coleridge-Taylor has been to give up on them, to abandon them, and to divert resources to voucher programs. Fortunately, the Department of Education did not abandon this school. In 2012, it designated Upton/Druid Heights as a Promise Neighborhood. The Department provided resources to support comprehensive services for families. These include B'more for Healthy Babies, which has dramatically reduced infant mortality rates in the city; Parent University, to help educate parents of young children; and financial literacy and education, to help with filling out income tax forms and to help families manage their budgets. In 2012, Samuel Coleridge-Taylor became a community school. It has a community school coordinator, a position that can be filled using funds under title I of the Elementary and Secondary Education Act, which provides financial assistance to schools with high numbers of children from low-income families. The community school coordinator works with parents, students, educators, and community residents to learn the needs of the neighborhood and form partnerships to meet them. The University of Maryland School of Social Work, which is located just down the road, joined them to provide trauma training so that teachers could recognize and respond to trauma among the children and go on home visits to work with families. They received a grant to build a first- ever playground on campus--something that most schools take for granted. Local churches provided safe spaces for kids. The Weinberg Foundation donated a beautiful library. There is a jobs center, where parents can look for employment, and a food bank, to send kids home with something to eat over the weekend. The school was transformed into a place where kids want to be, receiving the mayor's award for the greatest drop in students at risk for chronic absenteeism. It has been a success story. In a little different part of town, Ben Franklin High School exists, and it is isolated geographically in the Brooklyn neighborhood. It is on a peninsula at the southern part of the city. Brooklyn is a historic waterfront neighborhood with strong ties to manufacturing. The Brooklyn community built ships for the United States in World War II. Many families in Brooklyn have been there for generations. As manufacturing left and Bethlehem Steel closed--Bethlehem Steel provided about 12,000 good-paying manufacturing jobs--times got tougher for those working families. In the year 2011,

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Benjamin Franklin was one of the bottom 5 percent of schools in the State of Maryland--again, one of those schools that this nominee would have walked away from in favor of vouchers. Again, the good news is the Department of Education did not walk away. It provided extra funding to help turn things around. Using the community schools model, they assessed and responded to the needs of the students. Interns from the University of Maryland School of Social Work provided mental health services. The United Way offers a workforce development program and an onsite early childhood development center that helps teen parents graduate, knowing their children have quality care. A family stability program helps families avoid homelessness. CSX is working with the school to build a football field. Students worked together with their neighbors to take ownership of their communities and protest the placement of an incinerator near them. Some figured that this low-income neighborhood was a good target to put an incinerator, but the community fought back and won. They have put thousands of hours into community service, including the Chesapeake Bay cleanup. The school's office of student service learning helps connect students to internships and job-training programs. In Brooklyn, the crime rate and the teen pregnancy rates have dropped, and attendance at Ben Franklin is up. When I asked the students what they liked about the school, they said: "We feel like someone cares now," and "everyone is positive." At both of these schools, Samuel Coleridge-Taylor and Ben Franklin, the [[Page S689]] principals told me that the community schools model allowed them to form partnerships to meet the needs of their students' lives so that they could focus on delivering a high-quality education. Because the students' needs are being met more comprehensively, the students can focus on learning, and because we have a team outside of the teachers who are helping provide some services to these kids, the teachers can focus on teaching. It is important for us to understand that every child who walks through the doors of a school has a unique family circumstance and their own individual needs. The community school approach emphasizes the fact that no school is an island unto itself. Every school is part of a neighborhood, and we need to understand the special circumstances of the children and families in those neighborhoods. It is not just for urban schools like Samuel Coleridge-Taylor and Ben Franklin. Community schools have shown success in rural areas of Pennsylvania, North Carolina, Montana, and all across the country. This idea that every child should receive a good public education is as old as our Republic itself. Our Nation's Founders knew the contribution of education to the success of our democracy. They knew that an educated population would be a strong safeguard against tyranny. In a letter in 1786, Thomas Jefferson wrote: I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness. As early as 1779, Jefferson was putting forward legislation to create a public school system that would give children a fair start. Jefferson later wrote to John Adams: It was a bill for the more general diffusion of learning. This proposed to divide every county into wards of five or six miles square, like your townships; to establish in each ward a free school for reading, writing and common arithmetic; to provide for the annual selection of the best subjects from these schools, who might receive, at the public expense, a higher degree of public education at a district school. He went on to say: Worth and genius would thus have been sought out from every condition of life, and completely prepared by education for defeating the competition and birth for public trusts. Though America did not start the public education system at that moment in time, those ideas and that philosophy of education as the great equalizer and tool to develop the talents of Americans, regardless of the circumstances of their birth, were the foundation of the public school system that we have today. President Trump gave remarkably little attention to education during his campaign. He pretty much ignored the public school education system in favor of his \$20 billion voucher scheme that would drain huge amounts of resources from neighborhood schools like the two in Baltimore that I just discussed. With the President offering only vague promises and pricey schemes, it is even more important that we have an Education Secretary with a steady hand and a deep understanding of the critical mission of the Department. It is clear that Mrs. Betsy DeVos is not the right person for the job. Mrs. DeVos advocates a concept of industrialized, privatized, and for-profit schools. This thinking is too small and too cramped for our kids. Our goal should not be vouchers for children to try to shop for a school with no accountability for quality. Our goal should be a neighborhood school for every child that meets their needs. We cannot abandon the families who cannot afford to make up the difference between the value of the voucher and the tuition at the private school. What do we say to them? We cannot abandon the students who cannot get accepted into private schools because many of these private schools say yes to some and no to others. What do we say to those who have the doors closed on them? We cannot abandon the schools that a voucher program would drain the resources from, and \$20 billion is a huge amount of the resources that we currently provide for schools like the two I mentioned in Baltimore City and schools in neighborhoods throughout the country. So instead of a risky voucher program, we need to make our schools better by giving them the flexibility to meet student needs

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and the support to make sure that our children are all ready to learn. In her hearing and in the responses to the questions for the record, Mrs. DeVos displayed an astonishing ignorance about the agency that she intends to run and, indeed, about the role of public schools in our country. All of us who have been part of this debate know that one of the most fundamental discussions in K-12 policy has been over accountability and how best to measure student knowledge and school performance. There has been an intense discussion over whether to measure school and student performance by student proficiency or by student improvement and student growth. Mrs. DeVos seemed totally confused about this discussion that is going to the heart of many of the debates here in Congress. Perhaps we should not be so surprised that she has such little understanding of the public education system, as she has spent much of her career attempting to dismantle it in favor of private, charter, and for-profit schools. She has been referred to as the "four-star general of the voucher movement." She has forcefully worked to expand vouchers, including spending millions on a failed ballot initiative to bring vouchers to the State of Michigan. When that didn't work, she created the Great Lakes Education Project to fund nonprofits and donate to State legislators who would advance vouchers and charters. With respect to the millions of dollars she and her family have spent trying to influence lawmakers, she stated: "We expect a return on our investment." She received a return in Michigan, where she played a role in a 1993 law that created incentives for charters to come to Michigan. The for-profit industry, in particular, responded, and they operate nearly 80 percent of the charters in the State of Michigan. In 2011, she pushed successfully for a law that allowed even low-performing charters to expand and repealed the requirement that the State publish annual reports on charter performance. I think we all believe that transparency is important, and it is shocking that there would be an effort to put the facts under the rug. After years of criticism, modest accountability measures were introduced in 2015, although Mrs. DeVos opposed and successfully stripped a provision from the bill that would have established a commission to explore ways to improve Detroit public schools. Seventy percent of Detroit charter schools ranked in the bottom quarter of Michigan schools. The nonprofit Education Trust calls their poor performance a "civil rights issue." In a report just last June, the New York Times called the situation in Detroit "a public education fiasco that is perhaps unparalleled in the United States." It would be a big mistake to impose that fiasco on the rest of the country. Mrs. DeVos has also advocated for online charter schools, and she was formerly an investor in the largest for-profit online school operator, K-12, Inc. In her response to questions about this model, she cited questionable statistics for the accomplishments of several virtual academies. Those statistics were disproved in an article in Education Week which compared them to the publicly reported figures used for State accountability. For example, Ms. DeVos wrote that Utah Virtual Academy has a 92- percent graduation rate. In fact, the most recently publicly reported figure is 42 percent. The last thing we need is a Secretary of Education coming up with alternative facts. While I believe that nonprofit public charter schools are important incubators for innovation, they have to play by the same rules as the rest of our schools. But Mrs. DeVos has rejected that equal playing field. In an exchange with Senator Kaine from Virginia where he repeatedly asked her whether or not the charter schools would have the same standards applied to them as public schools that received Federal funding, she refused to agree. It is pretty extraordinary when we have a nominee saying that she supports a taxpayer-funded blank check for some schools. Our Secretary of Education must be a responsible steward of taxpayer dollars and ensure that funds [[Page S690]] are delivering quality and results for students. Another area where Mrs. DeVos raises serious concerns is that of enforcement of equal rights, especially the rights of children with disabilities. All of us know the Department of Education has the very important job of enforcing civil rights laws and making sure we have equal access to education throughout the Nation. Congress prohibited discrimination in education on the basis of race, color, and national origin in title VI of the Civil Rights Act of 1964. Title IX of the Education Amendments of 1972 prohibited sex discrimination. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability. But all of us know that as late of the mid-1970s, public schools still accommodated only one of five children with disabilities, and many States had laws that explicitly excluded children with certain disabilities. When Congress addressed this with the passage of the IDEA legislation, it was a big breakthrough for our country and for our children. The IDEA was very straightforward and very simple: Every child deserves a "free appropriate public education" in the "least restrictive environment." The law requires schools to design an "individualized education program" for each child with a disability. IDEA has been a lifesaver for children with disabilities and their families. It has empowered them to get the quality education they could not earlier receive, and the law gives them tools with which they can fight to ensure that schools address their needs. This is why it was so alarming at the hearing to hear Mrs. DeVos say that the application of IDEA and the rights behind IDEA really was a State function--the same States that historically discriminated against these very children. That is not what the IDEA legislation is all about. It is a national standard to make sure we do not

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have discrimination based on disability. Yet, Mrs. DeVos in exchange concluded with: "I think that's an issue that's best left to the States." So whether it is her position with respect to vouchers and poaching resources that otherwise would go to improve our public schools or lack of support for the very idea behind IDEA, we have a nominee who the overwhelming majority of the American people recognize is the wrong choice to be the custodian of the Department that is responsible at the Federal level for providing support and educational opportunities to our children. In closing, with respect to the issue of guns in schools--and Senator Murray, the ranking member, has addressed this as well--it was pretty shocking to hear Mrs. DeVos trivialize the issue of gun violence in schools when she was asked about this by the Senator from Connecticut, Mr. Murphy, quipping that guns might be necessary to kill grizzly bears. We have had lots of debates in this Chamber, and obviously there are strong feelings. But I think we would all agree that the safety of our kids and our schools is not something that should be trivialized. In conclusion, let us heed the words of the editorial board of the Detroit Free Press. They have witnessed firsthand the experiments that Mrs. DeVos has made about education and have written in an editorial: "Make no mistake: A vote to confirm Betsy DeVos as U.S. Secretary of Education is a vote to end public education in this country as we know it." In a speech in 2015, Betsy DeVos said bluntly: "Government really sucks." I suggest that she should not be leading the agency entrusted at the Federal level with the education of our children, which, as our Founder said, is really the root of equal opportunity and the opportunity for every child to achieve their dreams. I join with the distinguished Senator from Washington State in urging my colleagues to vote no on Betsy DeVos for Secretary of Education. We can do better. We can do a lot better for our kids. The PRESIDING OFFICER. The Senator from Hawaii. Ms. HIRONO. Madam President, constituents from every State who care about our public schools and our students in public schools have broken records calling us, their Senators, in opposition to Betsy DeVos as Education Secretary. In the past few weeks, I have heard from thousands of Hawaii residents concerned about voting for an Education Secretary who clearly does not believe in our Nation's public schools. I wish to share two of their messages today. One constituent wrote to me: Dear Senator Hirono, As a proud Hawaii educator for 30 plus years, I'm deeply troubled by the possible appointment of Betsy DeVos to the position of US Secretary of Education. Although I would personally never consider applying for a job I am not qualified to serve in, it's baffling to me that our new Commander in Chief thinks someone who has NO experience as a teacher or administrator could be remotely prepared to lead our nation in this role. I don't have to explain to you what a selfless calling being a teacher is, nor do I believe our Hawaii delegation takes educating Hawaii's keiki lightly, so I implore you to work with other leaders in DC to make sure we have a suitable nominee for this essential position. Mahalo, Sandy from Honolulu Sandy and teachers like her devote more time and effort than is mandated to ensure that our public school students have a solid foundation in education and for life. Teaching is a calling, and I have met with many teachers who are totally committed to doing the very best they can for their students, and they want nothing less from the next Secretary of Education. They deserve a better qualified, better experienced, better prepared, and more committed Secretary of Education than Betsy DeVos. Next, I wish to share a message from Lorelei, a middle school principal on Oahu. Her letter begins: Dear Senator Hirono, 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. Educators and students deserve a secretary who can commit to supporting every student in all public schools, and a leader that will work tirelessly to promote a public education system that provides each child with the optimum conditions for teaching and learning. Betsy DeVos' 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. She ends her letter by saying: 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. As Lorelei said, it shouldn't be asking too much to have an Education Secretary who will stand up for public schools and the millions of our children who attend our public schools. That person is certainly not Betsy DeVos. In his opening remarks at Betsy DeVos's confirmation hearing, the chairman of the HELP Committee said that Mrs. DeVos was in the "mainstream" for supporting vouchers to send students to private schools, instead of investing in our public schools. This is not mainstream thinking. Being told otherwise is again dealing in "alternative facts." The chairman went on to repeat a so-called argument that Betsy DeVos and other school choice advocates make--that vouchers are simply Pell grants for primary and secondary education. Now, this is a real head scratcher, and I say: What? Here we go again down the rabbit hole, where up is down and down is up. Pell grants and vouchers are fundamentally different. Pell grants help offset the ever-rising cost of a voluntary college education. All colleges charge students tuition, and Pell grants provide opportunity to low-income students to be able to go to college. In contrast, every American child has a right to a free primary and secondary public



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education. Vouchers actually take resources away from public schools and make it that much harder to provide a good education for all of our students. Vouchers take money away from public schools; Pell grants don't. When a student uses a Pell grant at a private college or university, it has no impact on the funding a State college or university receives. But when a student uses a voucher to attend a private school, it takes away money from local public schools. How is taking money away from local public schools mainstream thinking? The Secretary of Education should be focused on improving our public schools, not taking money away from them. Furthermore, saying that Pell grants are similar to vouchers reveals a fundamental lack of understanding of the Pell grant program. Among her many duties as Secretary, Betsy DeVos would be in charge of managing \$30 billion per year of Pell grants, which help more than 8 million students afford a college education in this country. During the 2014-2015 school year, more than 21,000 students in Hawaii were able to finance their college education with nearly \$81 million in Pell grants. Last Congress, I led legislation to protect and strengthen the Pell grant program. But under Republican majorities, Pell grants are under the constant threat of irresponsible cuts and dismantlement, even though college today is more expensive than ever. Can we really trust Betsy DeVos to fight to protect Pell grants? Somebody who equates Pell grants with vouchers is not someone who understands her responsibilities under the Pell Grant Program. So can we really trust Betsy DeVos to support the Pell Grant Program? I don't think so. I have spoken out against Betsy DeVos's nomination a number of times, but some questions need repeating. What are we telling our students if we have an Education Secretary who is not committed to improving the public education system so that our students can succeed in school and in life? Nine out of every 10 students in the United States attend public school. What are we saying to them? Is it the best we can do to give them an Education Secretary who does not believe in the public schools they attend? Who doesn't believe that their education is worth fighting for? If this is the message you want to send to our students and their families, then vote for Betsy DeVos. On behalf of the nearly 200,000 public school students in Hawaii and their teachers and other educators in Hawaii, my answer is a strong, strong no. I urge my colleagues to question Betsy DeVos's commitment to our public schools and to the millions of students who go to public schools and vote against her nomination. I yield the floor.

Mrs. MURRAY. 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. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Kennedy). Without objection, it is so ordered. Mr. CASEY. Mr. President, I rise to speak this afternoon about the nomination of Betsy DeVos to be Secretary of Education. I know we will have had some time later today and even tonight, but I wanted to review some of the concerns I have about her nomination in the allotted time that I will have--I guess about 15 minutes. The first concern I have is a broad concern that I think is shared by a number of Senators on the Health, Education, Labor, and Pensions Committee. The ranking member, Senator Murray, is here with us on the floor, and I am grateful for her leadership on this nomination debate, as well as many other issues. I guess the broad concern I have is Betsy DeVos's commitment to public education. I come from a State where we have had a tradition of public education since about the 1830s. I am fairly certain--I will stand corrected--but Pennsylvania might have been the first State to have public education as far back as the 1830s. It is part of the bedrock of the foundation of our State. Still, today, 92 percent of Pennsylvania students attend a traditional public school. We have charter schools. We have roughly 175 or so, but all of those charter schools in Pennsylvania have to be, by statute, public nonprofit entities. Public charter schools are what we have in Pennsylvania. We don't have for-profit private sector charter schools. It is not allowed by law. There are some limited circumstances when one entity could affiliate with a for-profit entity, but we have nothing like what Mrs. DeVos has supported in Michigan and across the country. For a Senator from Pennsylvania to be questioning a nominee for Secretary of Education about for-profit charter schools is unusual because we don't have that entity in Pennsylvania. My concern is substantial--and I will develop this later--about her commitment to public education. In fact, in my meeting with Mrs. DeVos, because of my concerns, I said something very simple, but I said it for a reason, to remind her about her obligation if she were to be confirmed. I said: You will not be the Secretary of private education; you are going to be the Secretary of Education, and for most of the country, that means traditional public schools, and I hope you understand that. That is a broad concern that I have, and I will talk more about it. My line of questioning the day of our hearing--I should say the evening of our hearing--focused on campus sexual assault; and that, of course, is an area of urgent concern for a lot of people here, a lot of members of the United States. It is also of greater concern now because of her nomination. What do I mean by that? Let me walk through how I got to my questions with her. We know the Department of Justice tells us that college women are twice as likely to be sexually assaulted than robbed in the time they are in college. This is a number that comes from the Centers for Disease Control. We also know that one in five college students

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experience attempted or completed sexual assault while they are in college. This is a direct threat to young women all across the country, and I think we have only begun as a country--as a nation, I should say--to begin to take steps to combat sexual assault, to insist that colleges and universities do more to insist that everyone in the education field, every person on a college campus assumes some level of responsibility. One of the reasons we can start down that path and begin to be certain that we are at least beginning to wrestle with this problem and give young women on our campuses more protection is because of recent legislation. We are not done. We have a lot more to do, but I will highlight one bill that I led the fight on--the Campus Sexual Violence Elimination Act, known as Campus SaVE. That became law in 2013, when we were reauthorizing--a fancy Washington word for doing it again or improving the law--the Violence Against Women Act. I was glad we were able to take a substantial step to tackle this horrific problem of sexual assault on campus. That legislation was followed by regulations. If I could summarize them, that law and the regulations that followed made sure that colleges and universities have clear guidelines, that victims know what their rights are, that victims know where to turn in the event of an assault, that we do a lot more on prevention, that bystanders can no longer be inactive, that they have to be trained and prepared to help, and that the entire college campus is focused on preventing sexual assault and then making sure, in the aftermath of an assault, it is dealt with appropriately. This legislation has helped campus communities respond to not only sexual assault but domestic assault, dating violence, as well as stalking. It does give students and employees the opportunity to do more than has been done on college campuses. When I was questioning Mrs. DeVos, I asked her if she would commit to upholding title IX, the nondiscrimination statute that includes important protections against sexual assault. I asked her very specifically about the Department of Education's Office for Civil Rights, which had issued guidance in 2011 that advises institutions of higher education to use the so-called preponderance of the evidence standard for campus conduct proceedings. Some may be familiar with that standard. It is a standard that we have used in our jurisprudence for civil cases across the country. You don't have to prove, nor should a victim of sexual assault on campus have to prove by the higher standard; say clear and convincing is a higher standard or beyond a reasonable doubt is a criminal standard. What the Department of Education said to the university campuses across the country is, the standard you should use is preponderance of the evidence. They based that determination after consulting with experts and advocates [[Page S692]] across the country. That is the state of law currently, the guidance from the Department of Education about that evidentiary standard, my legislation Campus SaVE, and that is where we are now. I simply asked Mrs. DeVos whether or not she would commit to enforcing current law and abiding by the 2011 Department of Education guidance. Her response was that it would be premature--I am using her word "premature"--to make that kind of commitment. I was stunned by that answer. Why would it be premature to say you are going to enforce current law? Why would it be premature to say that you can't make a commitment to insisting upon an evidentiary standard that is in place right now? That made no sense to me, and I don't think it made any sense to people across the country who have been working on this problem and trying to get the attention of the Senate and the House and any administration for years, if not for decades. We finally arrived at a place where we are at long last dealing with sexual assault in a very aggressive and appropriate and fair manner. Now we have a nominee who says she is not sure whether she can commit to that. That gave me great pause and is one of the reasons I don't support her nomination. I have several reasons. I know I am running low on time, but I will wrap up this portion in a moment. Another area of concern is the answers to questions she gave with regard to specific questions about students with disabilities. This was a set of questions asked by a number of Senators, but I will try to summarize it this way. She seemed to have a lack of knowledge, an apparent and I think obvious lack of knowledge, about basic Federal law, a law that was passed decades ago, the Individuals with Disabilities Education Act. She didn't seem to know that was a Federal statute. She seemed to assert that somehow States could decide whether to enforce the policy that undergirded that Federal law. That, of course, is not the case. It is Federal law, and we have to make sure individuals--in this case, students with disabilities--get the rights they are accorded by virtue of that law. Her lack of knowledge in this area was of concern, but maybe even greater concern was a lack of--or seeming lack of, in my judgment--determination to once again enforce this law, to make sure that on her watch the law that would protect students with disabilities would be enforced to the full extent of the law and nothing less. She didn't seem to be willing to commit to that or didn't seem to have the kind of commitment I would expect from a Secretary of Education. What we would all expect, Democrats and Republicans, I would hope, is a Secretary of Education who is a champion for public schools, is a champion for those children in public schools, will fight battles and urge States to make the investments in public education, would urge the Congress to make investments in public education, in early learning, and all of the concerns we have about lack of funding in public education. I would hope both parties would want a Secretary of Education who

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is a champion for students with disabilities, who would be a champion for those who are victims of sexual assault on our college campuses. Unfortunately, because of a series of questions posed both at the hearing and in written questions that were submitted for the record--to which Mrs. DeVos gave written answers--I see that basic commitment lacking. For that and many reasons which we will develop a little later tonight, I will be voting no on her confirmation vote. I appreciate this opportunity to share some of my thoughts and hope to be back later this evening. I yield the floor. Mr. 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. Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Ms. KLOBUCHAR. Mr. President, I rise to speak in opposition to the nomination of Betsy DeVos for Secretary of Education. My mom was a public schoolteacher, and she taught second grade until she was 70 years old. She loved teaching. Her favorite unit was actually the Monarch Butterfly Unit, where she would dress up as the monarch butterfly, and she would teach the kids about metamorphosis. The costume she wore, she would also wear to the supermarket afterward. She was dressed as this big monarch butterfly, with little antennae on her head and a sign that said: "To Mexico or bust" because that is where the monarch would fly on its way from Canada through Minnesota and down. It was the night before my mom's funeral at the visitation where I met a family who came up to me, and the mom was sobbing. I didn't know what was going on. I had never met them. They had their older son with them who had pretty severe disabilities. She said: You know, your mom had my kid here in school when he was in second grade. Now he was grown up. She said: He always loved that Monarch Butterfly Unit. After he graduated, your mom would continue to go to the grocery store, and that was why she would go to the store every year. He had gotten a job bagging groceries. She would stand in the line in her monarch butterfly outfit for years and give him a big hug when she got to the end of the line. That was my mom. She loved her kids and she was a devoted teacher. I went to public school through elementary to high school. My daughter went to public school. I learned that basic right we have in this country; that every child should have the right to an education. That led me to the conclusion--after reviewing the record of the hearing and talking to my colleagues on the committee--that this nominee and I do not share the same value when it comes to that public education. I note that two of my Republican colleagues, Senators Collins and Murkowski, have come to the same conclusion. One of the most troubling examples of Mrs. DeVos's views came when she was questioned by two of my colleagues. I note Senator Murray is here. We thank her for her leadership on the Health, Education, Labor, and Pensions Committee. Two of my colleagues, Senators Maggie Hassan and Tim Kaine, asked the nominee about whether schools should meet the standards outlined in the Individuals with Disabilities Education Act or, as it is known, IDEA. Mrs. DeVos said she would leave the decision of whether to offer equal educational opportunities to the States. This is simply unacceptable. It is not the kind of leadership we need. This is not why we have IDEA. I think most education professionals and people who are experts in this area would know that is not the answer. I occupy the Senate seat that was once held by Minnesota's own Hubert Humphrey. He was someone who was never at a loss for words. He delivered a speech to the Minnesota AFL-CIO 40 years ago. One line of that speech is just as appropriate and meaningful today as it was back then. He said: The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the needy, the sick and the disabled. I submit that Mrs. DeVos's opposition toward providing equal education opportunities to students with disabilities does not meet that moral test. Her views are at odds with decades of bipartisan support for IDEA. In 1975, when Congress passed the original version of IDEA, half of all children with disabilities were not receiving appropriate educational services, and 1 million children with disabilities were excluded entirely from the public school system. In an impassioned floor speech, then-Senator and later Vice President Walter Mondale of Minnesota talked about the need for IDEA. Before the 1975 law, disabled children were placed in segregated schools and classes with little emphasis on an education, training, or development. Many parents also gave up on the poor services offered by the public schools. As a result, disabled students remained at home. To tackle this problem, Republicans and Democrats came together to pass legislation ensuring that students with disabilities would have equal access to public education, just like all other kids. The law guaranteed and continues to guarantee today--the Federal law--that students [[Page S693]] with disabilities get a free and appropriate public education. It is not a State-by-State requirement. It is a Federal requirement. In 1975, both Minnesota Senators played a significant leadership role in enacting this groundbreaking civil rights legislation. Senator Humphrey called IDEA one of the most significant pieces of legislation and a major commitment in this Nation's commitment to its children. Then-Senator Mondale argued that this landmark legislation holds a promise of new opportunity for 7 million children in this country. When Congress first enacted this law in 1975, this was not a

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partisan issue. The law passed both Houses with overwhelming majorities. The Senate voted in favor of the landmark legislation by a margin of 87 to 7; the House, by a vote of 404 to 7. Bipartisan support for IDEA grew stronger over time. In 1991, President George H.W. Bush signed into law a bill that reauthorized the Disabilities Act. That bill was introduced by former Democratic Senator Tom Harkin and former Minnesota Republican Senator Dave Durenberger. The reauthorization was so uncontroversial that it passed by a voice vote in both the House and the Senate. Members from both parties supported IDEA when it was reauthorized again in 2003. Every single member of the Minnesota delegation, all 10--Democrats and Republicans alike--supported IDEA's reauthorization that year. For four decades, IDEA has garnered support from both sides of the aisle because we all understand the need to support the most vulnerable among us. Every Member of Congress knows a family member or a person who has been affected by disability. For a lot of lawmakers, this is personal. When my daughter was born, she couldn't swallow for nearly 2 years. She had a feeding tube, and the doctors didn't know what was wrong with her. It ended up being a temporary problem and not a permanent disability, but those 2 years I still look back at as a gift. They were a gift that brought our family closer together, but they were a gift because they made me understand what parents of kids with disabilities face every single day. This wasn't just a temporary thing for the parents I met. This was something they face every single day. Since the passage of IDEA, our Nation has moved to fulfill the promise of providing a high-quality education to kids with disabilities. Today, more than 4.7 million children with disabilities rely on IDEA to protect their access to high-quality education. Over the last 40 years, the Democratic and Republican Members who have come before me have all fought to preserve those critical rights and opportunities. These are American values. But they are especially near and dear to our State, where we have this long and proud tradition of working to ensure that people with disabilities have access to the same basic resources and opportunities as everyone else. This is not just the original work by Senators Humphrey and Mondale, carried on, of course, by Senator Durenberger and others, but it happened in our State as well. To cite a few examples, it was the Minnesota Ramp Project that introduced a new American model for building statewide standardized wheelchair ramps. Minnesota was the State that sent Paul Wellstone to the Senate, where he fought long and hard for mental health parity. My State is also home to some of the most innovative centers for the disabled in the country, including PACER, the Courage Center, and ARC. When it comes to educating children with disabilities, Minnesota has also been one of the Nation's leaders. In 1957, our State became one of the first States in the Nation to pass a law requiring that special education services be provided to children and youth with disabilities. In our State, from birth to adulthood, kids with disabilities have access to the quality of life they deserve. Through IDEA, our State is able to receive Federal funding for early intervention services that help diagnose disabilities or developmental delays among infants and toddlers. Minnesota also provides each child with a disability and their family a personalized K-12 education plan and the support needed to transition from high school to postsecondary education. These civil rights protections and funding under IDEA have also been an area of bipartisan cooperation among members of the Minnesota delegation. We would like to see even more funding. We don't see us move backwards. At least one Minnesota Republican has cosponsored every version of IDEA and its reauthorization over the last 40 years. We have never had a Secretary of Education who has put these commonsense bipartisan benefits at risk. Today, over 124,000 Minnesota children rely on the protections in IDEA. I have heard from families in my State, and so many of them tell me how that Federal law has made a real difference in their lives. A mom from Watertown, MN, told me all about her son who was born with Down syndrome. She is so thankful for the Federal law because this protection ensures that he can have everyday experiences like other kids. It allows her son to be fully integrated with the rest of the students in his high school. As a result, he has developed many friendships and a strong social network. When she asks her son whether he likes school, he always says a resounding ``yes." A mother of two autistic kids who are deafblind, reached out to me from Farmington, MN. She tells me that she depends on IDEA because the law gives her an opportunity to participate in designing individualized education programs for her children. These programs allow her to tailor the best possible educational plans. A woman from Lakeville, MN, told me that when her son was born with intellectual and developmental disabilities in the late 1980s, and she was so worried about what his future would look like. But because of IDEA, he received specialized services at school while still being included in activities with the rest of his peers. Today, she tells me that he is a successful young adult who happily lives, learns, and works in his community. During my time in the Senate, I have worked to share those Minnesota values that you hear resonating in those letters across the country. That is why I helped lead the push in Congress to successfully pass bipartisan legislation with Senators Burr and Casey called the Achieving a Better Life Experience Act, or ABLE Act, a law that will help people with disabilities and their families better plan for their futures. It is a law that President Obama signed. We have made

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progress in removing barriers and empowering people with disabilities. Of course, we know that the ABLE Act alone is not enough. We still need to ensure that the Federal Government lives up to its promise to support education for those with disabilities by enforcing and protecting the IDEA and fully funding special education. Providing equal educational opportunities for children with disabilities is an issue that cuts across partisan lines. It is an issue of decency and an issue of dignity, and I believe it is an issue that we must all stand behind as Americans. I cannot support a nominee that would jeopardize the education of millions of disabled children across our country or someone that is not fully informed at her own hearing about such an important law. We have continuously maintained and strengthened educational laws for children with disabilities because every child deserves a chance to succeed. I think about my mom and all those years of teaching--teaching 30 second graders at age 70. I think about that boy, who is now a man, who in the second grade had her as a teacher. He had severe disabilities, but she did everything to make his learning experience as good as all the other kids that were in that class. I think of how he loved that butterfly unit and felt the passion that my mom brought to teaching it. In her own free time, she would go visit him at his job at that checkout line in the grocery store in her butterfly outfit. That was integrating kids with disabilities into our school systems. That is what special teachers and special education experts who see all children as special are all about. Thank you. I urge my colleagues to join me in opposing Mrs. DeVos's nomination. I yield the floor. The PRESIDING OFFICER. The Senator from Vermont. Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from [[Page S694]] Minnesota for her comments. She speaks from experience and knowledge, as has the senior Senator from Washington State, on this issue. In my years here, I have seen thousands of confirmation votes, literally at all levels, up to and including Cabinet members and Supreme Court justices. I have voted for a large majority of a President's nominations--both Republican and Democratic Presidents. Some may not have been those I would have chosen, but I felt that, at least, the President should be given the prerogative, if the person is qualified. Now, ideology is one thing, and qualification is another. Out of those thousands of confirmation votes, I have a hard time remembering any that were like this one. This one had a whirlwind confirmation hearing and committee vote. It was almost as though they were afraid to have the nominee actually have to appear and answer questions. And now the Senate is going to vote on the nomination of Betsy DeVos to lead the Department of Education. I will be very blunt. On the very little time that she was allowed to be shown to the public, she showed--and I certainly believe this--that she does not have the qualifications to uphold the Department of Education's primary goal--that of ensuring that all students--all students, not just the wealthy, but all students--have access to a quality, public education that allows them to succeed. I am both a father and a grandfather, and I am proud of it. I watched my children go to school. And now I see my grandchildren going to school. I understand well the impact of education on our children. When students have access to strong public education from the very beginning, they are more apt to succeed in the long run. Our Nation's public schools--as is the case in my home State of Vermont--hold the promise of student success through strong State accountability measures and legal protections regardless of one's race, income, or learning ability. They offer nutritious meals for underserved students, many of whom receive their only meals of the day at school. Any teacher will tell you that if you have a hungry child, you have a child who cannot learn. If a child is fed, you have a child who can learn. Public education means strong teachers and school leaders, technology in the classroom, an assessment to test not just how well a student can memorize material for an exam on a particular day of the year, but how much they have grown over the course of many months. Many of the schools have counselors and nurses. They operate under a modern infrastructure to support those with disabilities and children in foster care. But public education also means that both the States and the Federal Government are held accountable for everyone having access to the same excellent resources. In fact, just over 1 year ago, this body agreed to these protections. We passed the Every Student Succeeds Act here in the Senate by a vote of 85 to 12--an amazing, overwhelming, bipartisan vote. It was the firm agreement among the majority of the Senate--Republicans and Democrats alike--that all students deserve access to critical public school resources in order to succeed. We made a promise that we would do better by our students; that public schools would be the premier standard for outstanding education for all. Unfortunately, the nominee before us--in the very little time that she was allowed to testify and be questioned in the confirmation hearing--showed that she does not share these same goals. Instead, she has referred to public schools as a "dead end." Well, if you are a billionaire, you have a choice to go wherever you want to school. Maybe these people in a public school are not good enough for you? Well, then, go buy a school if you want. Most people don't have that option. Most people are hard working. My wife and I were when our kids were in school. Our children are today. What does Betsy DeVos advocate for? She advocates for the privatization of education. She has funneled millions of dollars into organizations and initiatives to promote private school vouchers and school choice. These efforts

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have diverted public funds toward private schools, schools that are not held to any antidiscrimination or accountability standards. These schools can discriminate all they want. At her confirmation hearing--in the very little time that she did speak--she did not understand the Individuals with Disabilities Education Act. This is a landmark law. It is a Federal law that public schools in all 50 States must follow. Lastly, Mrs. DeVos and her family have contributed to anti-LGBT causes and anti-women's health efforts, which are in direct conflict to the one who is supposed to lead the Department of Education. How can a nominee disagree with the mission of the Department of Education and be fit to oversee that agency and promote the civil rights of schools and college campuses? She also appears to oppose efforts to expand college access, in an era when college is so important. Again, in the little bit of time she was allowed to testify before the Senate HELP Committee in January, Mrs. DeVos, when asked, would not agree to work with States to offer free community college to eligible students, instead saying that "nothing in life is truly free." This is an easy thing to say if you are a billionaire. She also admitted to knowing little about the Pell Grant Program and Federal student loans, as neither she nor her children have ever had to use such resources. As most of us know our children will have to use them, this is simply out of touch with the real life expectations of millions of students and families who rely on these funds to make college attainable. It is what I hear from hard-working families in Vermont. Parents tell me that their child is going to be the first one in their family to go to college, and the only reason they can do it is because they can get Pell grants or Federal student loans. Mrs. DeVos's answer is: What are those? College tuition rates have climbed more than 300 percent in the last decade. It is unacceptable to deny students Federal financial resources. To say, well, if you are rich, you can have them, but otherwise, tough. As it is, students are increasingly saddled by insurmountable student loan debt. Many forgo starting a family, or buying a house or a car. Many of these students have also fallen prey to for-profit institutions, many of which continue to offer the false promise of gainful employment upon graduation. In reality, many of these institutions offer nontransferable credits or unaccredited degrees, and are increasingly shuttering their doors, leaving students with egregious debt and nowhere to turn to finish their degrees. The Department of Education has an extremely important role to ensure that all students--of every race, income level, or whether that student has disabilities or not--have access to the critical tools provided by public schools and by student financial aid programs. Thousands--thousands--of Vermont-ers have called or written to me worried that Mrs. DeVos does not agree with these principles. When I say thousands, to put that in context, we are the second smallest State in the Union. Thousands have contacted me. I share these concerns of my fellow Vermonters. They know my children went to public school. They want to be able to send their children to public school too. They want the best education. I am telling these Vermonters I will not support this confirmation. It is dangerous and shortsighted to confirm someone who has so much to learn about our Nation's public schools and the challenges they face. Universal free public schools were a revolutionary American invention. It has helped make America the great Nation it is today. So in the United States, we should strengthen public schools, not snub them. Mrs. DeVos is the wrong choice for our children but also for our Nation's future. Our public schools need strong leadership, not someone who has made it her life's work to undermine their success. So I oppose this nomination. I hope my fellow Senators will too. Travel Ban Mr. President, while I have the floor, I will just take another minute or two to mention something else, as I have mentioned Vermont. On February 1 of this year, Vermont welcomed 31 new U.S. citizens from 14 countries through a naturalization ceremony in Rutland, VT. Later that night, more than 1,000 people from our [[Page S695]] small city in Vermont gathered on our statehouse lawn--just a few feet from where I was born and raised--in support of refugees and immigrants. We Vermonters understand what community means. It is a helping hand in a time of need. It is a kind word in a moment of distress. It is a welcoming embrace to calm a fear. We may be small, but in Vermont there is no limit to our compassion. As with each of our 50 great American States, immigration is a rich part of Vermont's past. For decades, we have opened our communities to immigrants and refugees. They have all become part of the fabric of our State. They have enriched us with their diverse cultures. Since the President signed his disgraceful Executive order that stymied our immigrant resettlement program and sent a shameful message to Muslims that they are not welcome in our country, I have heard from hundreds of Vermonters. Compassionate Vermont-ers, pleading that we continue our Refugee Resettlement Program and welcome refugees of all religions, concerned Vermonters, anxious about the threats to our Constitution's protected freedoms and rights, nervous Vermonters wondering what next steps this administration will take in the name of security, but are just rooted in politically charged scare tactics. Vermonters have already proven that we will not back down. Marching in Montpelier and in Washington on January 21, Vermonters' voices were heard. In candlelit vigils across the State, their empathy has been seen. At the naturalization ceremony on February 1, Vermont's welcoming spirit could be felt. A man I admire greatly, Federal District Court Judge Geoffrey Crawford, gave stirring

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remarks at that naturalization ceremony, and the impact of those remarks are summarized by this one line, which he directed particularly to our new Muslim citizens: "You are equal in the eyes of the law." Judge Crawford's message was simple: You are welcome. You are equal. You are protected. My fellow Vermonters inspire me every day. We should all take note from their example of what it means to be patriotic Americans. So I ask unanimous consent that Judge Crawford's remarks from the February 1, 2017, naturalization ceremony in Rutland, VT, be printed in the Record at the conclusion of my remarks. I look at Judge Crawford. Frankly, I have no idea what either he or the other Federal district judge's politics are. I just know they uphold the law. We are fortunate in this country to have a Federal court system made up of men and women of integrity, competence, and independence. I was shocked this weekend when the President of the United States tried to demean the Federal judiciary, tried to downgrade an individual Federal judge because he disagreed with him. And it was almost within hours that he praised President Putin and tried to excuse the assassinations--the assassinations--carried out in Russia against journalists or those who disagreed with Putin--by saying: Well, that is no different than our country. Well, Mr. President, I am proud to be a citizen of the United States of America, and we are different than Russia. You may have some "friendship" with Vladimir Putin, but let me tell you right now, show some more respect to our country and to our Constitution. There being no objection, the material was ordered to be printed in the Record, as follows: Remarks of Judge Geoffrey Crawford at 2/1/17 U.S. Naturalization Ceremony, Rutland, VT Welcome--all of you--to your naturalization ceremony. You will all leave here as American citizens. We are very happy to include you among us. Let me take a moment to talk about a few things. First, although our theme today is one of welcome and new beginnings, we should all start by considering both the difficulties of the journeys you have made and the richness of the backgrounds which you bring. First the journey. The Latin poet Catullus said it best: "Multas per gentes et multa per aequora vectus" In English, "Carried through many nations and over many seas" Your journeys have not been easy. Some of you have left family--all of you have left friends and the comfort of familiar surroundings for this new place. Some of you are refugees from lands which are broken by war. Today we honor the commitment of our nation to welcoming and caring for refugees. Some of you experienced hunger, illness and hardship. All of you come in search of a better life. But it would not be right to forget the value of the lives and communities from which you come. As we welcome you, we honor your heritage--your parents, your culture, and the lands of your birth. You bring variety and energy and new ideas to us. You know a lot that we do not know. You have had experiences that we want to hear about. We are lucky that you have chosen to make your lives here. We need each of you because of what you will contribute to us-- your work, your ideas, your sense of humor, your food, your children. Let me speak directly about our new citizens who are Muslims. What I have to say is simple: you are equal in the eyes of the law. You are just as welcome here as citizens as anyone else. Your faith and your right to worship are honored and protected by our laws. We recognize that the Muslim faith is ancient and learned and that it has contributed greatly over more than a thousand years to our shared civilization. Muslim citizens and residents have served America for more than two centuries in military service, in scientific research, in literature and the arts, in the professions, in commerce, in labor--in all the ways that we all contribute to the daily life of our nation. As Muslims, you have the same right as any other citizen. These include protection from discrimination on the basis of your relations and your national origin and protection of your right to worship freely. These protections are not empty promises. They form part of our constitutional law. These protections are enforced every day by our courts. But let me turn towards a happier subject. This is a day of celebration. Today we welcome you as our brothers and sisters, common citizens of the county we all love and which you have chosen as your own. What can you expect in the years ahead as American citizens? Two things stand out: opportunity and individual freedom. These are the values which have brought people like your family and mine to America for more than two centuries. Let's talk about both. Opportunity means the chance to work, to go to school, to find a way to support yourself which has meaning for you, to have money for your family, to rent or buy a home, to educate your children and some day to retire with dignity. Because our economy is strong, there is room for you to find a place which suits you. It is never easy, and there are many disappointments along the way, but it is possible and millions have succeeded before you. This is a very open society for workers. One job leads to another. Your first job is not going to be your last. You are already in a select group--people who have chosen to come here and have the drive and enthusiasm to join us as citizens. The same energy which carried you through the naturalization process will help you in your search for a good job. Now, let's talk about freedom. Freedom means the chance to speak, assemble in groups, worship, and engage in politics without fear of interference from the government. If I can make one respectful suggestion, it is that you use this freedom by getting involved in a cause or a committee or a campaign. Maybe something local--like asking for a sidewalk where one is needed--maybe national--like volunteering on a political campaign. In case you haven't

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noticed, we are in the middle of a presidential race this year. There is a candidate for every possible political belief. I urge you to take part in any way that suits your own convictions and interests. Freedom is strongest when it is used, not when it sits dusty on the shelf, and we welcome your involvement in public life together. People who are born in the United States sometimes take it for granted. Like people anywhere. Or they concentrate on our faults and the unfair things about our society. New Americans such as you bring optimism. You would not have come if you did not see the chance for a better life for your family. One thing is certain--after the work to obtain citizenship, no one here is going to take it for granted. I ask that in the years ahead, you hold on to the hope and great expectation we all share with you on this day. Thank you so much for coming to join us today as American citizens. Mr. LEAHY. Mr. President, I yield the remainder of my time to Senator Schumer. The PRESIDING OFFICER (Mr. Young). The Senator from Massachusetts. Ms. WARREN. Mr. President, I rise today to call on my colleagues to reject the nomination of Betsy DeVos as the next Secretary of Education. It is difficult to imagine a worse choice to head the Department of Education. Betsy DeVos doesn't believe in public schools. Her only knowledge of student loans seems to come from her own financial investments connected to debt collectors who hound people struggling with student loans. Despite being a billionaire, she wants the chance to keep making money off [[Page S696]] shady investments while she runs the Department of Education. We need someone in charge of the Nation's education policy who knows what they are doing and who will put America's young people first, and that is not Betsy DeVos. Let's start with her record. Betsy DeVos has used her vast fortune to undermine Michigan's public schools. She is sure she knows what is best for everyone else's children, even though she has no actual experience with public schools. In Michigan, the K-12 policy she has bankrolled has drained valuable taxpayer dollars out of the public schools and shunted that money into private schools, sketchy online schools, and for-profit charter schools. Even worse, DeVos believes these schools should get the money with virtually no accountability for what these schools do with taxpayer dollars. The results have been a disaster for Michigan kids. Let's be perfectly clear. This is not a debate about school choice. It is not a debate about charter schools. There are people on all sides of this debate who are genuinely pouring their hearts into improving educational outcomes for children. Massachusetts charter schools are among the very best in the country, and they understand the difference. Before her nomination hearing, I received an extraordinary letter from the Massachusetts Charter Public School Association. The letter outlines their opposition to Betsy DeVos's nomination, citing her destructive record of promoting for-profit charter schools without strong oversight for how those schools serve students and families. People who work hard to build good charter schools with high accountability are offended by the DeVos nomination. This abysmal record is troubling because the Secretary of Education is responsible for safeguarding the investments that the Federal Government makes in public schools and for holding States accountable for delivering a good education for all their students, especially those who need the help the most. The Secretary is also responsible for enforcing critical civil rights laws, like the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act, but Betsy DeVos's confirmation hearing demonstrated to the entire world she is embarrassingly unprepared to enforce these laws. Her apparent unfamiliarity with these critical civil rights laws has terrified families who have children with special needs, terrified families in Massachusetts and all across the country. These parents are afraid we could have an Education Secretary who doesn't even have a basic understanding of the Federal laws that guarantee their kids a chance to receive a public school education. We still have a long way to go to make sure all kids in this country have a shot at a decent education, particularly children living in poverty, children of color, children with disabilities, and children who are immigrants or refugees. That is why the Federal Government got involved in education in the first place, to make certain that all of our children, not just some of them but that all of our children get a chance at a first-rate education. Public education dollars should come with some basic accountability for how that money is spent and some basic expectations about what we get in return for these investments, not just doled out to some for-profit school that doesn't even meet basic standards in educating our children. This is also true in higher education, where the financial stakes are huge for America's college students. The Department of Education is in charge of making sure that the \$150 billion that American taxpayers invest in students each year through grants and loans gets into the right hands and that students get an education that will help them pay back their loans. The student aid program is not well understood, but it is vitally important to get it right because \$1 trillion of student loan debt currently out there will impact the future of an entire generation. Betsy DeVos has no experience in higher education. During her confirmation hearing, I gave her the opportunity to show that she is at least serious about standing up for students. I asked her basic, straightforward questions about her commitment to protecting students and taxpayers from fraud by these shady for-profit colleges. Her response was shocking. She refused to commit to use the Department's many tools and resources to keep students from getting cheated when



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fraudulent colleges break the law. In her responses to my written questions, she even refused to commit to doing what the law requires by canceling the loans of students who have been cheated by lawbreaking colleges. An Education Secretary who is unwilling to cut off Federal aid to colleges that break the law and cheat students would be a disaster for both students and taxpayers. Betsy DeVos's refusal to guarantee debt relief for defrauded students could leave thousands of Americans saddled with student loan debt that by law they are not required to pay. Betsy DeVos also refused to rule out privatizing the Direct Loan Program. Think about this. As if our students don't have enough problems already, DeVos is ready to let Wall Street banks get their claws into our students and start charging extra profits on top of the already high cost of student loans. If Betsy DeVos won't commit to strengthening the Federal student loan program and running it for students, then she is absolutely unfit to be in charge of it. I am also deeply concerned about the conflicts of interest and potential government corruption if Betsy DeVos is allowed to take the reins of the Department of Education. Betsy DeVos is a multibillionaire, and that is fine, but for her, that is apparently not enough. She already makes money off of several businesses that could profit from decisions she makes as Secretary of Education--several businesses, at least, that we know about. She said she will get rid of the ones we know about, but she wants to keep her family trusts and whatever investments two of them hold a secret--a secret from Congress and a secret from U.S. taxpayers. She says she doesn't have to follow rules that everyone else follows and tell the Senate what her investments are or what they will be in those secret trusts. I want you to think about that for just a minute. She already has billions of dollars, but she won't give up her secret trust and her chance to make investments that could create conflicts of interest while she is running the Department of Education? Who exactly does Betsy DeVos want to help out--the young people of America or her own bank account? You know, I really don't get this. I disagree with her education policy, but the one thing we ought to be able to agree on is that no one, especially not some billionaire, ought to keep investments that go up or down in value depending on the decisions she makes while she has a job working for the U.S. Government. Because of that concern, I wrote a letter with several of my Democratic colleagues to raise concerns about her potential conflicts that aren't clearly resolved by her public ethics agreement. We asked her some simple questions about the lack of financial transparency and the shady investments she plans to keep while she has a government job. What did we get back? Nothing. Zero. Bupkes. She thought our basic questions about ethics weren't even worth an answer. That stinks. This whole process stinks. At every step along the way, the Republicans have made it clear that no matter her inexperience, no matter her radical views, no matter her potential conflicts of interest, no matter her secrecy, no matter her blowing off basic anti-corruption practices, they will ram this nomination down the throats of the American people sideways. Here are just a few egregious examples. First, committee Democrats were allotted 5 minutes--5 minutes total-- during her hearing to question Betsy DeVos on her troubling record. Republicans suddenly invented a new rule that we couldn't ask additional questions. This is an important job. I asked President Obama's Secretary of Education multiple rounds of questions, and he had led a public education system in the past, but I guess when a Republican nominee and megadonor is in line to run education policy, we are supposed to fall in line and keep quiet. Second, breaking with standard practice and what we did for President Obama's Education nominees, we were [[Page S697]] forced to hold Betsy DeVos's hearing before the ethics review of her billions was completed. The complicated ethics review raised a ton of additional questions, but we got absolutely no chance to question her about it. Third, Betsy DeVos is the first nominee ever to go through the HELP Committee who has flat-out refused to fully disclose her financial holdings. She will be the first nominee in recent history to hold secret trusts. She was supposed to complete a form that requires nominees to list in detail all of their assets, investments, and gifts so that the committee has a full understanding of the nominees' potential conflicts of interest. No, she wants to keep many of her holdings in a family trust a secret, so she just won't tell. Fourth, Republicans ignored and overrode the rules of the Senate in order to barely squeeze the DeVos nomination out of committee as quickly as possible. And now, with at least 50 Senators--Democrats, Republicans, and Independents--publicly opposed to this nomination, the Republican leadership has rigged the vote so that Senator Sessions can drag her across the finish line just before he is confirmed as Attorney General. Why is Senator Sessions even voting on this nomination? It is a massive conflict of interest. As the AG, Sessions will be responsible for enforcing the law against DeVos if her cesspool of unresolved financial conflicts results in illegal behavior, but apparently the Republicans just don't care. Let's face it: The Republican leadership wants DeVos, and they are willing to ignore her hostility to public schools, willing to ignore her indifference to laws that protect special needs kids, willing to ignore the giant ethical cloud that hangs over her--ignore it all so that billionaire and Republican campaign contributor Betsy DeVos can be Secretary of Education. The American people can see what is happening here. I commend my Republican colleagues, Senators Collins and Murkowski, for standing up for what is right and saying they will vote

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against Betsy DeVos's nomination on the floor. I know how difficult it can be to stand up for what is right even under overwhelming pressure from your own team to just keep your head down and go with the flow. They have been listening to the teachers and parents in their States, and I deeply respect their principled opposition to this nomination. I have also heard from thousands of teachers, parents, and education leaders in Massachusetts raising deep concern about Betsy DeVos's nomination. I hear their concern, and I share their concern. You know, this isn't just politics, this is deeply personal. It is personal for me. My first job out of college was as a teacher. I taught little ones, children with special needs, in a public elementary school. I have never lost my appreciation for the importance of strong public education because I have seen how public education opened a million doors for me, and I know it opens doors for young people in Massachusetts and all across this country. I believe that strengthening America's public schools is critical for securing a better future for our children and for our grandchildren. I also understand the vital role the Secretary of Education plays in making sure every young person has real opportunities and a fighting chance to succeed. We are one vote away from making sure this job is not entrusted to Betsy DeVos. One vote. We need just one more Republican to stand up for the children of America, to stand up for public education, to stand up for college students, to stand up for basic decency and honesty in government. With just one more Republican, we can say this Senate puts kids ahead of partisan politics. With just one more Republican, we can say this Senate still cares about public officials who put the public ahead of their own interests. Just one more Republican, that is all we need. Just one. I assumed that the rush to complete this nomination has something to do with the fact that Republicans' phones have been ringing off the hook from citizens who are outraged by the idea of this nomination. Before these Republicans decide whether to help Donald Trump reward a wealthy donor by putting someone in charge of the Department of Education who doesn't really believe in public education, I want them to hear from the people of Massachusetts, the people who on their own have contacted me about this nomination. I have received countless letters and calls from constituents in Massachusetts, including a batch of letters from a new local grassroots organization--Essex County #6 Indivisible--that is very concerned that Betsy DeVos is a danger to our schools. So I just want to share a few of those letters with my colleagues right now. I heard from Matt Harden, who is a teacher from Plymouth, and he wrote this: I have been a teacher for fifteen years and a parent for seven. I feel incredibly proud of the schools in the Commonwealth of Massachusetts, and view my position as a music educator not simply as a job but a vocation. The recent referendum in the Commonwealth regarding the expansion of cap on Charter Schools was soundly defeated by the electorate. I have grave concerns about Ms. DeVos and her ties to corporate interests in education. Schools are not businesses, and students are not products on an assembly line. This line of thinking is a clear and present danger to our students, and reflects a lack of familiarity with the public education system. In this matter, my concerns are not limited to the borders of our own state but the equitable access to education across our nation. Ms. DeVos is not the right person to be an intellectual and educational leader for our nation--we need real change and ideas, not privatization and politicization of our youngest and most vulnerable citizens. I also heard from Alexandra Loos, a special education teacher from Cambridge. She had this to say: I am a special education teacher who works with children with developmental disabilities, and I urge you to vote against the confirmation of Betsy DeVos as Secretary of Education. I have grave concerns about the qualifications of Ms. DeVos due to her lack of experience in the public education system as well as her record of support for charter and private schools that are not obligated to follow Federal education standards or guidelines. Most urgently, as a professional who specializes in evaluating and treating children with autism, Down syndrome, learning disabilities, ADHD, and other developmental and behavioral disorders, I am extremely concerned about Ms. DeVos's apparent lack of understanding of the Individuals with Disabilities Education Act (IDEA), the federal law that guarantees "a free and appropriate public education" to children with disabilities. During her confirmation hearing this week, Ms. DeVos appeared to be unfamiliar with IDEA . . . stating that she felt that enforcement of this federal law should be left up to the states. This is unacceptable and clearly indicates that Ms. DeVos is unqualified to serve as Secretary of Education. With approximately 13% of public school children in special education, it is essential that an Education Secretary be knowledgeable and supportive of the federal laws that guide special education services. Please vote "no" on Ms. DeVos's confirmation. Yes, Alexandra. Yes. My office also heard from Diana Fullerton, a school adjustment counselor from Salem. Diana said she had never written to a politician before, but she felt strongly enough about Betsy DeVos to write: I am a school adjustment counselor in an elementary school in Gloucester. I have never gotten involved much in politics until this election. I went to the Boston Women's March on Saturday and this is my first time writing to a politician. I am extremely concerned about Trump's nomination for Secretary of Education, Betsy DeVos. In my work I support students who are very vulnerable: on IEPs, in high-poverty environments,

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identifying as gay or transgender, and coming from backgrounds where English is a second language. I believe that Ms. DeVos' extreme and uneducated positions on the needs of students in public schools could harm my children. Please vote against her nomination as Secretary of Education. Thanks, Diana. I will. I heard from another teacher from Newton, who said: I am opposed to Betsey DeVos as the next Secretary of Education. I have spent my entire life as a teacher--first in public and private schools for 14 years teaching French, then as a member of the faculty of Lesley University for 26 years, and now as a teacher in a Life Long Learning program at Brandeis. I cannot imagine having a Secretary of Education who has never had any direct educational experience. I am also very worried about her views of public education and her appalling record on civil rights. Strong education is the foundation of our democracy. Please do what you can to maintain and improve our current system. Thank you. Yet another teacher contacted our office, this one from Abington. She wrote: I believe in my community's public schools. In fact, I've worked in them as a [[Page S698]] teacher for over 15 years. The nomination of Betsy DeVos has me seriously considering a change of employment. Betsy DeVos believes in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly fail, and yet she has never worked in a school. The marketplace solution of DeVos will destroy our democratically governed community schools. Her hostility toward public schools disqualifies her. I am asking you to vote against the confirmation of Betsy DeVos. We also heard from parents all across the State, including Leslie Boloian, a mother from Andover. Leslie said: I am a mother of an 8 year old who is dyslexic. She is smart and very capable of learning what other kids can learn; however, she needs specialized education. Through the public school system, she is learning to read and continues to reach new milestones daily. I fear that Betsy DeVos could put my daughter's education at risk. I urge you to oppose Secretary of Education nominee Betsy DeVos, who is best known for her anti-public education campaigns! The chance for the success of a child should not depend on winning a charter lottery, being accepted by a private school, or living in the right ZIP code. It is our duty to ensure all students have access to a great public school in their community and the opportunity to succeed. Betsy DeVos has consistently worked against these values, and her efforts over the years have done more to undermine public education than support all students. Betsy DeVos has no experience in public schools, either as a student, educator, administrator, or even as a parent. She has lobbied for failed schemes, like vouchers to fund private schools at taxpayers' expense. These privatization schemes do nothing to help our students most in need, and they ignore or exacerbate glaring opportunity gaps. We need a Secretary of Education who will champion innovative strategies that we know help to improve success for all students, including creating more opportunities and equity for all. Betsy DeVos is not that person, and I urge you to vote against her for Secretary of Education. Thank you, Leslie. Kate Brigham, a mother from Somerville, also wrote. She said. My name is Kate Brigham, and I am a constituent of yours from Somerville. . . . I'm writing to urge you to vote against Betsy DeVos' confirmation as Secretary of Education. The future of our kids here in Somerville and across the country are depending on you to see the difference between education progress and privatization. The majority of America's school children attend public schools. We cannot leave their futures and the future of our country in the hands of a woman whose ideas to privatize school funding have already left the state of Michigan and its children in shambles. Her personal financial conflicts of interest are staggering. The Individuals with Disabilities Education Act--which DeVos did not know was a federal law--guarantees rights to both students with disabilities and to their parents. So this isn't just about civil rights; it's also crucial to families. We cannot afford a Secretary of Education who's ``confused" on what the law is. My own 2-year-old daughter benefits from MA's wonderful Early Intervention program and will need special education services when she turns 3 in September. IDEA and the ADA were both signed into law by Republican Presidents. Disability rights are not and cannot become a partisan issue. Thank you for ensuring that public education for ALL will be protected. Somerville, and Massachusetts, needs it. And we won't succeed with Betsy DeVos as Secretary of Education. Thank you, Kate. Thanks for writing. Samantha Lambert, a mother of four from Everett, also contacted us with her concerns. Samantha wrote: I am a voter from MA who has struggled with the change coming as a result of this election. . . . It is difficult to focus when there is a new outrage at every turn. No one frightens me more than Betsy DeVos. Why? The impacts of her ignorance and disdain for public education will remain with us for a generation. I have 4 children, all educated in the Everett Public School System, one of whom benefits from Special Education. We have one opportunity to get it right with our children. I was asked by a conservative friend who was curious why this appointment brought such a backlash, and the answer was simple for me. Our job is to protect our children, the nation's children. Those unable to influence their future with a vote. There is no mandate for the destruction of our most treasured institution, the foundation of our democracy. My son deserves a free and fair education, as do his siblings. As do their peers. The children in our school district are in the lower socioeconomic rung. Many rely on public transportation and neighborhood public

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schools. That takes the choice out of school choice, doesn't it? It favors students on economic lines, furthering the divide and putting an undue burden on the schools left behind who will struggle to serve the students that need this gift of education most. The public hearing demonstrated that Mrs. DeVos is wholly unqualified for this appointment. Her answers or lack of answers, specifically regarding IDEA and school choice, were frightening. As a parent, I was literally shaking. My nine-year-old son was listening to a portion and heard Senator Hassan mention dyslexia in her question. He cheered and asked if we were going to make sure all kids get special help to read. I couldn't answer him because in her answer, Mrs. DeVos seemed not to know that IDEA is a Federal law protecting these beautiful minds. Protecting them from being a line item that can be wiped away, their future successes and achievements going right along with it. I ask you, please oppose Betsy DeVos for Education Secretary, for the good of ALL our nation's children. Thank you, Samantha. Thanks for writing. We also heard from Laura Fukushima, a mother and former teacher from Dedham. She wrote to say: Before having my own children, I taught in public schools for five years--three in Boston and two in Tennessee (Sumner County)--and I'm writing to ask you to vote against confirming Betsy DeVos as Secretary of Education. It's evident that Ms. DeVos is passionate about education--judging from the enormous amounts of money she has poured into shaping policy--and I have no reason to doubt her intentions are good. But that doesn't qualify her for this job. Here are my concerns: 1) Aside from having no experience in public schools, either as a parent or a student, she has no experience in any kind of school as an educator. 2) At her confirmation hearing, she demonstrated a lack of basic understanding of many pertinent issues and concepts--an intimate knowledge of which is required to shape good educational policy. 3) Despite lacking both the prerequisite knowledge and experience within the field of education, she actively used her wealth to sway legislators in Michigan away from their initial support of bipartisan measures, based on a broad coalition of informed participants, to regulate and improve charter schools. (For the record, I do support charter schools, but understanding that there is a vast disparity in their quality, I see the need for rigorous oversight.) Her efforts, I believe, have been more detrimental than beneficial to the children of Detroit. 4) Her suggestion that enforcing IDEA should be left to the states is very troubling. Such policy would leave our most vulnerable students very far behind. While I agree with Ms. DeVos that our educational system would benefit from some additional choice for parents, I think she's wildly mistaken if she believes a completely free market will fix our schools. We need a Secretary of Education who believes in proper oversight and can help create effective measures of assessment and accountability to improve education for all our children. That's what the Department of Education is for. To run it successfully, we need a Secretary, unlike DeVos, who is well trained in the field. Thank you, Laura. A mother from Clinton also wrote about how she would be personally affected by Betsy DeVos, saying: I have an 8-year-old daughter with Autism Spectrum Disorder who receives services through our public elementary school. I believe that every individual deserves an equal education. IDEA must be upheld! My daughter is doing very well with her studies because of the supports she receives. She is a very smart girl but needs and deserves accommodations. I am thankful there are laws to protect her. Betsy DeVos thinks that states should decide how to fund education for individuals with disabilities. I believe it should remain federally mandated. I wouldn't be able to afford a private education for my daughter in a special school. I know there are many more parents like me. I also opposed expanding Charter schools in our state. I believe publicly funded schools should be publicly run and overseen. I request you reject Betsy DeVos for Education Secretary. Thank you. Another parent wrote to say: I am writing to express my strong opposition to the confirmation of Betsy DeVos as Secretary of Education. She has demonstrated NO commitment to public education throughout her life, and her support of charter schools in Detroit has been a demonstrated failure. The framing of for-profit charter schools as providing ``choice" for parents is a false framing--it provides the illusion of a poorly regulated and poorly supervised choice for some parents while limiting the resources and choices left to the other parents and leading to a downward spiral in the quality of public education. Transferring public funding of education to for-profit charter schools, creaming off the children of the most motivated parents, and leaving the more difficult, lower income, and children with special education challenges is a prescription for failure of public schools and will result in herding lower-income students into dysfunctional schools, setting them up for a lifetime of underemployment. I am not a teacher, nor a member of a teacher's union. I am a mother, and I was [[Page S699]] proud to send my son to the Brookline Public Schools for his entire K-12 education. I want other children to have a chance for a quality education, not to be the fodder for a private, for-profit charter school with no commitment to the public good. Quality public education is the foundation of a free society and the key to sustaining a vibrant economy in the future. Please oppose the confirmation of Betsy DeVos. A woman from Canton also wrote in. She said: As a parent of public school children, I urge you to reject the nomination of Betsy DeVos as Secretary of Education. A free and appropriate education is the cornerstone of our

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democracy, but Ms. DeVos has shown no interest in preserving public education. In fact, she has worked tirelessly to divert public funds into private pockets by way of deregulating and expanding charter schools and to offer vouchers which can be used at private and religious schools. This is a clear violation of our principle of separating church and State. Ms. DeVos's strategies have had disastrous consequences in Michigan. Eighty percent of charter schools there operate for profit. When schools look first to satisfy investors, they rely on teaching to standardized tests, not on educating children. Here in Massachusetts, we overwhelmingly rejected the idea, one funded by billionaires, and resisted by parents and public school teachers. Please join us in opposing a "lead educator" who has never gone to a public school nor sent her children to one. Please consider that the nation's future depends on educating every child, and that to do so, we need to restore and strengthen our public school system, not dismantle it in favor of profiting off the backs of our youth. Thank you. It is no surprise that we also heard from many constituents struggling with student loans. One of those was Liam Weir, a college student from Brighton, who had this to say: As a college student and a resident of the State of Massachusetts, I am writing you to express my deep concern over the potential appointment of Betsy DeVos to the position of Secretary of Education. Ms. DeVos is extraordinarily unqualified to lead such a department. The fact that the President has chosen such a person, with no experience in education administration in any capacity at any level, is an insult to the millions of teachers, students, and school administrators across the country. Ms. DeVos's policies will undermine already struggling public school systems by allocating taxpayer funds to advance a cynical and deeply troubling agenda against established science. I myself am a recipient of Federal college grants and loans, and I am growing increasingly concerned about Ms. DeVos's competency in managing the looming student debt crisis. Now more than ever is a time for the Education Department to be run by capable and caring individuals, not willfully ignorant ones. A young mother from Winthrop also reached out to us. She had this to say: I urge you to vote No on the confirmation of Betsy DeVos, a singularly unqualified individual . . . among a veritable sea of unqualified individuals this administration has chosen to lead our country. My husband and I have no personal stake in public education over the next 4 years. Our daughter is only 7 months old. But I am the child of two public schoolteachers in RI, my friends are teachers, my friends' children are in school, my nephews, cousins, etc. I believe in public schools and I believe that Betsy DeVos is not the right direction for our public education system. She is dangerous, and her lack of knowledge is appalling. Also, and I thank you so much for asking about this at her hearing--student loans are not a business, they are a crisis in this country. My husband has a six figure debt, with interest rates at 7.5 percent. He had to take a job . . . rather than pursue his dreams of working in criminal justice because he needed a job that could pay his \$1,000 a month student loan bill. Our saving grace is that I have a good job, and my student loan debt is nearly paid off--because I was loaned a reasonable amount at a reasonable 2 percent interest rate. We are a case study in how the program should work vs. predatory lending. That is so true. Thanks for writing. Liz Bosworth, a mother of two from North Dartmouth, had this to say: While I am fully aware that you do not support the nominations for many of President Trump's nominees, I am currently most concerned about Ms. DeVos. I watched parts of her hearing and I remain concerned that there was a denial for a second hearing. I hope this leads to continued questions and a final opposition of her as Secretary of Education. Your lines of questioning served to highlight her lack of qualifying experience but still, in light of this last six month's politics, I believe anything is possible. As the mother of two small children and a daughter-in-law, niece, cousin, friend, and wife of public school teachers, I find her to be quite alarming and somewhat scary as the potential leader of that office. We are strong proponents of public education and of teaching our children to value their time in school and to achieve high levels of success. With that comes some anxiety around their aspirations to higher learning. As a master's level social worker, I will be paying off my loans until I start to pay for my son's higher education. I do not want the debt for my children that I have. At this rate, I am saving far much less money per month for their college funds while paying off my own. I want my children to go higher than myself, but I want them to do so with a level of confidence in their finances that I was not afforded. Ms. DeVos, highlighted by you in her confirmation hearing, has not been involved with student loans on any level and does not have the experience to become entrusted with my current debt or the debt of my children. Finally, I would like to highlight my abject fear of the treatment of those students with learning disabilities, particularly severe and profound disorders, if she is confirmed. While I see many walks of life in my field, my mother was a proud special education teacher in New Bedford for 33 years. She was proud to be able to teach life skills like budgeting, simple cooking and social skills to her students who may not ever be college ready. We worry about those kids and what will become of them if Ms. DeVos is confirmed. My husband is currently employed in a collaborative that works with mentally ill children who need a different kind of educational process but can still achieve the same goals. I am not sure they would ever qualify for a voucher to attend some Charter school. We are

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committed to families and community maintenance of all students with the right care at the right time. I am not sure that Ms. DeVos is committed in the same way. Please vote to oppose Ms. DeVos. Thank you, Liz. Thanks for writing. I heard from another student in Boston who told me the following: I am writing to you today as a public school teacher and a Ph.D. Candidate in Urban Education, Leadership and Policy Studies. I believe in public schools. Betsy DeVos believes in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly failed. The "marketplace" solution of DeVos will destroy our democratically governed community schools. She has no professional experience in the education field. She does not truly understand the nuances of public education nor does she want to understand. I managed to earn scholarships that took care of most of my schooling, but I still have about \$80,000 in student loans. (Not bad for 2 expensive private institution degrees!) I am a first generation college student and my single mother could not afford to help me pay for my schooling. Betsy DeVos just doesn't have experience in K-12 public schools, but she has no experience in running the student loan department. The Federal student loan program is far from perfect. We need someone running it who is knowledgeable in the process, believes in making college more affordable, and understands what it feels like to not be sure how you will pay for college. She has no qualifications of any kind in this area. I am asking you to vote against the confirmation of Betsy DeVos. Please consider this request and the thousands of other people across the country who vehemently disagree with Ms. DeVos's candidacy. Thank you.

Sarah Rothery, a mother of two from Northborough, told me about her two sons, saying: I am writing to ask that you oppose the confirmation of Ms. DeVos for the cabinet position for which she was nominated under President Trump. I have put 2 sons through college thanks to Stafford loans and personal savings and I think she has no idea what is involved in middle class families financing college educations today. One of my sons is now an 8th grade history teacher in a public charter school, Abbot Kelly Foster, in Worcester, and worries that Ms. DeVos has no real understanding of urban education as well. Thank you, Sarah. Thanks for writing. I have also heard from Alicia Bettano, a former student from Merrimac who bravely shared with me her own experiences. This is from Alicia: I suffer from a Non Verbal Learning Disorder. Up until I was 13 years old I was not diagnosed with anything. I went to aides, speech therapists, everyone. I had trouble in the maths and in sciences. I was thought of as stupid. I was yelled at by aides. When I was 13 and diagnosed, my teachers didn't understand. They thought sitting me closer to the white board would allow me to understand better, despite the fact that it was their teaching methods that confused me. I was told I would not go to college or graduate. My parents had to hire an advocate to work for me to get my teachers and school to understand my disability. It took me some time to figure out what I wanted and needed, but in May I graduated college. Betsy DeVos would be a horror for those with disabilities; not just learning ones, but mental ones. I was lucky I had parents and one teacher backing me. What about the ones that don't? Putting Betsy DeVos into office will hurt our children in America--that's not making America great. Alicia, thank you for writing. I really appreciate it. Congratulations on your graduation. [[Page S700]] A man from Brookline also wrote in, saying this: As someone passionate about education, especially the education of students in Massachusetts, and as a graduate of a public elementary school, middle school, high school and college; as a young professional burdened by education debt; as the husband of an early childhood educator working in a struggling Boston neighborhood; as a member of a family filled with men and women dedicated to careers in public education, I strongly urge you to oppose Secretary of Education nominee Betsy DeVos. My vote for or against candidates in future elections will be informed by whether the candidate publicly opposed this Secretary of Education nominee. Betsy DeVos has consistently worked against public education and she is incredibly unqualified for this position. At best, she should be an undersecretary focused on public-private partnerships. If you must work with the incoming administration, suggest her nomination for that role, but you must oppose her cabinet-level appointment. DeVos has no experience in public schools, either as a student, educator, administrator or even as a parent. She has lobbied for, and been employed by, initiatives that have undermined public education in America. We need a Secretary of Education who will champion innovative strategies that we know help to improve success for all students, including creating more opportunities and equity for all. I urge you to vote against Ms. DeVos for Secretary of Education. What does Betsy DeVos have to say to Matt and Diana or to the thousands of other teachers who have more experience in public education than she does? What does she have to say to Leslie and Samantha, whose children have benefited from the programs she wants to cut? What does she have to say to Sarah, who relied on Stafford loans to put her sons through college? It is not just individuals who are worried about Betsy DeVos. We have heard from groups across the State as well. The Massachusetts Charter Public School Association wrote me, saying this: Dear Senator Warren, As the Association representing the 70 Massachusetts commonwealth charter public schools, we are writing to express our concerns over the nomination of Elisabeth DeVos as U.S. Secretary of

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Education. We do not express these reservations lightly, but we believe it is important to raise certain issues that should be addressed by the nominee. Both President-elect Trump and Ms. DeVos are strong supporters of public charter schools, and we are hopeful they will continue the bipartisan efforts of the Clinton, Bush and Obama Administrations to promote the continued expansion of high quality charters while pursuing reforms that will strengthen traditional public schools. But we are concerned about media reports of Ms. DeVos' support for school vouchers and her critical role in creating a charter system in her home state of Michigan that has been widely criticized for lax oversight and poor academic performance, and appears to be dominated by for-profit interests. As the senior Senator from Massachusetts and a member of the U.S. Senate Committee on Health, Education, Labor & Pensions (HELP), which will hold hearings on the nomination, you will be in a position to ensure the nominee commits to holding the national charter school movement to the highest levels of accountability and oversight that are the hallmark of the Massachusetts charter system. By all independent accounts, Massachusetts has the best charter school system in the country. We are providing high quality public school choices for parents across our state. Our urban schools are serving the highest need children in Massachusetts, and are producing results that have researchers double-checking their math. These gains held across all demographic groups, including African American, Latino, and children living in poverty. The cornerstone of the Massachusetts charter public school system is accountability. The process of obtaining and keeping a charter is deliberately difficult. The state Board of Elementary and Secondary Education is the sole authorizer and historically has approved only one out of every five applications. Once approved, each charter school must submit to annual financial audits by independent auditors and annual performance reviews by the state Department of Elementary and Secondary Education. Every five years, each charter must be renewed after a process as rigorous as the initial application process. For-profit charter schools are prohibited by Massachusetts law. Our schools have also created partnerships with many Massachusetts public school districts to foster collaboration and best practices sharing, and have forged an historic Compact between Boston charter public schools and the Boston Public Schools that has become a national model. Bipartisan support has been key to the development and success of the Massachusetts system. Created in 1993 by a Democratic Legislature and a Republican Governor, public charter schools have continued to receive support from all Governors, Republican and Democratic alike, and Democratic legislative leaders. If the new President and his nominee intend to advance the cause of school choice across the country, they should look to Massachusetts for their path forward. The history of charter schools in Michigan offers a more cautionary tale. The same researchers from Stanford that declared Massachusetts charter public schools an unqualified success, had mixed reviews for Michigan's charters. According to media reports, last year Ms. DeVos actively campaigned against bipartisan legislation that would have provided more oversight for Michigan's charters. If these reports are true, we are deeply concerned that efforts to grow school choice without a rigorous accountability system will reduce the quality of charter schools across the country. We hope you agree that quality, not quantity, should be the guiding principle of charter expansion. Without high levels of accountability, this model fails. We ask that you use the hearing to probe the incoming Administration's intentions regarding education policy in general and school choice and quality specifically. We'd be happy to provide you with more information on the Massachusetts model and would welcome a meeting with your staff to brief them on our concerns. Sincerely, Massachusetts Charter Public School Association Board of Directors. The people of Massachusetts cannot afford Betsy DeVos. This is why I will vote no on her nomination and why I urge my colleagues to do the same. Mr. President, I yield the floor.

Recognition of the Majority Leader The PRESIDING OFFICER. The majority leader is recognized. Nomination of Neil Gorsuch and the Cabinet Mr. McCONNELL. Mr. President, President Trump's outstanding Supreme Court nominee Neil Gorsuch has earned high praise from all across the political spectrum. Some of it has come from unlikely corners, whether Democratic Senators, left-leaning publications, President Obama's own legal mentor, even his former top Supreme Court lawyer. We have heard from those Gorsuch has taught. We have heard from many who have worked alongside him. In fact, just a few days ago we received a letter from several of his former law colleagues. So let me share some of that with you now. The letter began: We are Democrats, Independents, and Republicans. Many of us have served in government, some during Republican and some during Democratic administrations; some of us have served in both. We have clerked for Supreme Court justices and appellate and district court judges appointed by Democratic and Republican presidents. We represent a broad spectrum of views on politics, judicial philosophy, and many other subjects as well. But we all agree on one thing: Our former colleague, Neil M. Gorsuch . . . is superbly qualified for confirmation. He is a man of character, decency, and accomplishment, [one who represented all of his clients] without regard to ideology [and one] who merits this appointment. Clearly, it is not going to be easy to paint Judge Gorsuch as anything but extremely qualified and

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exceptionally fair, but that hasn't stopped some on the left from trying. They started musing about blocking any nominee before the President had even nominated anyone. It is a good reminder that much of the opposition we are seeing from far left groups and Democratic Senators isn't so much about Judge Gorsuch as it is about their dissatisfaction with the outcome of the election. As a Washington Post headline recently declared, "Democrats' goal with court nomination: Make it a referendum on Trump." "[P]rominent Senate Democrats," the article read, are "giving the nominee's 10-plus years on the U.S. Court of Appeals for the 10th Circuit almost secondary consideration." It seems they believe their best, and perhaps only, bet to bring down this highly qualified judge is by "inject[ing] Trump into the process." The very next day, the New York Times ran an article about Democrats' apparent hope that this Supreme Court fight will be "More About Trump Than Gorsuch." In other words, our Democratic colleagues are finding it hard to oppose Judge Gorsuch on the merits, so they are trying to divert attention and invent new hurdles for him to surmount. That is the playbook. Sure enough, we see them running the play. Consider the assistant Democratic leader's speech the other day. It was supposedly about Judge Gorsuch. He sure had a lot to say about President Trump, about things President Trump has done, about things President [[Page S701]] Trump might do, about refighting old battles but precious little about the qualifications of the actual nominee before us, and precious little about the increasing number of accolades he has been receiving, especially from well-known folks on the political left. I mentioned several a moment ago. Now we can add another to the list: Alan Dershowitz, the famous constitutional scholar and longtime Harvard law professor. Dershowitz described Gorsuch as "highly credentialed and hard to oppose" and dismissed the idea that he would be caricatured as some sort of "extreme right-wing [ideologue]." "[T]hat doesn't seem to fit what I know about him," Dershowitz said, adding that Gorsuch will "be hard to oppose on the merits." Indeed, he will. That is precisely why our Democratic colleagues are making the debate on his nomination about other things and other people. That is also why they are arguing that there are special hurdles for Judge Gorsuch to clear--hurdles they are forced to admit were not there for the first-term nominees of Democratic Presidents. When even a leftwinger like Rachel Maddow can't help but admit that Judge Gorsuch is "a relatively mainstream choice," when even Maddow characterizes a Democratic attempt to filibuster his nomination as "radical," it is hard to argue otherwise. That will not stop many on the far left from trying. I invite Democrats, who spent many months insisting "we need nine," to now follow through on that advice by giving this superbly qualified nominee fair consideration and an up-or-down vote. It is time to finally accept the results of the election and move on so we can all move our country forward. That would also apply to other nominations before the Senate. Just before the election, the Democratic leader said he believed the Senate has a "moral obligation, even beyond the economy and politics, to avoid gridlock." Put simply, he said: "We have to get things done." Yet just a few months later, Democratic obstruction has reached such extreme levels that the smallest number of Cabinet officials have been confirmed in modern history at this point in a Presidency. It is a historic break in tradition, a departure from how newly elected Presidents of both parties have been treated in decades past. In fact, by this same point into their terms, other recent Presidents from both sides of the aisle had more than twice as many Cabinet officials confirmed as President Trump does now. President Obama had 12 Cabinet officials confirmed at this point in his term, President George W. Bush had all 14 Cabinet nominees confirmed at this point, President Clinton had 13, and President Trump has a mere 4. It seems this gridlock and opposition has far less to do with the nominees actually before us than the man who nominated them, just like we are seeing with President Trump's outstanding Supreme Court pick. The Democratic leader and his colleagues are under a great deal of pressure from those on the left who simply cannot--cannot--accept the results of a democratic election. They are calling for Democrats to delay and punt and blockade the serious work of the Senate at any cost. They would like nothing more than for Democrats to continue to resist and prevent this President from moving our country forward. Unfortunately, many of our friends across the aisle have given in to these groups' calls for obstruction, and some have even gone to unprecedented lengths to delay for delay's sake. They have forced meaningless procedural hurdles, they have stalled confirmation votes as long as possible, they have postponed hearings, and they have even boycotted committee meetings altogether. Their excuses are ever-changing, and some border on the absurd. "We don't like the seating arrangement," they say. "We can't be late to a protest," they argue. There was even some excuse about a YouTube video. Look, enough is enough. The American people elected a new President last November. Democrats don't have to like that decision, but they do have a responsibility to our country. The American people want us to bring the Nation together and move forward. It is far past time to put the election behind us and put this President's Cabinet into place, just as previous Senates have done for previous newly elected Presidents of both parties. Mr. President, now I wish to say a few words about one nominee whom we will be voting on tomorrow. The nominee for Education Secretary, Betsy DeVos, is a well-qualified candidate who has



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earned the support of 20 Governors and several education groups from across the Nation. As Education Secretary, she will be our students' foremost advocate, working to improve our education system so that every child has a brighter future. Importantly, she also understands that our teachers, students, parents, school boards, and local and State governments are best suited to make education decisions--not Washington bureaucrats. I have every confidence that Mrs. DeVos will lead the Department of Education in such a way that will put our students' interests first, while also strengthening the educational opportunities available to all of America's children. I urge colleagues to join in confirming Betsy DeVos so that she can begin the very important work before her without further delay.

The PRESIDING OFFICER. The Senator from Texas. The Cabinet and Congressional Review Act Mr. CORNYN. Mr. President, I sat here and listened with interest to the majority leader's comments about this strategy of obstruction and slow walking the President's Cabinet. I share his frustration. More than that, on behalf of the people we were sent here to represent--the American people--I regret that petty politics has gotten in the way of the ability of our colleagues across the aisle to get over the fact that the election didn't turn out quite the way they hoped and to get back to work on behalf of the American people. This week we will continue to grind our way through consideration of President Trump's nominees, despite the best efforts of our friends across the aisle to obstruct and to slow walk. Because of their insistence on taking advantage of every possible procedural delay, they have tried to grind the Senate to a near halt, but we have overcome that obstruction. We came together early Friday morning and voted to move forward with the President's nominee for Education Secretary-- about 6:30 in the morning. It was a little earlier than we usually convene, but I am glad we were able to get it done. I am confident that we will get Mrs. DeVos confirmed soon. Then, thanks to former Democratic leader Harry Reid, the Democrats know they cannot block these nominees from taking office. Because of the so- called nuclear option, they reduced the voting threshold from 60 to 51, meaning that, with 52 Republicans and, hopefully, with a little help from some of our friends across the aisle, every single one of President Trump's Cabinet nominees will be confirmed. We can take that to the bank. All they can do, which is all they have done up to this point, is to slow the process down for no reason other than the fact that they can. Again, thanks to Senator Reid, all of the President's nominees will be confirmed. This type of behavior is really pretty juvenile, if you ask me, and it can't actually accomplish anything. It is a strategy in search of a goal. They don't have any particular goal in mind, because at the end of the day, the President will get the Cabinet that he has nominated and deserves. After the vote tomorrow on Mrs. DeVos for Cabinet Secretary of Education, we will vote to confirm Senator Sessions, our longstanding colleague, as Attorney General. In addition to him and the Education Secretary, we have the Secretary of Health and Human Services and the Secretary of Treasury, too. These, of course, are key positions in the new administration. Now, 18 days after President Trump's inauguration, he still doesn't have the help he needs in these critical posts. I believe this kind of mindless obstruction is actually irresponsible, if not downright dangerous. I know our Democratic colleagues said they confirmed General Mattis, the Secretary of Defense, and later on the Director of the CIA and, yes, they finally confirmed the Secretary of State. But the Attorney General is part of the national security Cabinet. They run a lot of the counterterrorism efforts for the Department of Justice. [[Page S702]] This is not only irresponsible, but this is, I believe, dangerous. It should also be an embarrassment. The American people expect their Senators and Congress to do our jobs and fulfill the duties to those who we represent. If our Democratic colleagues don't want to support one of the very well-qualified nominees of the President, that is fine. That is their right, but don't slow walk and slow down the institution of the Senate just to score some political points or to feed some of the irrational rage that you see depicted in some quarters. Dragging this out doesn't do any good. It won't change the outcome, and it ill serves the American people. Let's get these nominations done so they can be sworn in and begin their service to this new administration and, more importantly, to the American people. In addition to our work on nominations, last week the Senate started to consider a number of measures to block a host of regulations put in place by the Obama administration during the last 6 months that President Obama was in office. Under President Obama, our country witnessed a volcanic profusion of rules and regulations that empowered unelected bureaucrats and shut out the voices of the elected representatives of the people. The result? Job creators have less freedom to operate and innovate and are instead suffocated by more and more redtape and compliance costs. That translates into a slower growing economy, which means less jobs and which means the American people are the ones who get hurt, directly as a result of this profusion of redtape and regulation. According to recent reports, the 600-plus regulations issued by the Obama White House came with a \$700 billion pricetag for our economy. Our economy is not even growing at 2 percent. I think this overregulation is largely responsible because this profusion of regulations hit businesses both big--they can absorb some matter of the costs--but also small businesses, including local community banks that are going out of business on a daily basis because they simply can't afford to compete and to

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pay for the countless lawyers to comply with all of the redtape and the mindless regulation from the previous administration. It is not just financial services. It is health care, it is agriculture, and it is all sectors of the economy. I am grateful that President Trump has made it clear where he stands on all of this, and he has already issued guidance requiring the government to cut regulations should it want to add more: Cut two regulations for every one you want to add. With President Trump in the White House, Congress can reverse many of the Obama regulations. That gives the American people and our anemic economic growth some relief. Through the Congressional Review Act, Congress can review and ultimately block recent regulations handed down by the Federal Government. That is what we did last week, and that is what we are going to continue to do. We can roll back many of the Obama administration rules that are killing jobs and stifling economic growth. At the end of last week, we repealed the rule called the stream buffer rule, which actually didn't have anything to do with streams. It was a job-killing regulation that was more about stifling domestic energy production, and I am glad we did away with it. On Friday, Congress passed another resolution--one I was happy to cosponsor. That was aimed at chipping away the regulatory burdens for our community banks and other financial services organizations brought on by Dodd-Frank. I am all for transparency, but I am against laws that give advantages to foreign companies over our own. This Securities and Exchange Commission rule would have done that by forcing American companies to disclose confidential information that their foreign competitors can keep under wraps. It should go without saying that each of us want a level playing field for our businesses, which help to create jobs and grow the economy. That is why we blocked this rule. Of course, this and other resolutions are the first few steps in a broader strategy to kill overbearing regulations so that our innovators and our entrepreneurs aren't suffocated by unnecessary paperwork and bureaucracy. That is part of what the American people sent us here to do. Certainly, the verdict they rendered on November 8 is that they did not want a continuation of the status quo under the previous administration. They wanted change. It is integral to restoring our economy--the kind of change we are bringing about to restoring our economy and helping it grow for everyone. I look forward to working with the White House and with our colleagues as we continue to find new ways to build up the American economy. Mr. President, if I can just close on one last topic. I see some colleagues here wishing to speak. Tomorrow we will vote on the nomination of Betsy DeVos to the Department of Education. The Federal Government, through the Department of Education, funds about 10 percent of public education, because most of that comes from our States; that is, the funding and the regulation of education from kindergarten through the 12th grade. What this fight over this well-qualified nominee is all about is power--as so many of these fights in Washington, DC, are about--and the desire to keep power over public education in all of our States and all across the country right here inside the beltway. I believe President Trump chose wisely, not because he chose another education bureaucrat who knows all the acronyms and knows the arcanum known to people who have been brought up within that establishment. Instead, he chose an outsider, someone much like himself but someone more interested in results, rather than paying homage to and feeding the education establishment here in Washington, DC, and retaining the power over the important decisions that should be handed back down to the States, down to teachers, parents, and students, as they choose how best to get to accomplish our universal goal of making sure every child has a good education. This fight isn't about the quality of education in our country. This fight, for those who are opposing Mrs. DeVos, is largely about whether we should retain power here in Washington, DC, so that Washington can continue to dictate to the States, parents, and teachers what policies they need to apply in our K-12 education system or whether we are going to return that power back where it should be--back into the hands of parents, teachers, and local school districts. That is what this fight is all about. That is why I am glad that tomorrow we will confirm Betsy DeVos as Secretary of Education. Listen to what the American people told us on November 8 when they said they didn't want to maintain the status quo because the status quo is not working for them, it is not working for our economy, and, certainly, it is not working for our children, each of whom deserves a good education. Yes, Mrs. DeVos will shake things up a little bit but, more importantly, she is going to be part of this effort to return power to parents and teachers and to our local school districts. That is what this vote will be about tomorrow. I yield the floor. The PRESIDING OFFICER. The Senator from Utah. Repealing and Replacing Obamacare Mr. HATCH. Mr. President, I rise to briefly discuss a number of ongoing efforts in the early days of the 115th Congress. It is a strange time to be working on Capitol Hill, as strange as I have seen in my four decades in the Senate. That is true for a number of reasons. Let me give you an example. Republicans currently control the Senate, the House, and the White House, and are in widespread agreement about most major policy issues. Sure, there are details that need to be worked out, both on the process and the substance on things like tax reform, trade, and of course health care reform, but by and large Republicans all have the same ultimate goals for these key areas. Yet despite the overwhelming consensus that exists on most of these issues, there seems to be an

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obsession with advancing a narrative of a deeply divided Republican majority. According to this popular narrative, House and Senate Republicans have completely different views on tax reform, Republicans in Congress oppose everything President Trump wants to do on trade, and Senate Republicans are deeply at odds on [[Page S703]] how to press forward on repealing and replacing ObamaCare. As chairman of the Senate committee that is right in the middle of all these issues, I get asked to comment on these matters, literally, dozens of times every day. The questions take many forms. Senator X says Congress should do ``blank" with ObamaCare. What do you think? Can the House's tax reform plan pass in the Senate? President Trump said ``blank" today. Is that going to fly in your committee? These questions may seem straightforward. However, the underlying question behind all of these lines of inquiry is: Will you publically disagree with or criticize another Republican so we can write another story about Republican divisions? Matters such as repealing and replacing ObamaCare or reforming the Tax Code are certainly important topics that are rightly under intense public scrutiny. However, given that these monumental efforts are still in the early stages, the fact that there are some relatively minor differences of opinion shouldn't be all that noteworthy. The existence of these differences in the initial stages of the process doesn't significantly jeopardize the success of these efforts. The purpose of the legislative process-- particularly the process we use in the Senate-- is to allow differences to be aired and worked through so, at the end of the process, consensus can be reached. Differing views on some issues at the beginning of the process are to be expected. Once again, they are hardly noteworthy. Case in point, Republicans are united in our desire to repeal and replace ObamaCare. The vast majority of us want reforms that are more patient-centered and market-driven. As far as I know, pretty much all of us want to return most of the authority for regulating the health care system back to the States. On some of the other questions, let me make clear what my position is just so there is no confusion on these points. I believe we should repeal ObamaCare--including the taxes--and provide for a stable transition period. I believe the work to replace ObamaCare should also begin immediately, meaning that our repeal bill should include as many ObamaCare replacement policies as procedures allow. A more complete replacement can and should be crafted in the coming months as we work through some of the more complicated issues. That has been my position since roughly March of 2010, when the final pieces of ObamaCare were signed into law. I have repeated it numerous times over the years. Moreover, I believe most Republicans in Congress share that same view. Do some Republicans have different views regarding the proper order and procedure for this endeavor? I am sure they do. But I don't know of a single Republican who does not want to get rid of ObamaCare. I certainly don't know any Republicans who are fine with the status quo in our health care system. That being the case, no one should be trying to parse anyone's words or split hairs in order to manufacture divisions in the Republican ranks on repealing and replacing ObamaCare. I have little doubt that we can work through whatever differences do exist, and, more importantly, I think we will. I am not going to speculate today on the floor about what the final process or product will look like, but I will say that at the end of the day, only 3 numbers matter: 218, 51 and 1. Those are the numbers of supporters we need at each step to pass an ObamaCare repeal and replacement. At this point, given what we currently know, I strongly believe that the process I described earlier--a full repeal and a responsible transition, coupled with a sizable downpayment on replacement, followed by a committed effort to implement additional replacement policies in the coming months--provides the best path forward to achieving those thresholds. Like I said, most Republicans in Congress agree with me. We can discuss other ideas, and I am happy to engage in that discussion, but those numbers--218, 51, and 1--have to be the standard by which we judge any alternatives. And while I would love to see the final product pass with even larger numbers, and even with some Democrats onboard with us, those numbers give us a clear picture as to how much consensus is necessary. Once again, I think we can get there, and I am continually working with colleagues in both the House and Senate to make sure we do. With that, I yield the floor. The PRESIDING OFFICER. The Senator from New Hampshire. Mrs. SHAHEEN. Mr. President, I come to the floor this afternoon to oppose the nomination of Betsy DeVos, President Trump's choice to be Secretary of Education. I fundamentally disagree with my colleague from Texas who said earlier that this is a fight about power and who maintains power, whether it is going to stay in Washington or whether it is going to be in our State and local communities. In New Hampshire, we believe in local control of education. It is a bedrock principle of our public education system. This fight, today, is not about power in Washington versus power in the States; this is a fight about whether we are going to continue to support our public school system and our system of public higher education, or are we going to take the money out, the support out, and divert it into private and religious schools, and gut the public education system in this country? My parents were part of the ``greatest generation," and they raised me in post-World War II America. They understood that the best way for my sisters and me to have opportunities for the future was to make sure we had a solid education. I benefited by going to great

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public schools in the State of Missouri and in the State of Pennsylvania, and I was also able to receive a quality public higher education. Without the opportunity to attend public universities in Pennsylvania and later in West Virginia and in the State of Mississippi, I would not have been able to get a college education because my parents wouldn't have been able to afford to send me to a private college or university, just like they wouldn't have been able to afford to send me to private K-12 schools. I am grateful for the public schools I attended and proud of the support my parents and so many other parents have given to public schools across America. My children and grandchildren have benefited from the great public schools in New Hampshire. As Governor, I was proud to work with the Republican legislature to improve the public schools in the State of New Hampshire. We expanded public kindergarten in our State because at the time I became Governor, we didn't have public kindergarten for all students. We were able to open the door for an additional 25,000 kids to go to public kindergarten. We were able to increase funding for schools in New Hampshire during my time as Governor. I learned during those experiences and also as a teacher--I taught in public schools in Dover, New Hampshire and also in Mississippi--the close connection between quality public education and a strong, growing economy. I taught in Mississippi in 1970. At that time, there was no requirement for all young people to attend school. So if you didn't want to go to school, you didn't have to. We saw the negative impact that had on economic indicators in the State of Mississippi. Since then, the State has adopted compulsory education for students in Mississippi. But it was a great lesson to me to see how important good schools are and how they contribute to a strong economy in this country. As Governor, when I talked to businesses in the State of New Hampshire, one of the things they told me that they needed in order for their businesses to succeed was a skilled workforce, young people who had a good education, who could learn advanced skills on the job. They looked to locate in communities where there was a strong system of public education. I value public schools as one of our Nation's bedrock civic and democratic institutions because they provide the best opportunity for kids from all walks of life to get a quality education. They pass on to each new generation, including the children of immigrants, America's shared ideals and values. Regrettably, after careful study of Mrs. DeVos's record as an activist, I have concluded that she doesn't agree with this view of our public schools. She has no relevant experience as a teacher or as a leader in public schools. She has never attended a public school, and she has not sent any of her children to a public school. To the contrary, she has spent her entire career [[Page S704]] and countless millions of dollars of her personal fortune working not to improve public schools but to privatize them, to weaken them by diverting public funds to private and religious schools. Given her past record, it makes no sense to put Mrs. DeVos in charge of the Department of Education unless the aim is to devalue, defund, and perhaps eventually destroy our public schools. I think that is unacceptable. In my State of New Hampshire, support for our public schools is bipartisan and it is passionate. In rural communities and small towns and our cities across the State, public schools are institutions that have strong support within our communities. They are a big part of our communities' identities and shared experiences. Across centuries and generations in the Granite State, public schools have been at the heart of our common civic life. I think it is not surprising that my office has been inundated with letters, emails, and phone calls strongly opposing the DeVos nomination. My office has received more than 4,000 letters and emails from Granite Staters. That may not seem like a lot to somebody from the State of California, but from the State of New Hampshire, to have 4,000 letters and emails on a nomination is unheard of. And almost all of them oppose this nomination. In addition, we have received 1,405 telephone calls in opposition and only 3 in support. I am impressed not only by the volume of constituent messages but by the intensity of their opposition. Megan is a social studies teacher in New Hampshire. She writes: Mrs. DeVos clearly lacks even a basic understanding of Federal education policy, laws and instructional practices. She has no relevant experience. There is just no way I would ever be certified to instruct students in New Hampshire if I lacked as much knowledge and experience in my field. But she gets to be the nation's chief educator? How is this good for kids? Roger is a retired public school teacher from the central part of my State, and he writes: Please reject DeVos because she is anti-public education in word and in practice, lacking the understanding of the public education system and having no understanding of the dreamers sitting in public schools this morning, creating their own American dreams, learning of the promise and justice that is America. Sam from our Seacoast region writes: It is important that we maintain a strong public school system. This is not a partisan issue. Any person, regardless of party, can see that Miss DeVos is unqualified to fill the position. You need to vote ``no" to save our education system. Mike from one of our university towns writes: I am really concerned that we might have someone with so little experience in education and with seemingly anti-public education views as our next education leader. I fear that a DeVos confirmation will only exacerbate the already segregated school experiences that children have in our country. I want all students to have a fair shake at a high- quality school experience, not just those who live in

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wealthy communities or who have parents savvy enough to advocate on their behalf. Many of the letters I have received are from parents who are outraged by Mrs. DeVos's comments on the Individuals with Disabilities Education Act, which is one of the landmark civil rights laws of the 20th century. In response to a question from my colleague, Senator Hassan, Mrs. DeVos made it clear that she was unaware that that law was a Federal law and that it governs all our public schools in the United States. IDEA ensures that children with disabilities have the opportunity to receive a free appropriate public education and that they are accommodated in our schools and classrooms, just like all other children. In her testimony, Mrs. DeVos said that decisions about how to treat students with disabilities should be left to the States. Can you imagine? What would happen in States that decide they don't want to make sure that those students can go to school? I received this message from Marilyn, who lives in the western part of New Hampshire. She says: Thank you for opposing the confirmation of Betsy DeVos as Education Secretary. She is a dangerous, unqualified choice. As the parent of a daughter with Down syndrome, I fear for the future of IDEA if DeVos is in charge. Ashley Preston, who was the Teacher of the Year in New Hampshire in 2016, wrote this to me: If our Secretary of Education does not understand and value the importance of Federal laws such as IDEA, how can we expect states and local school districts to do that? These are the elements crucial to ensuring the best chance for our future. Mr. President, the Department of Education has oversight not only of K-12 public schools but also higher education, including a portfolio of more than \$1.2 trillion in Federal student loans. I have had the opportunity not only to teach in our K-12 schools but to work in public universities in New Hampshire and in private universities. Listening to Mrs. DeVos's testimony, I was appalled by her lack of understanding of higher education policy. She acknowledged that neither she nor her children had ever received a Federal loan or Pell grant. And this is the worst part: When asked to commit to enforcing rules that ensure students are not cheated and end up with no degree but a mountain of student debt--in other words, the predicament of students who went to Trump University and so many other for-profit colleges--she refused to do that. She refused to say that this is something that we should support as a policy in America. I am also deeply concerned by her support for charter schools that are not accountable and her reputation as "the four-star general of the voucher movement." I believe there is a role for charter schools. I think as we try to improve our public system of higher education, we need to look at a number of models. I voted for New Hampshire's charter school law, but we should hold them accountable just as we hold our public schools accountable. We should ensure that they do not drain resources from public schools. There was a report that came out in 2013 that was done by a working group under the auspices of the Annenberg Institute for Social Reform. They uncovered similar challenges across charter schools. They found that there was uneven academic performance; that some of them had overly harsh discipline practices; that funding sometimes destabilized traditional schools; that there was a lack of transparency and oversight that led to conflicts of interest and, in some cases, fraud; and that many of them practiced policies that kept students out for various reasons. Mrs. DeVos was one of the architects of Michigan's first charter school law in 1993. It has been widely criticized for lacking accountability and safeguards for students. In her confirmation hearing, Mrs. DeVos refused to agree that for-profit charter schools should be held to the same standards as public schools. Just as disturbing is her support for school vouchers, which would siphon funding from public schools and divert it to private and religious schools. Advocates of vouchers like to call it school choice, but, in practice, parents have learned that choice is not a reality. Florida, under Governor Jeb Bush, was the first State to enact a statewide voucher system, and nearly 93 percent of private and parochial schools in Florida--after that law--refused to accept any voucher students. In New Hampshire, we have parts of the State where, if we don't have public schools, there are no other choices for our students. I don't care whether you have a voucher or not. You can't drive 3 or 4 hours to get to the closest private school. So let's be clear: Vouchers and other privatization schemes advocated by Mrs. DeVos are not about pedagogy; they are about ideology. They are all about disdain for what many voucher advocates like to call government schools. Well, what they call government schools are our public schools. They are schools that our communities have created and control locally for the education of their kids. What Mrs. DeVos fails to understand is that quality education has nothing to do with whether a school is public or private. We have public schools in New Hampshire that can do better, and we have public schools that are world class. The same can be said about our private schools in New Hampshire. But what counts in public and private schools alike are high-quality teachers, support from parents and communities, facilities where kids can learn and be safe, rigorous academic standards, and the resources to make sure that children get the instruction they need, including individualized assistance for kids with special needs. What counts is the political and budgetary commitment to create high-quality schools in every neighborhood, regardless of ZIP Code. Because Betsy DeVos does not understand these basic truths about education in America, because she is driven by an

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ideological hostility to our public schools, she is the wrong person to serve as our Secretary of Education. I intend to vote no on the nomination of Mrs. DeVos, and I urge my colleagues on both sides of the aisle to join me in rejecting this unqualified nominee. I yield the floor. The PRESIDING OFFICER. The Senator from Michigan. Mr. PETERS. Mr. President, I rise today to speak in opposition to the nomination of Betsy DeVos for Secretary of Education. My reason is very simple: Mrs. DeVos lacks the experience required to oversee the Department of Education, an agency that serves over 50 million public school children across America. Despite spending many years giving hundreds of millions of dollars to back political candidates and ballot initiatives that support unproven education policies, she remains shockingly unfamiliar with Federal law and even some very basic education concepts. Educating our children is an incredibly important job, and we need someone who is experienced, prepared, and well qualified to lead the Department of Education. As I have said before, Mrs. DeVos has no experience in public education at any level, not as a teacher, not as an administrator, not as a student, not as a parent, not as a school board member, and not even as a borrower of public loans for college. Ask any parent; our children are what we hold most dear. It only makes sense that the individual whom we entrust with our children's education should have at least some--some--experience in public education. Mrs. DeVos has absolutely no experience--I repeat, no tangible experience--with neighborhood public schools. In fact, her only experience in education is her work lobbying for the transfer of taxpayer money to private schools. She has also pushed for the rapid expansion of charter schools without sufficient accountability to parents and to students, which brings me to her track record in my home State of Michigan. Mrs. DeVos has pushed for school vouchers to send our public tax dollars to private schools. Her staunch advocacy for the use of taxpayer funding for private and charter school systems earned her the nickname as the "four-star general of the pro-voucher movement." The vast majority of children in Michigan and in the United States attend neighborhood public schools. Voucher programs rob these children of the resources they need to receive high-quality education near where they live. Michigan voters soundly rejected her plan, and we cannot--I repeat, we cannot--put her in a position to push for voucher programs on a national scale that will weaken our neighborhood schools and will weaken, in particular, our rural schools. Let me be clear: I support innovative models for improving our education system but only when those models are proven to work. For example, I worked hard to ensure that all children have access to the skills and education that are vital to joining the modern workforce and competing in today's global economy. I introduced legislation that will reduce the price tag for higher learning by allowing students to complete college-level courses while they are still in public high school. The Making Education Affordable and Accessible Act will help students save time and money as they kick-start their careers through a very personalized curriculum. Whether an early-middle college program or a dual and concurrent enrollment program, these models help traditional public school students save money and get ahead by earning college credits while they finish their high school education. These programs are typically run by a local school district or an intermediate school district and are offered at little or no cost to the student. They also help students identify their major or interest area sooner so that they can complete their college degree and graduate as much as 1 year earlier. Across the State of Michigan, students are participating in more than 90 early and middle college programs, programs that are proven to significantly increase high school graduation rates. Jobs for the Future found that, nationally, 90 percent of early college students graduate high school versus 78 percent nationally. This is just one example of the kind of innovative approach with proven results that policymakers should support to improve education outcomes. Education reform must be driven by data and validated outcomes and not by political ideology. Our primary focus must always be on increasing opportunities for the millions of students in our neighborhood public schools. Given Mrs. DeVos's history of supporting policies that undermine traditional public schools and the communities they serve, I do not think she would act in the best interests of American students. Michigan has been devoted to great public education for generations, a commitment that stretches back to even before the founding of our State. Some of our State's earliest pioneers, including my ancestors, settled under the guidance of the Northwest Ordinance, which stated that "schools and the means of education shall forever be encouraged." Our Nation has strived to live up to this creed ever since, honoring the fundamental truth that all of our children have the right to an education no matter who they are, where they live, how much money their parents have, or how they learn. All levels of government--State, local and Federal--share the responsibility of ensuring that our children have access to quality education. In addition to providing significant Federal dollars to local school districts, the Federal Government plays a critical role in preventing discrimination and creating opportunity. Federal education laws play a vital roll in ensuring that all students have equal access to learning opportunities, laws like the landmark 1975 Individuals with Disabilities Education Act, or IDEA. Before the enactment of IDEA, too many of our children with disabilities were denied the chance to learn from our broader communities. Likewise, our broader

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communities were denied the chance to learn from these youth and the extraordinary perspectives and contributions they offer to American society. Now, thanks to IDEA, 6.5 million of our children, or 13 percent of all public school students, are not condemned to a life of isolation or mere accommodation. Instead, Federal law ensures that every child has access to the resources he or she needs to become productive and included members of our increasingly diverse 21st-century society. IDEA assists public schools with offering high-quality special education and early intervention services for children with disabilities from birth to age 21. As a result, IDEA is responsible for millions of youth with disabilities graduating from high school, enrolling in college, and finding jobs as valuable participants in the American economy. But IDEA will not enforce itself; it is the responsibility of the Department of Education and its leadership to monitor, evaluate, and provide technical assistance to States, making sure that our schools are offering learning opportunities that meet every student's needs. It is the responsibility of the Senate to determine whether Mrs. DeVos can carry out this task and live up to the creed of "forever encouraging" education. Unfortunately, Mrs. DeVos has demonstrated little comprehension of the Federal role in protecting students with disabilities' equal right to an education. This became evident when she was asked directly about IDEA during her confirmation hearing, and Mrs. DeVos tried to excuse her erroneous answer by saying, "I may have confused it." Every student knows the importance of doing their homework, studying for their exams, and practicing for any class presentations in advance. Every educator knows that the answer "I may have confused it" is not a response that leads to a passing grade. With the stakes as high as they are, it is clear that Mrs. DeVos did not do her homework. She did not study for her potential role. She did not practice for her interview with the Senate committee and, most importantly, the [[Page S706]] American people. She has contributed millions of dollars to Republican politicians over the years and probably thought that was the only qualification that she needed. We need to prove to the American people that she is wrong. I take my responsibility under the U.S. Constitution to provide advise and consent to the President very seriously, and I know my colleagues here in the Senate do so as well. Given Mrs. DeVos's weak performance in her interview before the American people and her inability to demonstrate a basic understanding of key education concepts, I do not think we can give her a passing grade. As Senators, we do not operate under a model of social promotion under which we pass an unqualified individual to a higher office simply because they showed up. Perhaps this is why Mrs. DeVos's nomination is expected to see the most bipartisan opposition to her confirmation of all of the President's nominations to date. Mrs. DeVos's response regarding IDEA during her confirmation hearing was not the only response that I found alarming. As the father of two college-age daughters, I am extremely concerned about ensuring that our college campuses provide safe environments where students can learn and grow. I was shocked by a recent comprehensive report done by one school that found that over 20 percent of female undergraduates experienced unwanted sexual contact. Sadly, this problem is not confined to one school. It is a public safety and health crisis that we must immediately take action to address. The Department of Education has taken important first steps to combat the prevalence of campus sexual assault by opening investigations in over 200 schools and publishing guidance to ensure that universities are affording students title IX protections, the freedom from discrimination on the basis of sex and freedom from sexual violence. Mrs. DeVos apparently has a different reaction to the threats many young students face while pursuing their higher education. As we saw during her confirmation hearing, she said it is "premature" for her to say if she will choose to uphold the Department of Education's guidance on preventing sexual violence. This is completely unacceptable to me as a Senator representing over 500,000 undergraduate students attending one of Michigan's outstanding colleges and universities, and this is completely unacceptable to me as a father. It is also unacceptable in the eyes of over 1,000 graduates of the same school in Michigan that Mrs. DeVos attended herself: Calvin College. Calvin College alumni from the class of 1947 to the class of 2020 sent my office an extensive petition expressing their deep concern with Mrs. DeVos's nomination. In their letter, these alumni presented several reasons they oppose Mrs. DeVos's confirmation. Specifically, they expressed concerns that she does not understand or support the many Federal policies--like IDEA and title IX--that she would be required to enforce. They wrote: "This is especially concerning given that the Individuals with Disabilities Education Act and title IX, which ensure that all students' educational experiences are free of discrimination that impede learning, are not of value to Mrs. DeVos." I cannot agree more with her fellow alumni. My office has received over 8,000 calls in opposition to the nomination of Betsy DeVos, and I am sure my colleagues have also heard from thousands of their own constituents all across this country. The American people are making their voices heard, and they are telling the Senate that Mrs. DeVos is not the right choice to lead the Department of Education. I urge my colleagues to listen to their constituents who are forcefully--forcefully--rejecting Mrs. DeVos's misguided vision for neighborhood public schools in America. I will be standing with the people of Michigan, and I once again call on

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my colleagues to join the bipartisan opposition to Mrs. DeVos's nomination. Our children's future depends on it, and for their sake, please vote no. Mr. President, I yield the floor. The PRESIDING OFFICER (Mr. Lankford). The Senator from Oklahoma. Mr. INHOFE. Mr. President, I believe Betsy DeVos is going to be an excellent Secretary of Education. Nomination of Jeff Sessions Mr. President, I have been fortunate enough to get to know Jeff Sessions over the past 20 years. Not only is he a colleague whom I admire and respect, he is also one of my very best friends. I actually suffered through with him back when he had a nomination that was rejected by this body many years ago. As you know, Senator Sessions has been nominated by the President to be the next Attorney General of the United States. It is an incredible honor. There is no doubt in my mind that my friend will be perfect for the job. He is more than qualified for this position, and I know he will keep his word when he says he plans to uphold the laws we pass in Congress. Senator Sessions was elected to the Senate in 1997. That was 2 years after I was elected, and we have been very close friends ever since. For 20 years now, we have known each other and worked alongside each other on both the Senate Armed Services Committee and the Environment and Public Works Committee. Those are the two major committees we have been on. He is seated just to my right in each one of the committees, and, as the Chair knows, you get to know a person pretty well when you have been sitting there for these 3- or 4-hour-long meetings. So we have had that relationship with each other. Not only have we worked together, but we have also traveled and prayed together. You really get to know someone when you work, travel, and pray together. When working, a person's mind is revealed; when traveling, a person's character is revealed; and when you pray, the person's heart is revealed. I have come to know Senator Sessions as a God-fearing family man who puts others before himself and has a deep respect for the rule of law. Family man--every time he has a grandchild, his wife and my wife talk about our competing grandchildren. He helps those in need and makes sure that the legal system is protecting our citizens and holding criminals accountable. A person only needs to look at the legislation and causes he has championed to know him. He played a key role in fighting for fairness and funding for the rural HIV/AIDS patients when negotiating a reauthorization of the bipartisan Ryan White CARE Act. His advocacy brought funding to low-income, mostly African-American women who did not have easily accessible health care before. Senator Sessions has been an author and supporter of many pieces of bipartisan legislation, including protecting victims of child abuse, reducing prison sentences for those who are unfairly targeted, and helping the families of our fallen military personnel. As a member of the Senate Armed Services Committee, Senator Sessions has become a fierce advocate for keeping our country safe from terrorism, and he understands the risks we face. In fact, Senator Sessions is tough on crime and is well suited to oversee Federal law enforcement activities and to assist local governments in their efforts. Violent crime has recently been increasing. Furthermore--and I just found this out--the shooting deaths of police officers has increased by 68 percent just in the last year, between 2015 and 2016. That is pretty remarkable. These trends are unacceptable, and Senator Sessions has pledged to reverse the course by strengthening the partnership between Federal and local law enforcement and by going after drug traffickers, aliens who violate the laws, and criminals who use guns to commit crimes. There is no question that Senator Sessions is qualified to do what he says he will and what the job asks of him. He served as a U.S. attorney for Alabama's Southern District, and he was also Alabama's attorney general, so he clearly knows the job. He doesn't have to be trained. It is because of his previous experiences that he will be able to transition from a partisan legislator to our Nation's top law enforcement officer with great ease. Countless groups of people have come out to support the nominee: the Fraternal Order of Police, the National Sheriffs' Association, former U.S. attorneys, a former FBI Director, current [[Page S707]] State attorneys general, and many more. All of the law enforcement professionals are behind him, and there is a reason for it: It is because that is his record, and people are aware of it. So I would like to take a minute to point out that it is cruel and unfair that people have tried to paint a picture of Senator Sessions as someone and something he is not. I think this is something that needs to be said. The man the opposition has painted does not exist. You all know Jeff Sessions. You know that the awful things being said about him are completely false. In fact, back in 1981, the Ku Klux Klan ordered the tragic, extremely undeserved murder of a young African-American man by the name of Michael Donald. Because of Senator Sessions's help and support, these Klan members were convicted and given either life sentences or the death penalty. That is Jeff Sessions. Furthermore, he later played a major role in the destruction of the Ku Klux Klan in Alabama when he helped bring a civil suit against them. As a result, the KKK went bankrupt, and he caused them to fall apart in that region. Again, those were Jeff Sessions' efforts. Before we vote on the confirmation of our friend and colleague, I ask that you all take a moment to seriously reflect how Senator Sessions has worked diligently with you over the past two decades and how perfectly qualified he is for this position. As for me, I thank him for his tireless efforts in Congress, for his friendship, and for his fellowship. He will go down as one of the truly great U.S.



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Attorneys General in this country's history. Mr. President, there are a lot of other nominees whom I have gotten to know. I had an experience of actually going to Trump Tower and getting to know some of the people who advise him. As I looked around the table, I saw people who were the right kind of people in health care, the right kind of people in energy, and the right kind of people in the military to give him advice in areas he might not have been exposed to in the past. And I just noticed that it has been very slow. I was not aware of this until a few minutes ago, that apparently the Cabinet confirmations are the slowest since George Washington. This is something that is really wrong. You can criticize someone, but after a while, you just go ahead and you know the votes are there, and you make sure that you go ahead and do it. Nomination of Neil Gorsuch Mr. President, I would say this to the Presiding Officer, since he and I are both from Oklahoma, which is in the Tenth Circuit: Last week President Trump announced that he was nominating Judge Neil Gorsuch of the Tenth Circuit Court of Appeals to be a U.S. Supreme Court Justice. As someone who had been following the news and rumors of who the pick would be--I had been looking into potential nominees for weeks--I was pleased to see Judge Gorsuch's name come up because we know something about him. After the untimely death of Justice Scalia a year ago, it was clear that the Presidential election would be about the direction of the Supreme Court for the next generation or maybe even generations. With the results of the election--the Republican President and Republican Congress--the American people have entrusted us to confirm a Supreme Court Justice who will adhere to the rule of law and will not *try* to read between the lines when interpreting legislation or the Constitution. With the selection of Judge Gorsuch, I believe President Trump has picked such a Justice. The President might not know or remember, but George W. Bush nominated Judge Gorsuch to his current position, and the Senate confirmed him unanimously by voice vote. We went back and looked at the record, and no one voted against him. There is no question that Judge Gorsuch is qualified for the Supreme Court. He is a graduate of Columbia University, Harvard Law School, and Oxford. He clerked for Judge Sentelle of the U.S. court of appeals for the DC Circuit. He clerked for Supreme Court Justices Byron *White* and Anthony Kennedy, so he knows the job. There is no need for on-the-job training for him. He has been in private practice. He has been a principal deputy to the Associate Attorney General and Acting Attorney General at the U.S. Department of Justice. Much like the Justice he has been nominated to replace, Judge Gorsuch has become known for his writing style. One of his former law clerks said that his "favorite aspect of the judge's writing is his ability to humanize disputes." It appears that Gorsuch has more in common with the late Justice Scalia than just writing abilities. He has said that "assiduous focus on text, structure, and history is essential to the proper exercise of the judicial function." That judicial philosophy has been borne out in his record on the Tenth Circuit. My home State of Oklahoma is within the Tenth Circuit jurisdiction, so we know him very well. Oklahoma is the home of Hobby Lobby. Everyone is familiar with what Hobby Lobby is. A lot of people don't realize this, but it started out when I was in the State legislature. The Greens, who have Hobby Lobby, started out in their garage. At that time, they were putting together things that they could frame-- miniature picture frames and that type of thing. With a loan of \$600, David and Barbara Green began making miniature picture frames. Today, Hobby Lobby is the largest privately owned arts and crafts store in the world, with over 700 stores in all but three States. They are people of faith, and when they were facing fines under ObamaCare for not providing certain insurance coverage that violated their faith, they were faced with an impossible choice. They took it to court, risking millions of personal dollars in doing so. In siding with Hobby Lobby against ObamaCare's contraceptive mandate, Judge Gorsuch stressed the point that it is not for a court to decide whether the owners' religious convictions are correct or consistent, but instead the court's role is "only to protect the exercise of faith," and the Supreme Court agreed. Again, Judge Gorsuch defended the religious beliefs of the Little Sisters of the Poor in his dissent of the Tenth Circuit's refusal to rehear their case against the Obama administration regarding the same mandate that Hobby Lobby was contesting. Time and again, Judge Gorsuch has defended religious expressions in public space. In addition to defending the First Amendment protections regarding the free exercise of religion, he is also skeptical of the idea that agencies should be given a wide latitude when interpreting statutory language. In a recent opinion, Judge Gorsuch suggested that the precedent of the judiciary to give deference to agencies on statutory interpretations limits the courts when reviewing the legality of agency actions. Gorsuch believes it is for Congress to write the laws, the executive to carry them out, and the judiciary to interpret them, just as our Founding Fathers intended. I look forward to working with my colleagues to move Judge Gorsuch's nomination forward. He is going to be confirmed, and he will make a great Justice of the U.S. Supreme Court. With that, Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Michigan. Ms. STABENOW. Mr. President, before my colleague from Oklahoma leaves the floor, while we disagree on this current debate in terms of voting, I just have to say when I see him that I constantly thank him for his efforts last year to work with us for the community of Flint. We are finding some hope in terms of

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replacing and addressing the lead contamination, and without the distinguished Senator from Oklahoma, that literally would not have happened. We have things we disagree on and agree on, and this one--coming together with the families of Flint, particularly with the children and the water impacts--he will always have a warm place in the hearts of all of us who care deeply about that issue. I thank my colleague very much. Mr. President, I want to speak today about the nomination of Betsy DeVos. Betsy DeVos's nomination is very personal to many people who live in Michigan because Betsy DeVos is from Michigan, and her vision of education and her actions have unfortunately played a major role in undermining our public schools. Families all across our State can tell the story of her work with Michigan [[Page S708]] schools firsthand because they have seen it firsthand. They have lived it firsthand. They all say the same thing. Democrats, Republicans, Independents, people who live in cities that are big and small, parents and teachers, principals, and community leaders from across the State-- overwhelmingly, they have told me that Betsy DeVos should not be our next Secretary of Education. Everywhere I go, I can't believe how people will stop me about this and how strongly people feel in Michigan about this. They are saying this because, among other things, she has pushed for policies that have made charter schools in Michigan less accountable and has taken dollars away from public schools where the vast majority of children get their education. These are policies that have hurt our children and put their futures at risk. I have received so many emails and phone calls from people involved every which way; at the grocery store, out at public events, people come up to me. I just want to share a couple of e-mails. Chris is a teacher from Harper Woods and worked as a teacher in the Detroit public schools for over 20 years. He wrote: Betsy DeVos believes in school privatization and vouchers. She has worked to undermine efforts to regulate Michigan charters, even when they clearly fail. The marketplace solutions of DeVos will destroy our democratically governed community schools. Her hostility toward public education disqualifies her. Those were Chris's comments. In Michigan last year, State legislators put together a bipartisan plan, and our State legislature--House and Senate--majority is Republican. They put together a bipartisan plan to increase both funding and accountability for Detroit public schools. There are a lot of wonderful things happening in Detroit. Businesses are coming back to Detroit, and economic development is also, but we have major work to do for our children and their schools. So there was a huge bipartisan effort that came together to increase funding and accountability for the public schools, including charter schools. It was a commonsense proposal. Betsy DeVos led the effort to stop it, particularly the part that brought critically needed public accountability for for-profit and nonprofit charter schools. Unfortunately, right now in Michigan we have a system where anyone can apply to open a charter school. There are no statewide standards for revoking the charter, and taxpayer money is sent to them with virtually no public disclosure requirement. For example, we have for-profit charter management companies that say they are private businesses; therefore, even though they are getting public money, they say they are private businesses, and they should not have to comply with a series of disclosure requirements regarding teachers and other information that, frankly, parents would want to know and taxpayers have a right to know. Thirty-eight percent of charters in Michigan are at the bottom 25 percent of the schools in our State. When you look at the bottom one-fourth, 38 percent of the charters are in that category, and there is unfortunately very little accountability for their performance. Sadly, precious taxpayer dollars have been taken away from public schools--neighborhood schools--to fund these charters. When it comes to funding for public schools, she will not commit to protecting the critical Federal dollars that serve our children. One mom, Hillary Young from Detroit, came to Washington to watch the confirmation hearing on Betsy DeVos in the HELP Committee. She wrote to me. She said that she was not impressed and told a group of parents afterwards: As a parent I can't stand silently and watch other children be subject to similar circumstances to my child in Detroit. My sixth grader was without a math teacher for over half the year last year because of funding reductions. The effect of DeVos's policies is not parents voting with their feet to go to better schools; it is children bearing the burden for fixing the education system they are supposed to be served by. She goes on to say: DeVos's free market school choice system has left our city's education landscape in chaos, leaving less choice, less quality, and even more government bureaucracy. We have seen parents get involved and speak out all across Michigan and, frankly, all across the country. I have received more mail, more emails, more phone calls on this nominee than any other, and I have received a lot on a lot of nominees, but there is a broad outcry. People like Kathleen, who is a farmer and a grandmother from Farmington Hills, wrote to me: We have 15 grandchildren who are in the public school system, and we are terrified that there will be no more public schools and that the quality will be far inferior to charter and other private schools. I am writing you to respectfully ask that you do not vote to confirm Betsy DeVos as Secretary of Education. I am deeply concerned about what we heard in committee about her views on special education. In the HELP Committee hearing last week, she suggested that States should decide on whether or not to enforce IDEA, the Individuals with Disabilities Act that has

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been such a landmark, opening doors of schools in every neighborhood across our country, for children with disabilities. This law was enacted in 1975, and makes sure that children with disabilities have the same educational opportunities as other children. My nephew Barry, who has now gone through the special education system in Michigan, is a wonderful young man with Down syndrome. And I have seen personally how important that was for him, to be able to go on and be successful in the community as a part of the community. It is a very important civil right, frankly, for children with disabilities, as well as an essential part of our educational system. Betsy DeVos, after her hearing, when she was asked about special education, followed up with a letter days later and wrote about expanding the conversation about school choice opportunities for parents of children with disabilities, but she didn't say anything about helping those in traditional public schools or helping students in the schools they are in now. For me, this is not about politics or partisan messaging or even charters or private schools versus traditional public schools; it really is about what is best for our children and for our country. Families in Michigan and all across the country know this. Tens of thousands of people have called me over the last few weeks and sent emails and letters. Who we choose to be the Secretary of Education doesn't just affect the over 50 million children who attend public elementary and secondary schools, it affects the future of our country, and it is a fundamental difference in views. A competitive free market system, with winners and losers, works in the private marketplace. I support that. Business is open. They compete, and if they don't do well, they close, or they do very well and they go on and they grow. That is a strength in our country. But it doesn't work for educating our children because we can't afford losers. We can't afford losers when it comes to something as basic as fundamental education and creating opportunity for our children in the future. We need to provide every opportunity for every child to work hard and succeed. I support having choices. I support magnet schools and public charters--I did that as a State Senator--as well as other choices that are great opportunities for children, if there are equal standards and public accountability for taxpayers' dollars so that parents can have confidence in that accountability, and if it is part of the public school system, the public process, and only if they are in addition to quality neighborhood schools in every neighborhood and in every ZIP Code. It is not just a slogan to say it shouldn't matter where you live, what kind of opportunity you get or that your child has, and that is becoming more and more true. It certainly is in Michigan, where this philosophy has been a test case, and we are seeing it across the country. We can't afford losers. A winners-and-losers system is not good enough for our kids. Betsy DeVos has a record of working against the vision of accountability and standards and choice within a system where every child has a quality neighborhood school in their neighborhood in every ZIP Code. She has worked against that vision. She doesn't believe in it. We have fundamental differences in what will help our children [[Page S709]] for the future. That is why I will be voting no on her confirmation. Thank you.

THE PRESIDING OFFICER. The Senator from Virginia. Mr. WARNER. Mr. President, first of all, I wish to thank my friend the Senator from Michigan for her comments and her views on this nominee. I rise today to add my voice to those expressing concern about the nomination of Betsy DeVos to serve as U.S. Secretary of Education. The chorus of concerns not only comes from those colleagues who have already come to the floor last week or earlier today or throughout the evening and into tomorrow morning, but it also comes from literally tens of thousands of my constituents who have contacted me about Mrs. DeVos. I have been flooded with phone calls, emails, and social media messages from Virginians all across the Commonwealth, in many ways, in numbers that I haven't seen since the debate about the ACA. These Virginians worry about Mrs. DeVos's confirmation. They worry about what it would mean for our children, our students, and for progress toward improving and providing every child with a quality public education regardless of their ZIP Code. Like many of my colleagues, I bring to the debate some direct experience as both a State and local elected official. I had the great honor of serving as Governor of Virginia. I was responsible in that job for how we were preparing our students for success in college and in the workforce. I took that responsibility very personally. As somebody who attended good public schools all of my life, as somebody who was lucky enough to be the first in my family to graduate from college, I realized that I wouldn't have been able to have been Governor or, for that matter, obviously, Senator without that foundation I received from my education. Those public schools--and I had the opportunity to go to public schools in three different States growing up, and many of those public school teachers were the folks who framed my views about government, about our system, about how we actually get through in life. I believe in many ways public schools and the whole notion of public education really form the cornerstone of what is the social contract in America--that getting that basic public education is the right of all individuals. When I think back on everything I was able to accomplish as Virginia's Governor, the validation I valued the most was that when I left the Governor's office in 2006, Virginia was consistently recognized by independent validators as the Nation's best State for a lifetime of educational opportunity from pre-K to college and beyond. So as someone who is committed to reforming and looking at how we can make

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sure our public education can work for all, as someone who spent a career before in business and tried working in a philanthropic sense on how we could expand educational opportunities, I believe I bring some experience to this debate. That is why I stand here today unable to support the nomination of Betsy DeVos to serve as Secretary of Education. To put it simply, Mrs. DeVos's single-minded focus on charter schools, on vouchers, and on converting Federal education dollars into a different program is simply out of step with the education climate in the Commonwealth of Virginia. Let me make clear that I have supported public charter schools. I believe they are a tool that ought to be in the toolkit. I have taken on those forces who stand for simply no reform in education. But I am unconvinced that Mrs. DeVos's complete setting of different priorities at the Federal level is in the best interest of our students, our teachers, or our public schools. That is exactly what I have been hearing from constituents all over the State, and I would like to very briefly share some of those concerns I have heard. Laura from my hometown of Alexandria writes this: While many of our . . . President's cabinet picks worry me, none worry me more than Betsy DeVos for Secretary of Education. She says: I come from rural Appalachia, where [I] worked my way through public school in one of the poorest counties in the country, but that didn't stop me from ending up here in Northern Virginia working for the intelligence community. In areas like my hometown, where public schools are the only option, they become the lifeblood of a community. . . . On limited resources, our high school had to get creative about how to provide for the students, often partnering with the local university. But shutting the school down in favor of charters, or adding a for-profit alternative, definitely wasn't an option in my low-income area. Another letter from a school administrator from the Shenandoah Valley says this: At her confirmation hearing it was quite clear she had no knowledge of instruction, curriculum, federal programs and-- most disturbing--had no understanding of the federal laws that are in place to protect children with disabilities. It is a serious business to educate children, and the consequences are huge if we do it wrong. Another comment--and again, these are just samples of thousands--is from Olivia, a teacher in Williamsburg, who shared this: I see so much potential in my students every day, and I feel very energetic as a young teacher about the opportunities that I know our public schools are providing already--and are capable of providing in the future. She said: I am concerned for my LGBT students, low-income students, and for the future of myself and my colleagues as public school educators trying to do good for our students. I have received thousands of similar heartfelt messages from every corner of Virginia. I welcome this level of public attention and citizen engagement. Sometimes, as the President's nominees have come forward, I voted for many of them, much to the consternation of some folks. But it is my job to weigh, regardless of that public opinion, what I think is best for students in Virginia and, for that matter, students across the country. With this outpouring from teachers, parents, students, administrators, civil rights groups, charter school proponents and opponents, and from both sides of the political aisle, I believe it does weigh. That is what I have done. I have listened to my constituents, but more importantly, I have listened to Mrs. DeVos's own words before the Senate HELP Committee, and let me say that I still have a lot of unresolved questions after reviewing Mrs. DeVos's testimony. For starters, Mrs. DeVos did not demonstrate that she understood the Individuals With Disabilities Education Act, IDEA. She didn't understand that it is actually a Federal law passed by Congress and signed by President George H.W. Bush, contrary to the impression Mrs. DeVos seemed to have at her confirmation hearing, saying that somehow complying with IDEA was simply a voluntary measure. That is not right, it is not the law, and, boy oh boy, did that frighten a whole lot of parents whose kids have special needs and without IDEA, would not have those needs met. They are concerned that Mrs. DeVos's seeming lack of familiarity with IDEA is indicative of how, if confirmed, her Department of Education would fail to protect the rights of these children--and every child--toward a free and appropriate public education that allows even kids with special needs to flourish. Another area under the Department of Education's jurisdiction where I have concerns about Mrs. DeVos's commitment and level of understanding is campus sexual assault compliance and enforcement. Since 2014, I have been proud to support bipartisan legislation led by my colleagues, Senator Gillibrand and Senator McCaskill, the Campus Accountability and Safety Act. At the end of last Congress, this legislation had the support of more than one-third of the U.S. Senate, as well as a broad coalition of advocacy groups, law enforcement organizations, and many of our leading colleges and universities. The Department of Education's own Office of Civil Rights has also played a very important role in initiating and in conducting title IX investigations. So you can understand why so many folks, including myself, were concerned when Mrs. DeVos did not demonstrate any depth of knowledge about the difference of opinion surrounding particular policy issues related to campus sexual assault. Similarly, when asked about a basic principle of education policy related to measuring student achievement, Mrs. DeVos was not able to articulate an understanding of the difference between growth and proficiency. [[Page S710]] In the same vein--and while this has become the subject of late night comedy, I think it is a very serious matter--Mrs. DeVos was not able

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to clearly express her understanding or her commitment to enforcing the Gun-Free School Zones Act, which, again, is Federal legislation, also signed by President Bush, where compliance is not optional. These are fundamental tenets of Federal education policy, not some obscure metrics, not small bills that languish in committee or small compromises. These are the principles and cornerstones of Federal education civil rights policy, and they cannot be more central to the Secretary of Education's core responsibilities of safeguarding students' civil rights and safety. For all of those reasons and others, I am not able to support Mrs. DeVos's nomination to be Secretary of Education. I know the Presiding Officer has had to hear a number of these comments. I hope that if she is not confirmed, the President will send down an Education Secretary nominee who brings more mainstream views to this very important issue. There are those of us, like me, who are all for education reform, but it has to be led by someone who will always put the needs of our kids first, and making sure they get a fair and appropriate education is guaranteed. With that, I yield the floor. The PRESIDING OFFICER. The Senator from New Mexico. Mr. HEINRICH. Mr. President, I am deeply disappointed by the qualifications of President Trump's nominee to be the leader of our Department of Education. Betsy DeVos has clearly shown a disregard-- even a hostility--for the public school system. So I stand with the thousands of parents, teachers, and students of New Mexico in fighting to stop her confirmation. Simply put, education is too important to New Mexico children and our State's economy to have a Secretary of Education not fully invested in the success of our public schools. As someone who grew up going to public school, who is sending my own kids to public schools, I am deeply troubled by Betsy DeVos's record on privatization, which goes well beyond simply voicing support for vouchers and private school. Mrs. DeVos has been a key player in the well-moneyed effort to privatize and siphon funds away from public education, and she has time and again undermined the teachers we all rely upon. It appears as though Betsy DeVos's most notable experience in education is spending her career and her fortune advocating for policies that divert public tax dollars away from public schools and into private schools. I cannot support a nominee who wants to weaken the kinds of public schools that so many New Mexicans rely on. The privatization policies pushed by Mrs. DeVos would be especially damaging to rural New Mexico, where there are few options to begin with. It is not uncommon for students to travel more than an hour to get to and from school in those parts of the State. School administrators often wear multiple hats, sometimes running the after- school program or driving the local schoolbus. In rural areas in my home State, the public school is often the only choice, and there simply aren't enough students to support the kinds of for-profit private schools that Mrs. DeVos wants to replace them with. Having a Secretary of Education who has spent her entire career pushing a privatization agenda is not reassuring to New Mexicans and is at odds with the needs of the students and families across my State. Further, I do not believe that Mrs. DeVos understands the Federal Government's trust responsibility in serving Native American students. Given Mrs. DeVos's rushed nomination hearing in the HELP Committee, Senators were given very little opportunity to question her about her understanding of tribal issues and impact aid. So I am concerned that she will push her privatization agenda in these areas as well. For example, the Zuni Public School District is a small rural district in Western New Mexico. Earlier this week, their school board sent me a letter asking that I oppose Mrs. DeVos's nomination. I want to take a moment and read a few passage from this letter: The beauty of the United States public school system, unlike many in the rest of the world, is that we take everyone who walks through our doors and love every child who sits in our desks, without question. This Board therefore stands by all of our students, no matter what color or ethnicity, regardless of their creed; every child who identifies on the spectrum of L,G,B,T, or Q; every child with either a physical or learning disability, or both . . . every child who speaks a second language; every immigrant child as well as every Native American child who can trace their lineage in this land back thousands of years; every child who sees their education as the bridge between their most ardent dreams and their most hopeful futures. These are powerful words that I fully support, and I thank the Zuni Public School District for speaking out on this matter. We should all be this concerned. Mr. President, I ask unanimous consent that the entire letter from the Zuni Public School District be printed in the Record at the conclusion of my remarks. During her nomination hearing, Mrs. DeVos demonstrated over and over that she is unfamiliar with even basic education issues, and she failed to commit to uphold the responsibilities of the Secretary of Education to support public schools. Given that Mrs. DeVos has no relevant experience as a teacher or school administrator, we should be very concerned with entrusting her to enforce key protections under title IX, under IDEA, and under other civil rights laws. In particular, Mrs. DeVos's lack of commitment to the Office of Civil Rights within the Department of Education, combined with the fact that she and her family have donated enormous sums of money to organizations that are anti- LGBTQ, anti-women's rights, and anti-Muslim, is simply troubling. The mission of the Office of Civil Rights is to ensure equal access to education and to promote educational excellence throughout the Nation with vigorous enforcement of civil rights. During her

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nomination hearing, Mrs. DeVos would not commit to continuing the Office's policies that are making our college campuses safer by focusing on prevention and response to sexual assault. In fact, she has donated money to organizations that actually make it harder to prosecute sexual assault on our college campuses. As amazing as that sounds, it is true. If my Republican colleagues rubberstamp this nominee, they will confirm a Secretary of Education who doesn't believe in public schools, who will unravel rural education, and who has even worked to make it harder to protect women against sexual assault on college campuses. I believe that we have a moral imperative to ensure that all students have equal protections while attending school. Mrs. DeVos will be a massive step in the wrong direction. As the members of the Zuni Pueblo wrote to me in their letter, "our children are our most sacred gifts." This is what we are voting on with this confirmation. We need an Education Secretary who is committed to upholding these principles. We need an Education Secretary who is committed to ensuring that every student has access to quality education, regardless of their background or their ZIP code, regardless of their ethnicity or their religion, and regardless of their gender or sexual orientation. In the last few weeks, my office has fielded thousands of calls and letters asking me to oppose this nomination. I have heard from more than 8,000 constituents on this one topic alone, many of whom called as parents, teachers, and some as students. That is more than any other Trump nominee whom we have considered to date. Never has an Education Secretary nomination received so much attention and opposition. I stand with the thousands of parents, teachers, and students across the country, and in my home State of New Mexico, fighting to stop this nomination. I urge my colleagues to join me in voting no.

There being no objection, the material was ordered to be printed in the Record, as follows: Zuni Public School District #89, 12 Twin Buttes Dr., Zuni, NM, January 30, 2017. To our Honorable Senators and Representatives: We, the Board of Education of Zuni Public School District, ask you to add [[Page S711]] your support as we stand in opposition to the appointment of Betsy DeVos as United States Secretary of Education on the following grounds: During her confirmation hearing, Mrs. DeVos demonstrated that she was woefully ill-equipped to head the Department of Education. She has never attended a public school, never taught or administered in a public school, and her children have never attended a public school. She does not hold any degree in the field of education, either in theory, administration, or practice. She has a documented history of promoting a charter and voucher based system that she supported in her home state of Michigan, diverting funding and support away from public education and deserving children. Furthermore, when questioned in her hearing, Mrs. DeVos was unable to explain the difference between growth and proficiency, nor was she familiar with the federal law behind IDEA, two essential and basic aspects of education. As well, Mrs. DeVos advocated in her hearing to allow the presence of guns in schools during an era of rampant mass violence based primarily on the use of guns in schools. Mrs. DeVos has also publicly stated that she sees education as a way to further proselytize for the Christian faith, which would constitute a violation of the Constitutional separation of Church and State in public schools as it would in all federal institutions. Our pueblo of Zuni is a small community in a western pocket of rural New Mexico. We are neither a rich district nor one that wields a great deal of political influence. What this Board does represent is a rich, Indigenous tradition and culture that holds high the ideals of hard-work, humility, and integrity. We are an agricultural, peace-loving society that has lived in this land since time immemorial. Yet our memory is long. We remember the era during which education was combined with religion to be used as a weapon against the Native peoples of this great nation. We know the trauma such action has caused to reverberate through generations of good, decent Americans. We also know the resilience of those same people who, despite the infliction of weaponized education, have come today to see literacy as their American birthright, and to crave that sacred American Dream for which we are all Constitutionally entitled to strive. This is a living medicine and healing that must not be undone through the dissolution of the separation of church and state, one that we must nurture and safeguard for all American children. We are reminded during this time that, as you do, we hold publicly-elected positions designed to represent a broad spectrum of constituent. The beauty of the United States public school system, unlike many in the rest of the world, is that we take everyone who walks through our doors and love every child who sits in our desks, without question. This Board therefore stands by all of our students, no matter what color or ethnicity, regardless of their creed; every child who identifies on the spectrum of L,G,B,T, or Q; every child with either a physical or learning disability, or both; every child who speaks a second language; every immigrant child as well as every Native American child who can trace their lineage in this land back thousands of years; every child who sees their education as the bridge between their most ardent dreams and their most hopeful futures. We further stand by each parent, guardian, grandparent, sibling, aunt, uncle; every member of kin that builds and holds strong the dream of education for each of our children, knowing as we have always known in Zuni that our children are our most sacred gifts. And we, the Board of Education in Zuni Public School District, stand by the teachers, aides, administrators, counselors, liaisons,

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nurses, secretaries, custodians, cooks, and bus drivers who as their daily work participate in the painstaking and deeply patriotic act of ensuring equitable access to education for all of our students. It is through the diligence and action of just such citizens that this nation is able to deliver unto each new generation of American a passport to the possibility of American success. The children, families and hard-working faculties and staff of the American public school system deserve a Secretary of the Department of Education who is most eminently qualified, through both education and experience, to advocate for all Americans: diverse, complex, and brilliant citizens; to work toward the most equitable education for all; and to uphold this cornerstone of our democratic republic. It is for these reasons that the Zuni Public School District Board of Education respectfully requests your most passionate and vocal support in opposing the appointment of Mrs. Betsy DeVos. We also ask that you look toward the experienced and qualified education professionals working within the public school system to fill this highest position in the field.

E:lah'kwa (Thank you) for your representation, Zuni Board of Education: Mr. Jerome Haskie, Board President Ms. Stephanie Vicenti, Vice Board President Ms. Masika Sweetwyne, Secretary Ms. Bernadette Panteah, Member Ms. Shelly Chimoni, Member. Mr. HEINRICH. 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. MANCHIN. 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. MANCHIN. Mr. President, I rise to express my concern with the nomination of Betsy DeVos as the Secretary of Education. The State of West Virginia is a State made up of a lot of small towns. We don't have any what you call large metropolitan areas. We are an urban rural State. For many communities in West Virginia, our schools are more than just classrooms, teachers, and textbooks. Our children in West Virginia learn more in their public school than reading, writing, and arithmetic. They are the heart of the community and a home away from home for most of them. They are a safe place to stay after school where no harm will come to them. They are a place where nutritional meals are served and health care services are provided by trusted school nurses. After meeting with Mrs. DeVos and watching her answer questions at her confirmation hearing, I have a hard time believing she has the qualifications to be the Secretary of Education. I believe in local control of education and also that strong public schools are vital to our State's future. Education is local. Each one of our 55 counties is responsible for the financing of the schools. If the counties do not have the sufficient funds, we have what we call a school aid formula that basically offsets that so that every child in West Virginia will get a quality education. In my State, charter schools and school vouchers would pull already limited public funds and resources from the schools, students, and teachers who need them the most and could be harmed and would probably be harmed. There are some towns in West Virginia with only one school--one school only--or where students have to travel for more than an hour on a bus to get to the school that has been consolidated. Voucher policies would be completely useless in these places. There is no place for them to attend. In areas where there are a few private schools in my State, a voucher program would have devastating effects for public school children. The limited dollars that we do have, if you deviate that money whatsoever, then basically you are going to have the strain on the public system that will not be able to pick it up in the rural areas. There is no other way for us to have the funding we need. Vouchers will siphon public funding away from our public schools, causing them to have to cut resources like teachers, advanced coursework, and preschool programs. They often do not pay the entire cost of attendance at a private school, making them unusable by low- income students and families. Vouchers also can strip students with disabilities and their families of their rights under the Individuals with Disabilities Education Act. The most troubling part of that hearing, if you watched it or saw any parts of it, was the lack of understanding that every child deserves the opportunity for a quality education no matter what his or her disabilities may be. That is a responsibility we have as Americans. With that, if you have never been in a public school setting, you have never attended a public school yourself and have always been privately schooled, your children have never attended a public school and have always either been privately schooled or home schooled, you have probably never been in a setting where you have seen a disabled child trying to get the opportunities that other children have, with a special aide who is working with them. You can say that is a waste of resources. I guess you could say that if it wasn't your child. If it wasn't somebody you knew, it would be easy to say that, But just the empathy you would have--it would be hard for a person to understand that. I believe that is a compelling reason to make me take pause and say that I believe we need somebody who has had that diversity, who has had that real classroom experience. [[Page S712]] Another thing--never to be in a PTA meeting where you have problems with schools. You might have problems with the bus and transportation. You might have problems with extracurricular activities or lunch programs or a routine study program, where you can sit down with other parents and work through these programs. That is something that is hard for most of us in West Virginia to ever conceive, that you could never be in that position and never have that

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experience in life. I believe communities in West Virginia know our students' needs better than someone who never attended or worked in the public school system. Many West Virginians have called and written to me expressing their concern about Mrs. DeVos. I have a letter I want to read from Diane from Marion County, my home county. We have hundreds of letters that have come in. Diane writes: I am asking you to vote against the confirmation of Mrs. Betsy DeVos as Secretary of Education. As an educator with 44 years of experience in public schools, I recognize we have many issues, but I also know we do much that is right for children. Educators no longer simply teach core content. We know that children can only thrive if their social, emotional and physical needs are met. The whole child is now the focus of every teacher, and teaching has become a very difficult but a very rewarding job. Educators need and DESERVE a Secretary of Education that knows and understands the tremendous responsibility each of us has accepted. We do not have the time to get the leader "in step" with us. We need and DESERVE someone who understands how policies can impact what we are able to do for our children. . . . We need and DESERVE someone who understands the value of academic growth versus proficiency. We need and DESERVE someone who understands how important it is to send food home in backpacks because our children will not eat during a weekend or holiday break. I want to stop there and give you a personal experience. When I was Governor of the State of West Virginia, I would go around to the schools. The school would tell me what was going on in the community. I would always go to the cooks because they really had the pulse of the school. This was May, and school was getting ready to let out for the summer. One of the cooks was crying in the kitchen. I couldn't figure out what was wrong. I went back and tried to console her and talk to her. I said: Can you explain why you are so upset? You are just about out for the summer. She said: I know these little kids aren't going to eat much this summer. She wanted to stay and cook through the summer, have all year so the kids would have nutrition. That tells you what we are dealing with in an awful lot of rural settings. We need and DESERVE a leader who knows that almost every teacher utilizes his/her own personal funds to buy pencils, paper, classroom supplies and instructional materials for our students because the budget for what our children DESERVE is not given to us. That is the strain we already have on the system now. If you put any more strain on that by taking funds away makes it almost impossible. My request is not politically motivated--my request for you to vote against Mrs. DeVos is about the teachers I work with in Marion County and across WV. One of the pillars of a great civilization is education. Although the American system of education is not perfect, we are still envied by many nations. Education is a hope for children of poverty as well as those who have economic security. Please encourage President Trump to seek out a former or current state superintendent of education or a chancellor of higher education or anyone with the knowledge to walk in step with us as we make a brighter future for our children. During her hearing, Mrs. DeVos demonstrated a lack of knowledge about the basic issues in public education, including the debate about how best to measure student progress. She also did not appear to have a solid understanding about the amount of student loan debt in this country, which is now the second-largest source of consumer debt in the United States, surpassed only by home mortgages. Not only does she lack the institutional knowledge, but she has no personal or family experience with the student loan system or any experience running a major loan program like the one she would be in charge of as Secretary of Education. This leads me to believe that she would be unable to run the program effectively and efficiently. What I have said and spoke to other people about--I understand and I think most of us have been in Washington long enough to understand how the system works. Even though the person would have the greatest of intent, the most honorable of intent, wanting to do a balanced job, if they never had the experience and they are charged with setting up programs that are supposed to incentivize schools, school districts, States, those programs are not going to lean to where they have no knowledge; those programs will go to where they have the most knowledge and in a direction of the policies they believe in. With that being said, incentives would go in that direction. When the incentives go in that direction, it pulls further resources away from a rural public education system. At her hearing, Mrs. DeVos failed to recognize that the Individuals with Disabilities Education Act is a Federal law protecting access for individuals with disabilities to a decent public education and that she would be in charge of ensuring that the school implemented the act. No child should ever be denied access to the same public education because they suffer from a disability. As both a Governor and a father, I can never look a parent in the eyes and tell them their child cannot get the same education as another child simply because they suffer from a disability and it would be too costly for us to do. West Virginians need an Education Secretary who has an understanding of the needs of all children, including those with disabilities, and is committed to ensuring they receive a quality education. A strong education is the building block for success for every child and the foundation for our country's long-term economic strength. We need an Education Secretary that understands the challenges that students, teachers, and schools in rural areas face. Betsy DeVos



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has spent her career working in the private school system, not investing in and improving the public school system. Much of the policies that Mrs. DeVos supports would divert public funds to private schools--whether it was intentional or not--strip accountability from these schools, and significantly harm the public school system in my little State of West Virginia, which is all we have. It is difficult to speak--and I **try** not to make it personal because I don't believe in the toxic rhetoric that goes on sometimes in this room, and it shouldn't in this great Senate Chamber of ours and on the Hill. So I know this is probably a good lady who is well-intentioned. She just doesn't have that personal experience it takes to grab this entire country and understand that we are different. States are different. We depend on it. We can't always go in one direction, and that is the flexibility. They are saying: Well, we will give you flexibility. We need the support from Washington to have the flexibility to make sure the children of West Virginia have the same opportunities that a child in Pittsburgh, PA, might have in a larger school district, one in a metropolitan area that could afford--because you don't have all the travel and everything else that is involved--to have a charter school. In my State, even the legislature couldn't. They looked at charter and voucher systems, and they couldn't find a pathway forward because of the limited funding and knowing that it would divert. If there is no more funding going into it, that means you have to cut the pie more. They were concerned about even going in this direction. My legislature, in the last 2 years, has flipped completely to a Republican majority in both the House and Senate. They are all good people, well-intended. They are looking at all these different avenues, but at the end of the day, you have to take care of those whom you are responsible for. In rural West Virginia, that is a child who might have to ride 1 hour just to go to school. I don't know where you would put a charter school. I don't know where, with the voucher system, you could send him. If we have a problem in deficiencies, that is basically the responsibility of the county and the community. It is the responsibility of the parents and guardians to be involved. It is a responsibility for all of us to speak up. I guess what we are going to end up with is all the children with disabilities or children who basically do not have the means or a person in their family who [\[Page S713\]](#) is able to drive them or take them to a special school; they are all going to be left, so-called, behind. It is just not who we are in West Virginia. I ask for your consideration that maybe we can find a Secretary who has the experience and understanding and has the real-life experience--they might have attended a public school themselves. I am a product--I am sure you are a product of public schools. We are a product of the public school system, probably, more than likely, rural public school systems. We did pretty well with them. People cared. We had to give a little bit and make some sacrifices, and we did that. The bottom line was that there were no options. We made the best out of what we had. These kids aren't going to have options. The majority of kids in West Virginia or Oklahoma will not have those options. You better make sure that school system you have, a public school in a rural setting, is giving that child every opportunity that he and she can excel. Who knows, maybe one day they will be sitting in my seat or your seat. I hope so. With that, I say I must oppose her achieving the Secretary position that President Trump has nominated her for, with all due respect. I think I stated my reasons for that. I would hope that people understand our rural public schools truly need a champion. We need that champion to really step forward and lift us all up. I yield the floor. The PRESIDING OFFICER. The Senator from Massachusetts. Mr. MARKEY. Mr. President, I am here this afternoon to stand up to one of the most dangerous nominees in President Trump's Cabinet of Big Oil, big banks and big billionaires who are going to be populating the Cabinet of the United States. The Secretary of Education is responsible for a budget that includes \$36 billion for elementary and secondary education, \$150 billion for higher education each year. On top of that, the Secretary of Education is responsible for more than \$1.2 trillion in outstanding Federal loans. This nominee, Betsy DeVos, would shape the policies and programs that affect more than 50 million **students** across our country. Young people may be 16 **percent** of our population, but young people represent 100 **percent** of the future of the United States. We need a Secretary of Education who believes that all children deserve access to a quality public education, regardless of income, race, ethnicity, neighborhood, or disability status. Betsy DeVos does not share this commitment to equal opportunity, and she is unqualified to serve as Secretary of Education. Betsy DeVos has a long and well-documented record of opposing public school systems. She has implemented school choice voucher programs. She has simultaneously expanded and deregulated charter schools. In Massachusetts, we recognize that education is a passport to the job opportunities of the 21st century. Massachusetts **students** at the 4th, 8th, and 10th grades are No. 1 in America in math, verbal, and science. We are No. 1 in math, verbal, and science, 4th, 8th, and 10th grades. If Massachusetts were a country, we would be second behind Singapore in reading for the whole planet. That is Massachusetts. We have a very high percentage of our **students** who are minorities in our home State. I live in Malden. Malden is a city of 60,000 people. Malden High School, 2016 graduation class, 28 **percent White**, 25 **percent Asian**, 24 **percent Latino**, 23 **percent Black**, 1 **percent Pacific Islander**. What is our goal? Our goal in Malden--our goal in

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Massachusetts--is to be No. 1. No. 1, not just in the United States but No. 1 in the world. We know you can do it if you make a commitment to these kids. It is not just our traditional public schools. It is our public charter schools, our private schools, our preparatory schools that are enormously successful. Many of them are world famous, these high schools. People send their children from around the country to go to a school in Massachusetts. The success of our public charter schools is largely due to very strong accountability measures brought about through State regulations and rigorous oversight. That is the key to our charter school system. It is accountability. It is oversight. It should not be draining money out of the charter school system for profits for private corporations. It has to be invested in the kids, but Betsy DeVos wants charter schools to have less accountability and has fought to keep charter schools unregulated across Michigan. When the Michigan State Legislature introduced a bipartisan bill that would have expanded oversight of charter schools, Betsy DeVos stepped in. She and her family donated \$1.45 million to State legislators in order to strip the helpful oversight accountability language out of the bill. That works out to \$25,000 a day over the 7-week period the bill was being debated. Betsy DeVos and her unlimited funding ultimately succeeded in blocking the commonsense accountability legislation. The students and families of Detroit were denied the key protections in oversight that their schools needed. Betsy DeVos's school choice priorities go beyond expanding and deregulating charter schools. She has pushed for voucher programs that would use taxpayer money, your money, to pay for a child's private school tuition. Under a national voucher system, the funding that would normally go to local school districts would instead be diverted away from public schools toward for-profit, private institutions. In addition to the private schools that benefit from a voucher system, 80 percent of the charter schools in Michigan are run by for-profit companies, a much higher percentage than any other State. These companies are focused first and foremost on making money. We don't allow this to happen in Massachusetts. We have only one goal, and that is to be No. 1. That money must stay in the school system, especially if you are trying to educate a minority population, which is the future workforce of our country. That is key. They don't come from the traditional backgrounds in many circumstances. The Secretary of Education must fight for all children and families, not promote companies seeking to profit off the backs of our students. Not even Michigan--the State where DeVos and her family money have tried to exert the most influence over education policy--has implemented a statewide voucher system. Despite spending \$5.6 million on a campaign to promote school vouchers, the DeVos family failed to amend the Michigan State constitution. If Betsy DeVos is allowed to expand her school choice policies across the United States, it would be devastating for our students and for the future of our country. Her ideas are too extreme. They will not work for our students or for school districts in our Nation. I also share serious doubts that Betsy DeVos will support all students in America. The Individuals with Disabilities Education Act is the primary Federal law that ensures that all students in every State have access to a free and appropriate public education, regardless of physical or mental handicaps, learning or attention disorders. This law covers students who are blind, deaf, vocally or mobility impaired, and those with autism or ADHD. Congress passed the original form of IDEA in 1975. It is a bedrock law in our country. Yet when Betsy DeVos was asked about it during her nomination hearing before the HELP Committee, she stated that States should be responsible for determining how, and even if, to enforce IDEA. Remember, IDEA goes right to the heart of what we are going to do for those kids with disabilities. That is a bedrock law in our Nation. States must abide by it. We need a Secretary of Education who understands longstanding Federal education law and will commit to protecting every student in America because every student deserves the guarantee that they can and they will receive a free and appropriate public education that is promised and protected by law. If this laundry list of efforts to undermine public education wasn't enough to cause skepticism about Betsy DeVos's qualifications to be Secretary of Education, in her confirmation hearing, Betsy DeVos would not commit to keeping guns out of our schools. Her response when asked about the issue was: "I think that is best left to locals and States to decide." Guns do not belong anywhere near our schools or our students and teachers, not in public or private schools, not in elementary schools, and [[Page S714]] not in our high schools. I am proud to have stood with Senators Chris Murphy and Richard Blumenthal on the floor of the Senate for 15 hours calling for congressional action on commonsense gun safety legislation. As a Senator, the safety and security of Massachusetts' schools, neighborhoods, and communities are my top priority. Our Secretary of Education has the safety of every student in every State in his or her hands, and I do not believe Betsy DeVos is up to that job. I do not stand alone in this conclusion that Betsy DeVos is unfit to be Secretary of Education. I received tens of thousands of letters and phone calls from constituents all across Massachusetts urging me to reject her nomination. These come from teachers and administrators, the people who work on these issues every day. I have a letter here from Todd Simendinger, the principal of Rockport Elementary School in Rockport, MA. He wrote to me last week and said: Senator Markey, as a strong supporter of public education, I ask that you oppose the confirmation of

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Betsy DeVos as Secretary 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's record in education and her performance at the recent confirmation hearing prove that 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. The offices of so many of my colleagues who have spoken on the floor already have, like me, received these kinds of letters and messages literally on a minute-by-minute basis from our constituents. Their passion is born of a deep commitment to ensuring that the very best education for all of the children of the Commonwealth can only be provided if the standard for that education is high. I commend them, and I agree with their concerns. All children deserve that standard. So, from my perspective, you cannot have a more fundamental issue before us, this privatization of the public school system in America, the voucherization of our public school system in America. There is a model. It is Massachusetts. We do it right now. We are No. 1 in the country. We look over our shoulders at those who are behind us. But it is a standard that basically says: We are going to invest in the public schools and the charter schools. We are going to make sure they have the highest possible standards. That is a recipe for ensuring that every child, regardless of their national nationality or their income, gets the education they need for a portable passport to a global economy for the rest of their lives. That has to be our goal. What is happening using the philosophy of Betsy DeVos is a failure. It is a proven failure. We already see the results. What is happening in Massachusetts, what happens in implementing the standards of the laws that we already have on the books across our country--it points us in the correct direction. So with that, I urge a "no" vote on Betsy DeVos and her nomination as Secretary of the Education Department. 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. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Congratulating the New England Patriots Mr. MARKEY. Mr. President, American history was made last night. The New England Patriots won the Super Bowl. This triumvirate of Robert Kraft, Bill Belichick, and Tom Brady continues this historic journey to being recognized as the greatest single football team in the history of the United States. Even as the Falcons were ahead by 25 points, even as the rest of the country thought the game was over, we in Massachusetts, we in New England, we have our own motto: In Belichick we trust. In Brady we trust. We knew it was not over. We knew there was still hope. We knew there was a plan that could be implemented that would ensure that the Patriots once again would prevail. I thank the Presiding Officer for giving me this opportunity to be recognized on this most important of all subjects. This incredible Patriots victory has brought joy to people all across New England. It has brought dismay to people in other parts of the country. They still continue to be mystified by this incredible team and the incredible leadership those three great leaders provide. But for us, we realize we are in the presence of greatness. We know how spoiled we are to have such a great team. I just wanted to rise and congratulate the New England Patriots, their leadership of Bob Kraft, Bill Belichick, Tom Brady, but all of this team, because their motto is a very simple motto. It says: Do your job. That is what every Patriot did last night. Because they stuck it out through every single play, at the end of the day, they were able to enjoy that historic victory. For my part, I can't be more proud of any group of New Englanders. It was just a fantastic victory. As a season ticket holder, when I was 19 years old, when it was seven games at \$6 apiece--\$42 as a season ticket holder at Fenway Park. You can imagine how almost impossible it is to believe that we have reached such a stage where even those who have been critics of the Patriots now are forced to recognize that Bill Belichick is the greatest coach of all time; Tom Brady is the greatest quarterback of all time; and the Patriots, led by Robert Kraft, is the greatest franchise of all time. We are very proud that victory last night cemented that place in history. Once again, I just want to congratulate each and every one of them and especially the Patriots fans who, through thick and thin, have been with that team every step of the way. 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. MENENDEZ. 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. MENENDEZ. Mr. President, I rise today as a product of New Jersey public schools, the son of Cuban refugees whose parents decided to leave everything behind because they did not like the dictatorship from the right and did not like what they saw in the Sierra Maestra, as the Castros were seeking to overthrow that government from the right, and who fled their own country in order to seek a better life in the United States. They were the lucky ones. They saw the handwriting on the wall, and they got out before the true brutality of the Castro regime took hold in Cuba. When they arrived here, they had nothing more than the promise of a brighter future and, if not for them, then for their children. In so many ways, it is the

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quintessential immigrant story; indeed, the quintessential American story. My mother worked as a seamstress in the factories of New Jersey. My father was an itinerant carpenter. We didn't have a lot of money--just enough to live in a small apartment in a tenement in Union City and put food on the table. But that was plenty. It was plenty because my parents knew that living in America gave their children access to a free public education, and they always taught us that an education was the key toward a better life. Growing up, I was a quiet kid. I was very studious. I got good grades, but I struggled with public speaking. I know some of my colleagues wouldn't believe that today, but it is true. Unfortunately for me, one of the final requirements before I graduated high school was a public speech class. Again, I did all the work, but I refused to actually stand up in front of the class and speak. I thought I could get away with it, but my teacher, Gail Harper, had other ideas. She kept me after class. After my classmates left, she forced me to recite short stories and poetry and speeches I had written that were part of the classwork. Eventually she told me that I was going to be the narrator in a school production, which meant that I was going to be speaking on stage in front of the entire student body. I was [[Page S715]] petrified--petrified. And I was inclined to refuse. I am not sure if there would have been a more terrifying thought to me in the world than having to get up in front of my entire student body, but Ms. Harper told me that she knew that I could succeed. If I refused, however, she would have no choice but to fail me. And if you knew my late mother, that was not an option. So I swallowed my fear, and when I got out there, I found that Ms. Harper's work paid off. Not only did I realize that I could overcome all of that fear and anxiety, but it had instilled in me a hunger to keep working, to get better at speaking in front of people, a skill that I honestly owe my life's work to. For me, Ms. Harper was so much more than a teacher; she was a mentor and one of the unsung heroes of our public education system. And I am privileged to have had an opportunity to tell her that during her lifetime. Now, thanks to my parents' commitment and incredible public schoolteachers like Ms. Harper, this product of New Jersey public schools went on to get a law degree from Rutgers University, a State institution, and was able to rise from a tenement in Union City to 1 of 100 Senators in a country of over 300 million people. I got my start in politics fighting for public schools in my hometown. When I was in high school, I was told that because of my grades and my activities, I could be in the senior honors program but that I had to cough up \$200 for the books. My parents were poor. We lived in a tenement. I didn't have \$200 for the books. And I couldn't understand, for the life of me, if I had the ability and the grades but not the money, that I would be barred from being in the honors program. So I raised such a ruckus that they gave me the books, told me to be quiet, and they put me in the honors program. But I had friends who had the same circumstances; they had the ability and the grades, but they didn't have the money. Unlike me, they didn't say anything, and they didn't get in. So I didn't think that was right. I petitioned to change the school board from being appointed by the mayor at the time to being elected by the public. Ultimately, I won the fight to change that school board and became the youngest school board member at that time in history when I was 20 years old. So I understand the promise of public education. I understand the challenges that come with it. I understand the need for parental engagement and the extraordinary impact that good teachers can have on our children's lives. I understand that our schools need access to adequate resources in order to allow every student to reach their full potential. And I understand that we have a long way to go to ensure that we truly do guarantee every child in America equal access to a high quality public education regardless of where they live, regardless of the happenstance of where they were born, regardless of their station in life. Most importantly, I understand that our public education system has formed the foundation upon which the American dream has been built for generations. It is the great socializing factor of our Nation, and there is no substitute for it. At its core, it is an all-taker system. It does not care whether you are wealthy or poor, whether your family predates European settlement, came on the Mayflower, or is first-generation American. It does not care whether you are White or Black or Hispanic or Asian or Christian or Jewish or Muslim. It does not care whether you struggle with learning disabilities or autism or Down syndrome. Our public education system welcomes you with open arms and adheres to the fundamental principles that all are welcome, all are equal, and all deserve a chance to learn and earn a better life for themselves and their families. While we work to improve public education and renew our commitment to our children, we need a partner in the Federal Department of Education that also understands these challenges and shares our values. Unfortunately, I do not believe that Betsy DeVos is that candidate. While I do not question her intentions, her limited experience and advocacy for policies that fundamentally undermine public education make her unqualified to be the Secretary of Education. Mrs. DeVos has never participated in the public education system that she would be tasked with overseeing either as a student or a parent or a teacher or an administrator. I don't see that fact in and of itself alone as disqualifying but, coupled with the policies that she has advocated for in her home State of Michigan--pushing for more charter schools while simultaneously working against accountability for them, even as they profit off the backs of children while showing

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little improvement in student outcomes; advocating for voucher schemes that put public funding into private schools even for families that do not need the additional assistance, while depriving public schools of vital funding that they depend upon to provide a quality education to every student--it becomes clear that Mrs. DeVos does not understand that fundamental commitment to American children. My concerns about Mrs. DeVos were compounded by the answers she gave in her confirmation hearing before the HELP Committee. Guns have no place in our schools--at least in my view--except in the hands of trained law enforcement personnel tasked with keeping our children safe, yet when asked if she would do away with gun-free school zones, if told to do so by the President, Mrs. DeVos, after trying to avoid the question with a nonanswer about grizzly bears attacking schools, said she would "support the President." I do not believe that it is the role of a Cabinet Secretary to simply and blindly support the President, regardless of how misguided or dangerous an idea might be, nor do I believe that it is reasonable or responsible to make it easier to bring guns in and around schools, where they endanger our children. We must do a better job of securing universal background checks and treating mental health issues, but more guns is not the answer. Mrs. DeVos also said in her testimony that she believed that compliance with the Individuals with Disabilities Education Act should be left up to the States. IDEA, as the act is known, guarantees a "free, appropriate public education" that is individualized to meet the needs of every student with disabilities. When Congress first passed IDEA in 1975--though it was called then the Education for All Handicapped Children Act--it came with a promise that the Federal Government would cover 40 percent of the cost to educate those with special needs. Unfortunately, we have not met that obligation, providing less than half of that funding in recent history. IDEA is Federal--not State--law. It is Federal law that needs increased funding and attention from the Federal Government. And when this was pointed out to Mrs. DeVos, she said simply that she "may have been confused." Our children with disabilities deserve a real Federal partner that understands the challenges they face and is committed to getting them the resources they deserve, not a Secretary of Education who is confused about the Federal role in education. These are only a few examples of how Mrs. DeVos has shown herself to be unprepared and unqualified for the very serious position to which she has been nominated. If confirmed, Mrs. DeVos would take over a multibillion-dollar Federal student aid and student loan program that helps American families afford the skyrocketing cost of higher education. I, myself, was a recipient of Pell grants and other Federal student aid and would not have been able to afford the cost of a college degree without them. Yet not only does Mrs. DeVos have no experience with student loans or managing such a program, she has very little, if any, engagement with any policy issues pertaining to higher education. At a time when trillions of dollars of student debt are acting as a barrier to obtaining a higher education, hindering a generation of graduates from entering the middle class, and acting as a drag on our economy, we deserve a nominee who understands these issues. As we continue to struggle with the best ways to measure student progress and achievement, we deserve a Secretary of Education who understands basic concepts like the difference between proficiency and growth. So let me just say, my own experiences have given me an incredible faith [[Page S716]] in the power of public education systems, while Mrs. DeVos has worked only to undermine them. I believe that the Federal Government can be a strong partner in ensuring a free, quality public education for all students, especially those with disabilities, while Mrs. DeVos seems to think that the Federal Government should not be involved in these endeavors. I believe that guns must remain out of our schools, but Mrs. DeVos seemed to indicate that they could have a place there. Most importantly, I believe that our students, parents, teachers, and educators should be able to trust the person tasked with overseeing them. And the 50,000 New Jerseyans who have reached out to me to oppose her nomination have clearly shown that she has not earned that trust. Here is one example of a constituent who reached out to my office.

Dear Senator, My name is Beth More and I live in your great State of New Jersey in Fanwood in Union County. I am writing today to express my deep opposition to the appointment of Betsy DeVos as Secretary of Education. As a mother of two boys in our public school system, and one with special needs, I am deeply concerned and troubled by Mrs. DeVos's lack of public school experience. In fact, the thought of her steering money and funding away from public schools is not only a threat to my children, but a threat to the 50 million other children currently receiving a public education. She lacks understanding in even the most basic issues that affect our schools, and that, my Senator, is scary. I urge you to strongly oppose this and tell your other colleagues in the Senate the same. So I implore my colleagues to put politics aside, to examine Mrs. DeVos's qualifications closely, and to be open to the input that you all are receiving from your own constituents, like Beth More. I hope that if you are open in your mind in that regard, you will oppose Betsy DeVos's nomination to be Secretary of Education, as I will. With that, Mr. President, 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

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unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Appointments The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senator as the Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 115th Congress: the Honorable Roger Wicker of Mississippi. The Chair, on behalf of the President of the Senate, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Honorable Marco Rubio of Florida (Chairman), the Honorable James Lankford of Oklahoma, the Honorable Tom Cotton of Arkansas, the Honorable Steve Daines of Montana, and the Honorable Todd Young of Indiana. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85-874, as amended, reappoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: the Honorable Roy Blunt of Missouri. Quorum Call Mr. McCONNELL. 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 and the following Senators entered the Chamber and answered to their names: [Quorum No. 2 Ex.] Cantwell Capito Cornyn Donnelly Fischer Grassley Isakson Kaine Lankford McCain McConnell Menendez Murphy Tillis The PRESIDING OFFICER (Mr. Moran). A quorum is not present. The clerk will call the names of absent Senators. The senior assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names: [Quorum No. 2 Ex.] Barrasso Cotton Gardner Moran Murray Schumer The PRESIDING OFFICER. A quorum is not present. The majority leader. Mr. McCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays. The PRESIDING OFFICER. Is there a second? There appears to be a sufficient second. The question is on agreeing to the motion. The clerk will call the roll. The senior assistant legislative clerk called the roll. Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. Flake), the Senator from Alaska (Ms. Murkowski), the Senator from Nebraska (Mr. Sasse), and the Senator from Pennsylvania (Mr. Toomey). Mr. DURBIN. I announce that the Senator from New Mexico (Mr. Udall) is necessarily absent. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced--yeas 91, nays 4, as follows: [Rollcall Vote No. 53 Ex.] YEAS--91 Alexander Baldwin Barrasso Bennet Blumenthal Blunt Booker Boozman Brown Burr Cantwell Capito Cardin Carper Casey Cassidy Cochran Coons Corker Cornyn Cortez Masto Cotton Crapo Cruz Daines Donnelly Duckworth Durbin Enzi Ernst Feinstein Fischer Franken Gardner Gillibrand Graham Grassley Harris Hassan Hatch Heinrich Heitkamp Hirono Hoeven Inhofe Isakson Johnson Kaine Kennedy King Klobuchar Lankford Leahy Lee Manchin Markey McCain McCaskill McConnell Menendez Merkley Moran Murphy Murray Nelson Paul Perdue Peters Portman Reed Risch Roberts Rounds Sanders Schatz Schumer Scott Sessions Shaheen Shelby Stabenow Sullivan Tester Thune Tillis Van Hollen Warner Warren Whitehouse Wyden Young NAYS--4 Collins Heller Rubio Wicker NOT VOTING--5 Flake Murkowski Sasse Toomey Udall The motion was agreed to. The PRESIDING OFFICER. A quorum is present. The Senator from Tennessee. (The remarks of Mr. ALEXANDER pertaining to the submission of S. Res.

50 are located in today's Record under ``Submitted Resolutions.") Mr. ALEXANDER. Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Wisconsin. Ms. BALDWIN. Mr. President, I rise to urge my colleagues to join me in opposing the nomination of Betsy DeVos to be Secretary of Education. Simply put, Betsy DeVos is completely unqualified to serve as Secretary of Education in this great Nation. Many others share this view. I have heard from thousands of parents, teachers, and other citizens of Wisconsin who are concerned about the future of our education system urging me to oppose Mrs. DeVos and certainly opposing her vision for America's students. As of today, over 20,000 Wisconsinites have emailed me, and we have had over 7,000 phone calls opposing the confirmation of Mrs. DeVos, and Senate Democrats are unified in our opposition to Mrs. DeVos serving in this capacity. Even two Senate Republicans have announced that they cannot support Betsy DeVos. If just one more of my Republican colleagues were to announce their opposition and were to vote no, we could do the right thing and tell President Trump that he really needs to find a new candidate, a new candidate for Secretary of Education who is qualified to run that Department. While Betsy DeVos has spent decades advocating for a particular vision for education, she has never actually worked as a teacher or as an administrator. Her career has involved investing hers and her family's considerable [[Page S717]] wealth and using those resources to advance the privatization of our K- 12 education system. She did not attend a public school either for grade school, high school, or college, and nor did her children. She has never worked as a teacher, principal, professor, counselor, or

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in any other formal role in our education system. Her confirmation hearing before the Health, Education, Labor, and Pensions Committee clearly demonstrated how little she knows about Federal education law and policy. It was startling to see her ignorance about critical measures like the Individuals with Disabilities Education Act or the debate over growth versus proficiency as a measure of student achievement. Betsy DeVos has demonstrated that she has neither the knowledge nor the experience in education that would allow her to be a successful leader of the Department of Education. Mrs. DeVos has worked to advance a vision of K-12 education that is fundamentally hostile to our public education system. My home State of Wisconsin has a long and very proud tradition of support for public education. Back at the founding of our State, we wrote the guarantee that every child should receive a free public education into our very founding document, our State Constitution. Wisconsin had the first kindergarten in the United States. Wisconsin is proud of something that we actually call the Wisconsin idea in higher education; that the walls of the classroom should be the borders of the State, if not the borders of this Nation or the entire world. Mrs. DeVos's experience in education, however, has been a decades-long effort to privatize it. Her record of support for vouchers as well as charter schools that lack adequate accountability and oversight is very troubling and could lead to diversion of public dollars in even greater amounts out of public education. Regardless of any vision or experience on education, Mrs. DeVos is a nominee with, let's say, complex and opaque finances. She has a very opaque record of financial dealings and political giving, including on matters directly related to the work that the Department does which she seeks to lead. Given her and her family's investments in companies that benefit directly from Federal education programs, I remain very concerned about what we simply still don't know. I am also troubled by Mrs. DeVos's and her family's long history of contributing to organizations that have been hostile to the lesbian, gay, bisexual, and transgender community, even promoting the discredited idea that sexual orientation or gender identity can be changed through conversion therapy. While she told me and several of my colleagues at her hearing that she believes all students should be treated equally, I really remain concerned about how this long history of support for these anti-LGBTQ organizations will influence a Department which, over the last 8 years, has shown some tremendous leadership in supporting LGBTQ students and parents in the education system. The Federal Government's primary role in elementary and secondary education is to promote equity. I am not convinced that Mrs. DeVos will be the leader the Department needs to do just that. Congress passed the Elementary and Secondary Education Act in 1965 as a civil rights measure. It was designed to ensure that every student, regardless of ZIP Code or parents' income, has access to a quality public education. We continued that important tradition in reauthorizing this law, which is now in the form of a very strongly bipartisan bill, the Every Student Succeeds Act. The next Secretary of Education will have to implement that act. I fear that Mrs. DeVos, as a vocal proponent of State and local control, will not be the strong voice we need to hold States accountable for serving all students, particularly those who have been historically left behind. When we passed the Every Student Succeeds Act, we made sure there were strong Federal guardrails to assure that we never forget why there is a Federal role in education to begin with, for equity and civil rights and to make sure that every child can succeed. Furthermore, I am very concerned that Mrs. DeVos would not commit to robustly supporting the Department's Office for Civil Rights or enforcing the very guidance that protects transgender students from discrimination. Betsy DeVos lacks knowledge about and commitment to the Federal laws that ensure students with disabilities have access to the various supports that they need to receive and benefit from a quality public education. As I noted, she has demonstrated a complete lack of understanding about our Federal obligations to these students. I have heard from numerous parents in Wisconsin, parents of students with disabilities who were appalled by her inadequate answers to questions at our education panel hearing. She was unprepared to answer questions about the Individuals with Disabilities Education Act, and these parents have written to express their distress about what her filling the role of Secretary of Education could mean for their children if she were to be confirmed. One Wisconsin mother of three special needs children wrote to me about how this Federal law provided the legal rights that she needed to advocate for them, to advocate for the best possible educational environment for her three sons with special needs. I heard from another mother, Melissa from Beloit, who detailed how the Individuals with Disabilities Education Act makes it possible for her daughter, Rowenna, who has Down Syndrome and autism, to actually thrive in a public education setting, along with her peers. Finally, as a strong proponent of making college more accessible and affordable, I do not believe that Mrs. DeVos has the experience or vision that will allow her to successfully lead the Department in supporting higher learning. There is a student debt crisis in this country, but Mrs. DeVos doesn't have a plan to address it and has even expressed skepticism about a Federal role. While she has acknowledged that there are some bad actors in higher education, she has also refused to commit to enforcing regulations that help students who are defrauded by dishonest schools like Corinthian Colleges. We need a Secretary of Education

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who is an advocate for those students, not one who is looking for ways to shirk that responsibility. Despite the fact that the Department oversees billions of dollars in grants and loans that allow students to pursue higher education, she has expressed skepticism about any Federal role in making college more affordable. She has even refused to oppose cuts to a program that helps students who commit to a career in public service or to support efforts to ensure that the value of the Pell grant keeps pace with the cost of college. For all of these reasons and many others, Betsy DeVos is not the right choice for Secretary of Education. I call on my colleagues to defeat her on the question of confirmation and to afford this new President the chance to send us a nominee who is prepared to be an advocate for all students and public education in this country. The PRESIDING OFFICER. The Senator from Florida is recognized. Mr. NELSON. Mr. President, I yield the remainder of my postcloture debate time to Senator Schumer. The PRESIDING OFFICER. The Senator has that right. The Senator from Florida is recognized. Chinese Political Prisoners Jiang Tianyong and Tang Jingling Mr. RUBIO. Mr. President, I know that we are in the middle of an important debate about a topic of education in our schools. One of the topics I hope young Americans will learn more about is the state of affairs across the world when it comes to human rights. We are a vibrant society engaged in a heated debate, as we often have been throughout our history, about items of political matters. If you look here today, there are people standing up to speak on different sides of an issue. You see that the Republican Party today controls the White House, the Senate, and the House, and yet you have people with the freedom in this country to be able to stand up and oppose that. We have seen that across the country with demonstrations and speeches and all sorts of other protected speech. We are very fortunate [[Page S718]] and blessed to live in a nation with those freedoms. That is not the case all over the world. I wanted to take this opportunity in the midst of all of this debate and discussion about an important topic, the nomination before the Senate, to remind people that despite our differences on these issues, we are truly blessed to be able to live in a country where opposing the party in power does not mean you go to jail. As I have been doing for some time now, I wanted to come this evening and highlight yet another example of human rights abuses that is taking place in a very important part of the world. For the past couple of years, my office and I have been highlighting human rights cases through our social media campaign. We call it hashtag ``Expression NOT Oppression." The goals of this are to raise awareness about these cases and the individuals who are suffering at the hands of these repressive governments. We know that through history some of the oppressed people--we may not think these floor speeches matter; we may not think that mentioning it here in this forum matters, but it does to them because one of the first things oppressors tell them is that the world has forgotten about them, and they don't matter anymore. That is one of the first reasons we come: to raise awareness and let them know we know their names, we know their story, and we will continue to speak out on their behalf. The second reason is to show their families and their loved ones that elected officials--like me here in the United States--have not forgotten them because we know that tyrants, as I said, like to tell political prisoners that they are alone in their struggle. The third reason is to call for action, whether it is for the administration to make their causes a priority, too, or to call on these governments to release these individuals. There is one more reason I think that this effort, hashtag ``Expression NOT Oppression," is important. As well as all the good work being done here on both sides of the aisle in defense of human rights, promotion of democracy and the defense of God-given freedoms like religious freedom and freedom of the press and free speech, which we celebrate here even in this debate, have to continue to be pillars of our foreign policy. I hope that these cases we highlight bring those guiding principles to light. Today, I want to discuss the cases of two Chinese political prisoners whose courageous wives I had the opportunity to meet last week when they visited in Washington, DC. These women personally requested that I intervene on behalf of their husbands, pressing on the Chinese Government to unconditionally release them and, in the case of one, to account for his whereabouts. Perhaps just as importantly, they urged me that I press our own State Department to prioritize these cases diplomatically in the hope that these families can be reunited in the not-too-distant future. I come here today to urge our now new Secretary of State, Mr. Tillerson, to prioritize the release of these men in his diplomatic engagement with China. In the coming weeks, I also expect that we will have a chance to hear from the President's nominee to be U.S. Ambassador to China, Governor Branstad of Iowa. When he comes before the Senate Foreign Relations Committee for his confirmation hearing, I will bring up these cases and others and urge him to make their freedom a priority of his work if confirmed. Jiang Tianyong is a 45-year-old lawyer. He was disbarred by the Chinese Government because of his vigorous human rights advocacy, including his representation of blind legal advocate Chen Guangcheng, fellow rights lawyer Gao Zhisheng, Falun Gong practitioners, and other human rights cases. Despite the risks of this work, he has been steadfast in his support of the families and of their right to lawyers and legal advocates caught up in China's sweeping nationwide crackdown on the legal community in July of 2015, which ensnared roughly 250 lawyers and advocates. Consistent with a



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spate of recent media stories, Jiang's wife indicated that his family and friends lost contact with him in late November of last year. That is when a Chinese state-controlled newspaper reported he had been detained for a series of trumped-up charges. His wife has received no formal confirmation of his precise whereabouts, and, to date, he has been denied access to a lawyer of his choosing. Even more troubling is that this is entirely legal under China's laws, even though it violates all international norms of justice. Under China's own laws, authorities may hold him, or anyone, for up to 6 months without informing his family where he is held and without allowing him to access a lawyer, conditions that the United Nations Committee Against Torture has found place ``detainees at a high-risk of torture." Indeed, reports over the past months about four other human rights lawyers provide detailed information about the Chinese authorities' use of torture to extract ``confessions" and impose unbearable psychological pressure. All of these realities underscore that China remains a country of rule by law. Congressmen Chris Smith of New Jersey and I cochair the Congressional-Executive Commission on China, which found in our 2016 annual report that ``the Chinese Communist Party has continued to reject the notion that the rule of law should supercede the Party's role in guiding the functions of the State." As such, lawyers, advocates, dissidents and others often find themselves in the party's crosshairs, persecuted under the law, rather than protected by it, and they have no recourse of justice. A second Chinese individual I want to highlight today is lawyer Tang Jingling, who has also been disbarred for his rights advocacy. He first gained prominence as a lawyer working on cases related to village compensation, corruption, and by representing activists. In January of last year, he was convicted of ``inciting subversion of state power." That is the charge, and he was sentenced to 5 years in prison. He was first detained in May 2014 on suspicion of ``picking quarrels and provoking troubles." Just imagine that. Picking quarrels and provoking troubles is a crime in China. This happened, by the way, during the lead up to the 21st anniversary of the Tiananmen Square protests, when the Chinese Government worked desperately to wipe out any discussion or memory of this historically brutal crackdown. In reality, all Tang and other activists did was participate in a nonviolent disobedience movement seeking legal and social reform in China. Following his conviction, Tang eloquently wrote: Inside the grand edifice of the court, we can see stately and ornate furnishings and decorations, and we can see the government employees in dignified attire. But we cannot see the law and we can definitely not see justice. He continues, movingly, speaking of the faith that has sustained him in the midst of injustice: The Holy Bible has a passage that reads: ``Blessed are those that are persecuted for righteousness' sake." Today, we have been pronounced guilty, thrown in prison, separated from our families, and have endured humiliation and difficulties--and I am far from being able to convince and prove to others how these tribulations could have become my blessings. But God's will is inevitably difficult to understand. I often pray and ask him to give me more strength, so that I may persevere until the moment of revelation. I dare say, in 2011, while in a secret jail, and now in detention, almost every day I have passed has been calm and fulfilling. I have never lost my direction. The courage and conviction of these men should be an inspiration to us all--an inspiration that should propel us to act. I would add a reminder again of how blessed and fortunate we are to live by the grace of God in a nation where we have the freedom to speak, to object, to state our views without fear of the circumstances and the consequences that these brave men now face. The Chinese people who yearn for the protection of their most basic human rights and bravely stand with their fellow marginalized countrymen are China's greatest asset--not its biggest threat, as the government of the Communist Party wrongly believes. Any government which views its own people with such fear and hostility will, as has often been said, find itself on the wrong side of history. So I hope more of my colleagues in this body, in the House, and especially in the administration will join their voices in support of these political prisoners and all who languish in jails, prisons, and gulags simply because [[Page S719]] they want a better life, because they want a say in their future and have bravely made these aspirations clear. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire. Congratulating The New England Patriots Ms. HASSAN. Mr. President, before getting to the matter at hand, I thought I would take a minute to congratulate the New England Patriots, the Kraft family, Bill Belichick, Tom Brady, and all of the Patriots players and fans everywhere for the greatest comeback victory in Super Bowl history. They really demonstrated the grit and determination and resilience that New Hampshire and New England is known for, and we are very, very proud of them. Mr. President, I rise today to join my colleagues in opposing the nomination of Betsy DeVos to serve as the Secretary of Education. Our Nation recognized early in its history that public education is a necessary foundation for our democracy. It is critical that we continue to support a strong public education system that prepares all of our young people to participate in our democracy and to compete in the 21st century workforce. All public officials, regardless of their party affiliation, should share a reverence for the importance of public education to our country's success, both now and into the future. They must show a commitment to enforcing our laws so that all students

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have the opportunity to succeed. I agree with my colleagues that Mrs. DeVos has not shown a commitment to or an understanding of these principles, and that is why I oppose her nomination. This nomination process has been extremely disappointing from the start. Mrs. DeVos failed to provide critical information on her finances. Members of the HELP Committee were only given 5 minutes to question Mrs. DeVos on her views on our Nation's education system. In the questions she did answer before the committee, Mrs. DeVos demonstrated a complete lack of experience in, knowledge of, and support for public education. She was unable to address basic issues-- issues any New Hampshire school board member could discuss fluently. She showed that she lacks an understanding of issues facing students with disabilities. She has potential conflicts of interests that she still has not answered basic questions about. She supports diverting taxpayer dollars to private schools without accountability requirements. As Governor of New Hampshire, I supported public charter schools. They play an important role in driving innovation in education and in providing additional opportunities for nontraditional learners, but they must meet the same standards as other public schools. In Detroit, Mrs. DeVos led efforts to oppose accountability requirements, even for for-profit charter schools. In her testimony before the HELP Committee, she declined to support enforcing accountability requirements. It is clear that Mrs. DeVos would pursue policies that would undermine public schools in my home State of New Hampshire and across our Nation. In the past several weeks, thousands of Granite Staters--including students, parents, teachers, principals, and superintendents--have called and written into my office. They have shared their concerns about Mrs. DeVos. They understand that she is completely unqualified for this position. Our children, their families, and our Nation deserve better than a Secretary of Education who does not value public education. Ensuring access to public education for every student is an issue that is deeply personal to my family. Shortly after my husband Tom and I welcomed our first child into the world, our son Ben, we found out that he had severe and pervasive physical disabilities. It became clear to Tom and me that we were going to need a little bit of extra help if our son was going to have the kind of future we all want our children to have. We were lucky because we found that help in our community--not only among friends and neighbors but in a public school system that welcomed Ben. I still remember the day that a schoolbus pulled into our driveway. We wheeled Ben onto the lift and up into the bus, and off he went at age 3 to his first day of preschool--a publically funded, inclusive preschool. As I sat on the stoop and watched the bus pull away, I found myself thinking that if Ben had been born a generation or two earlier, Tom and I would have been pressured to put Ben in an institution. There wouldn't have been the resources in our community or in our school system to include Ben. But because of the work of the champions--the families, the advocates--who went before the Hassan family, Ben was able to go to school in his hometown. He was able to learn and to make friends, to do what we all want our children to do. That is the power of public education. It is the power of making sure that all kids are included. Our family was able to live like any other family and feel like any other family because Ben could go to school in his hometown. As Ben went from preschool to elementary school to middle school to high school, we found that his peers accepted him, interacted with him, and grew with him. I still remember a day when I got a call from one of Ben's teachers, saying that the tire on his power wheelchair had gone flat. That is the type of call that a parent of a child with complex needs dreads because it means that you have to stop everything--because if the wheelchair can't move, your child can't go through their day. But instead of my needing to take a day off from work and pursue the repair of Ben's chair, it was other students in our Career and Technical Education Center in Exeter who came forward and said: "We can fix that." Their education preparing them for a trade and a career served Ben's needs that day beautifully. Both Ben and his peers learned that day. Ben's experience in public education was made possible because of so many advocates, educators, and families who came before our family. But this was not always the case for students who experience disabilities. When I served in the New Hampshire State Senate, I grew to know a woman named Roberta. Roberta, born in the early 1950's, had spent a good portion of her life in our State's school for individuals with disabilities. Roberta left that State school as we began to work, after the passage of the IDEA, to bring people out of institutions and into the communities. Later, as Roberta learned to advocate for herself and tell her story, she recorded some of her memories from the Laconia State School, the separate school--so-called school--for students with disabilities. Roberta wrote: Some of the attendants and residents at the Laconia State School sexually, verbally, emotionally and physically abused and assaulted me. The staff said they did this to me because I misbehaved or acted silly. The attendants and residents there hit and kicked me with their hands and feet. They pulled my hair, whipped me with wooden or metal coat hangers, wet towels, hair brushes, mop and broom handles, hard leather belts, straps, rulers and hard sticks, stainless steel serving utensils and clothes. Roberta adds: Additionally, they bullied me by laughing at me and calling me names. They spat at me, bit and pinched my arms and other body parts causing me pain. The employees and supervisors at the institution threw buckets of cold water on my body, clothes and all.

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They said that the cold water would calm me down. Roberta's experience was, unfortunately, what life was like for some students with disabilities before IDEA. Years later, after Roberta left Laconia State School, after she was reintegrated into her community, she appeared before a State senate committee that I was chairing because she was the main proponent of a law that we passed in the New Hampshire State Senate to remove the word "retarded" from all of our State statutes. Roberta knew that it was the judgment of people who first interacted with her, people who believed she had intellectual disabilities, that caused her parents to believe that they had to put not only Roberta but her sister Jocelyn in an institution. Both Roberta and Jocelyn happened to have the misfortune of being born with disabilities. It is that contrast between Roberta's experience and my son's that keeps me focused on the importance of making sure that we include all children in our public school system but also that we have the laws in place to ensure that they get the free appropriate education that all American children deserve. [[Page S720]] Unfortunately, Mrs. DeVos has demonstrated a lack of understanding of the challenges facing students with disabilities. At our hearing earlier this month, I questioned Mrs. DeVos on whether she would enforce IDEA. Not only did she decline to assure Senators that she would enforce the law to protect students with disabilities, but she was confused about whether IDEA was indeed a Federal law to begin with. While I am pleased that Mrs. DeVos later clarified that she is no longer confused about whether IDEA is a Federal law, she has done nothing to reassure me that she would enforce it or that she understands how fragile the gains we have made under IDEA are. The voucher system that Mrs. DeVos supports has often, intended or not, hurt individuals who experience disabilities. Children and families lose legal protections enshrined in the IDEA. In some cases, students and their families have to sign away their civil rights before they can receive their vouchers. Yet many of the private schools that take those vouchers--the schools that Mrs. DeVos wishes to push students to--lack basic resources or accommodations for children who experience disabilities. So if a family determines that the school that has accepted their voucher really does not have the resources or the expertise to educate their child, they have no legal recourse. Mrs. DeVos's unfamiliarity with IDEA, her comments on students with disabilities was something my office heard about often from Granite State parents who contacted the office with concerns about her nomination. A mother from Hopkinton, NH, wrote to tell me about her daughter who attends Hopkinton High School and experiences severe disabilities--is nonverbal and requires assistance for all aspects of her daily care. This mother wrote: Despite all of this, because of the extraordinary support we have received, she is living a rich and loving life at home and is part of the public school system. I have no confidence that Betsy DeVos would understand or support the role that public schools have for taking care of all students. This mother also called Mrs. DeVos's lack of understanding of IDEA "appalling." I also heard from a parent from Concord, NH, who said: My stepdaughter currently has a 504 plan for both a physical and cognitive disability at Concord High School, who, incidentally, are doing an excellent job of working with her to make sure her learning needs are met. My children deserve a future and so do all children. This parent said she was feeling "vulnerable" as a result of Mrs. DeVos's nomination. Parents all across our Nation deserve to know that the rights of their children will be protected, and they are rightfully concerned with Mrs. DeVos's nomination. In New Hampshire, I am proud of our work to build a future where every child can get the kind of education they need to be competitive and successful leaders in the 21st century economy. Just last week, I visited Souhegan High School in Amherst, NJ. Souhegan has become a pioneer in competency-based education. I visited numerous classrooms where students were doing hands-on lessons in Earth science, in literature to make sure they could master the material before them in a way that would stick with them. They were great examples of what we have learned about the importance of hands-on, project-based learning, how much better students retain information, knowledge, problem-solving skills, when they actually have a problem to solve, and how important it is for them to learn to collaborate with their fellow students, just the way we expect people to collaborate as a team in the workplace. After I visited the classes, the students at Souhegan had formed a panel to talk with me. There, students with a variety of interests, backgrounds, and education levels talked to about how important it was for them to have control of their own learning, to learn in a way, in a style that worked for them to work with their peers and build off of each other's strengths and learn from each other. I also talked with them about New Hampshire's pilot, project-based competency assessment program called PACE, something that New Hampshire received waivers to do over the last year, and they are in the process of continuing right now. New Hampshire is piloting a program that moves us away, just as was recommended and foreseen by the Every Child Succeeds Acts from high-stakes, one-time testing to project-based assessments that are built into the project-based competency learning they are doing. We are seeing great success with this pilot, and schools across the country are beginning to adopt it as well. That is the power of strong, innovative public education. This was an approach developed by teachers and parents and students and our Department of Education and our statewide school board as well as local school

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boards together. Just as we have important initiatives surrounding project-based learning in New Hampshire, we also have strong public charter schools. I still recall a visit to our North Country Charter School in one of the more rural parts of New Hampshire, a school that was formed--a regional effort--to allow students for whom traditional high school was not working, whether it be because of their learning style, because of particular events that were happening in their home, or other emotional or developmental issues. It allows them to come together and go to school in a way and in a place that works for them, keeping them in school, helping New Hampshire meet its goal set in law that no child drop out of high school before age 18. The strength of the students I saw at the Country Charter School graduation was extraordinary; students who would overcome particular challenges, whether it was personal, whether it was academic--speaking for themselves and about themselves and their vision of their own future to a crowded, excited room of friends and family. That is another kind of public education that supplements our statewide public education system and is something we can work together to do, holding all schools accountable. The vision that Mrs. DeVos, on the other hand, outlined and has devoted much of her work to, would dismantle the progress we have made, diverting taxpayer dollars to private, religious, and for-profit schools without accountability requirements. Mrs. DeVos advocates for a voucher system that leaves out students whose families cannot afford to pay additional tuition costs, and leaves behind students with disabilities because the schools do not accommodate their complex needs. In his book, "Our Kids," Robert Putnam notes that education should be a mechanism to level the playing field, but today the inequality gap is growing because affluent students start better prepared and are more able to pay. Putnam also points out that daycare and transportation needs constrain the amount of choice that poor parents have when it comes to voucher programs. We should all be working to fix that gap, but the voucher programs that Mrs. DeVos advocates for threaten to increase the gap. The system that Mrs. DeVos advocated for in Detroit, MI, has undermined public schools and hurt students in the process. In 2014, Michigan taxpayers spent \$1 billion on charter schools, but laws regulating them are weak and the State demands little accountability. The Detroit Free Press reported on the Detroit school system, finding a system where school founders and employees steered lucrative deals to themselves or to other insiders, where schools were allowed to operate for years despite their poor academic records. The Detroit Free Press described a system with no State standards for those who operate charters and where a record number of charter schools, run by for-profit companies, refuse to detail how exactly they are spending taxpayer dollars. One Detroit mother said that Mrs. DeVos's "push for charter schools without any accountability exposed my children and their classmates to chaos and unacceptable classroom conditions." In Florida, the McKay Scholarship Program voucher for students with disabilities that Mrs. DeVos has pointed to also raises significant concerns, including no due process rights for students under IDEA, no accountability requirements for participating schools, and absolutely no evidence of student success. Additionally, the McKay voucher often does not cover the full cost of the [[Page S721]] private school, leaving parents responsible for tuition and fees above the scholarship amount, not to mention responsibility for transportation. This puts students and their families at risk. Rather than taking the approach we have in New Hampshire, where charter schools supplement a strong public education system, this system of unaccountable schools destabilizes and undermines public schools. Now, given that Mrs. DeVos's goals for K-12 education are what they are and the fact that we were only given 5 minutes to question her at the hearing, many key issues facing American students were not discussed at all in her confirmation hearing. In particular, we did not talk about higher education. When I was Governor of New Hampshire, I was proud of our work to make college more affordable, building a 21st century workforce pipeline for our businesses. We froze tuition for the first time in 25 years at our public university system, and we actually lowered it at our community colleges. We engaged in increasing and more robust job training efforts, where we partnered businesses with community colleges or other learning centers to make sure we were engaged in the kind of job training that would prepare students for the 21st century economy. I was hoping that at our hearing for Mrs. DeVos's confirmation, we would discuss higher education, but issues relating to higher education have been lost altogether in this discussion. What is clear, though, is that Mrs. DeVos has absolutely no experience in higher education. Her written responses following our hearing were troubling. On student debt, Pell grants, reauthorization of the Higher Education Act, and job training efforts, her responses were vague and offered no vision for issues that are critical to millions of Americans. When asked about for-profit colleges, which have had a history of taking advantage of students, including but not limited to our veterans, Mrs. DeVos said she was agnostic--that is her word--about the tax filing status of higher education institutions. That is just not acceptable. I believe we should be expanding Pell grants. We should lower the interest rates on student loans. We should be expanding apprenticeship and job training opportunities. We need to crack down on predatory for-profit colleges. We need an Education Secretary who understands and is able to focus on higher education,

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and it is clear that Mrs. DeVos does not have that experience or focus. Mr. President, our Founders understood that public education for our citizens was essential to the functioning of our democracy. In 1786, Thomas Jefferson wrote: I think by far, the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom, and happiness. Generation after generation has worked to build on those ideals, including, as we do that work, more and more Americans in the process and creating a system that gives all students an opportunity to succeed. We need an Education Secretary who is committed to upholding that principle, not rolling our progress back, and we should all be working together to ensure that we have strong neighborhood public schools, not dismantling them. I join with my colleagues here today and the thousands from my State who have made their voices heard. We need just one more vote to defeat this nomination and to make clear that the Senate truly values our Nation's public schools. I surely hope that there is another Senator willing to break with the President and vote against this woefully unqualified nominee. We all have learned in this wonderful country of ours, with each generation, as we include more and more people who have been marginalized, left out, who weren't counted, that when we include them, we certainly honor their freedom and dignity--important and sufficient, of course, in its own right. Then when we do that, we also unleash the talent and energy of everyone, and that strengthens us all, helps us thrive, helps our economy grow, and makes sure that America not only leads but deserves to. It is our job in the Senate to listen to the thousands speaking up for our children and for the public education system that serves all Americans. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll. Mr. DONNELLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Daines). Without objection, it is so ordered. Mr. DONNELLY. Mr. President, I rise today to speak about the nominee for Secretary of Education, Betsy DeVos. I am here not only to reiterate my concerns about Mrs. DeVos but to share some of the letters and emails I have received from Hoosiers about her nomination. Every Hoosier and every American deserves access to a quality education. It prepares our students to enter the workforce, to secure good-paying jobs, and to succeed. As I have said, after reviewing the record of Mrs. DeVos, I believe she lacks the commitment to public education needed to effectively lead the Department of Education. I am deeply concerned that she will not focus on priorities important to Hoosier families: expanding access to early childhood education, improving our public schools, and addressing increasing student loan debt. Now I want to share some of the concerns I have heard from people all across Indiana about Betsy DeVos. A current undergraduate student at Purdue wrote to me, urging me to vote against Betsy DeVos. The student wrote as follows: I am concerned that she will cause major damage not only to our public K-12 schools, of which I graduated from, but also to federal student aid programs, which allow many of my fellow students and I to attend our nation's fantastic public universities. A mother of three children in Fishers wrote: I believe our democracy needs well-funded and accountable public schools for all. Mrs. DeVos demonstrates zero interest in supporting strong public education. For the future of our children, our democracy, and our standing in the global economic system, I ask that you vote against Mrs. DeVos. A soon-to-be college graduate who is pursuing a career in public education wrote: I will be graduating from Indiana Wesleyan University in Marion. I have spent the past semester student teaching at a local school district in Gas City, IN. One of the largest reasons that I wanted to embrace a career in public education is to push students to see their potential, just as I had a teacher do the same for me. Teaching is not simply facilitating learning, but rather it is taking the time to fully invest in the students. Getting to know their students, listening to what they have to say, and using the resources presented to best prepare students to succeed. I have been able to see this firsthand and put this into practice as I have been in three different school districts throughout my time at Indiana Wesleyan University. . . . As a soon-to-be teacher in the state of Indiana, I ask you to consider voting no for the nomination of Betsy DeVos for Secretary of Education. I chose this path as it directly impacted me, and I want to see students find success. With the right reform, we can see this happen, but with the suggested reforms of Betsy DeVos, we will not be able to help students succeed. Here's another story. This one is from Muncie. As a mother and public education advocate, I am writing to request that you vote no to the appointment of Betsy DeVos as Secretary of Education. As you are aware, there are many challenges facing education in the United States. . . . Ms. DeVos' track record in the state of Michigan would be devastating to the country as a whole if she were to be given the position of Secretary of Education. For the sake of my children, their dedicated teachers and children across the nation, I respectfully request your ``no" vote to her appointment. A woman in Zionsville wrote as follows: I feel that the DeVos agenda plans a dangerous voucher program that robs public schools of money and allows unprecedented support of K-12 programs with opaque standards, curriculum and accountability. In Indiana we have struggled with the skills gap and graduating students that are prepared for

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the available workforce positions. . . . I beg you to speak out against the appointment of Ms. DeVos as Secretary of Education. Hoosiers have the right to an educational system that strives for high standards, transparency, and success, and I do not believe the DeVos model will be able to deliver on any front. [[Page S722]] A retired special education teacher who taught in Mishawaka for 24 years wrote: I implore you to vote "no" on the confirmation of Betsy DeVos as Secretary of Education. Her selection by Donald Trump was clearly an attempt to further dismantle the public school system in the United States. The poor, the disadvantaged, and the disabled would suffer great educational setbacks with her as Secretary of Education. A woman in West Lafayette wrote: As a future special education teacher, I find it horrifying that [Ms. DeVos] seems to be unaware of the IDEA Act, which protects the rights of millions of children with disabilities. It is completely unacceptable that our country should have someone in charge of education who is unaware of this monumental law. Education is so important for the future of this country and everyone deserves equal opportunity to get a good education. . . . This is why I ask you to please vote no for DeVos. In a letter from Greenwood, a woman wrote: As a mother of two children, one with severe disabilities, please know I do not support Betsy DeVos as Secretary of Education. I can only hope that you will bear with me as I offer the story of my son below. My son was born full-term and healthy. From 18 hours until two weeks old, he fought for his life. At two weeks old, a heart defect was discovered. Next was heart surgery, recovery, and he was home at exactly one month old. Saying we were ill-prepared for the future would be an understatement, to say the least. We had no way of knowing the repair to his heart would not also repair all the damage to his brain and body. He was eventually gifted multiple diagnoses: cerebral palsy, congenital heart disease, significant mental and physical disabilities and severe GERD. To match the diagnoses, he was also provided coordinating medical equipment: wheelchair, communication device, standing equipment, a special seating device, feeding pump, and leg braces. Skip ahead to today and you'll discover a 15-year-old doing his absolute best to find his place in this quick-paced world. It took a long time, but over the past 3 to 4 years, he mastered his communication device and has shown he is capable of learning and understanding. While it took all this time for him to show us, it took the relentless dedication of very special teachers to really make it happen. His teachers worked tirelessly to develop extremely specific Individualized Education Plans for him. I am certain without the Individuals with Disabilities Act and Free Appropriate Public Education, he would not have achieved his current level of learning. I also feel his teachers would not have been able to get him to this level without the right educational tools in our public schools. I wanted you to feel my emotions and how difficult his life truly is. Please don't make his education any harder than it already has been. A former public schoolteacher in Indianapolis wrote: I watched all of Betsy DeVos's Senate confirmation hearing. As the minutes churned by fear, fury, and grief built within me. I will not sit back and watch as a nominee for Secretary of Education prepares to take the helm who does not commit to protecting children in public schools. I hope you stand with me to firmly reject Betsy DeVos for Secretary of Education. We must commit our care, our love, and our attention to upholding the promise that all kids deserve a shot at success through education. These kids are our future, and we owe it to them to lead wisely. Unfortunately, Ms. DeVos will not lead us to that future. A mom in Evansville wrote: I have one child in college and two others in public elementary schools. My children have received and are getting very good education in public school and are in advanced classes. I am very concerned about the appointment of a woman who has been advocating against our public school system for years. We must do better for our children. Please fight for our public schools and our children, and do everything in your power to keep Betsy DeVos from becoming our Secretary of Education. This is just a small sampling of the letters and emails I have received from Hoosiers all over our State who are deeply troubled and who are opposed to Betsy DeVos. They wrote to me not as Republicans, Democrats, or Independents but as concerned Hoosiers, as moms and dads who love their kids. They are worried about an issue we should all be able to agree on: the importance of ensuring our children have access to a quality education. While I said I would vote against Betsy DeVos's nomination, I will continue to fight for our public schools, our teachers, and our students. I will continue fighting for them because ensuring our students have access to good schools and good teachers lays a foundation for our students to reach their potential, and it is fundamental to their success and in turn our country's success. We love our schools, we love our kids, and all we want is the best for them and an extraordinary education. That is why I will be voting against Betsy DeVos for Secretary of Education. Mr. President, I yield the remainder of my postcloture debate time to Senator Schumer. The PRESIDING OFFICER. The Senator from New York may accept 18 minutes. Mrs. MURRAY. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Ms. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Ms. HARRIS. Mr. President, I rise to speak about the nominee for the

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Department of Education, Betsy DeVos. I cannot vote for her confirmation. The mission of the Department of Education, as mentioned, "is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." The Department achieves this by establishing policies on Federal financial aid for education and distributing as well as monitoring those funds, collecting data on America's schools and disseminating research, focusing national attention on key educational issues, prohibiting discrimination, and ensuring equal access to education. After considering that mission, I do not believe Betsy DeVos should be the next Secretary of Education. Surely we can agree that every child in the United States should have access to a first-rate education to ensure a chance of a good job and good pay. I know this from my own life experiences and, in particular, the impact that a good teacher can have on a young child. You see, my first grade teacher, Mrs. Frances Wilson, God rest her soul, attended my law school graduation. I would not be standing here were it not for the education I received, and I know that to be true for so many of our colleagues in the Senate. After I reviewed Betsy DeVos's nomination, including her record and confirmation testimony, and after speaking with teachers and students and parents from across California, it is clear she does not understand the importance or the impact of a public school teacher like Mrs. Frances Wilson. Why? Well, first and foremost, our country needs a Secretary of Education who has demonstrated basic competency when it comes to issues facing children. They just need to know what they are talking about. When questioned in the hearing by my colleague Senator Franken, it was clear Mrs. DeVos didn't know the difference between two basic theories of testing: proficiency and growth. This, in fact, is one of the biggest debates occurring in the education community today, and she was unaware of the significance of the nuances and the difference between the two. As we know, proficiency essentially asks whether a student has a basic competency or understanding of a subject; looking at a child and asking: Is that third grader reading at third grade reading level? Growth. It is a question of whether a student is progressing from year to year or asking if a third grader who started their year reading at first grade level can now read at second grade level. Has there been progress? This debate will define how we are judging schools across the country, and her lack of knowledge and fluency demonstrates her complete lack of experience, understanding, and curiosity about one of the hottest issues in modern education. Now let's talk about guns in schools. At first, she at best showed ambivalence toward gun-free school zones, but it gets better. She went on to say that she does not have any questions, and that without any questions, she does not believe you need guns in schools. Then she went on to say, well, but we need guns in schools, yes, because grizzly bears may pose a significant threat to the safety of our children and perhaps their education. I say Ms. DeVos poses a far greater threat to public education. Let's talk about title IX. Another moment in her hearing is when the [[Page S723]] nominee refused to commit to actually enforcing title IX. Now, let's be clear that title IX was brought into being because our country had a rampant policy of discrimination against women in our education system. For example, women were not being admitted to the University of Virginia. Even Luci Baines Johnson, the daughter of President Johnson, was barred admission to Georgetown University after she got married because it was common perception at that point in time that if she was married, then that is what she should pursue. She should pursue a career in the home and could not be capable of doing that as well as working outside the home. Title IX is a law that guarantees women and girls the right to a safe education, free from discrimination. Let's be clear how title IX helps today. It is title IX that required universities to prioritize a safe environment for girls--safe from abuse and sexual assault. We know this is a real issue. In fact, the Department of Education estimates that one in five women has been sexually assaulted during her college years. As attorney general of California, I was proud to bring together colleges and local law enforcement agencies to create protocols for investigating and prosecuting sexual assaults. It has helped schools and law enforcement implement changes to California law to better protect survivors of sexual assault. I championed new methods to allow California to process rape kits and clear a longstanding backlog of rape kits in the State crime labs. I fought to ensure that survivors have the support they need and that their attackers face swift accountability and consequences for their crimes. There is no question that ending campus sexual assault should be a moral imperative for our country, and it should be a priority for the next Secretary of Education of the United States. For that reason, it is unfortunate--and, yes, troubling--that Mrs. DeVos will not guarantee enforcement of title IX. Then let's talk about the Individuals with Disabilities Education Act, or IDEA. I know my colleague Senator Hassan has spoken extensively about this. This act has been around for decades--four decades, to be exact. Before it existed, we were not prioritizing these children. We did not give them the services they needed. We had written off a whole population of our children. When asked by my colleague Maggie Hassan about this piece of legislation, the nominee showed a complete lack of knowledge about how it is implemented. That is simply unacceptable. We cannot go back to a time when we wrote off a whole population of people, and it cannot only be the parents of those

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children--but all of us, as the adults of a society and a country--who look out for our most vulnerable children. Then, let's talk about for-profit colleges, which I know something about since I had to sue one of the biggest for-profit colleges, which was defrauding students as well as taxpayers. I know about the reality of abuses of for-profit colleges, and I applaud my colleague Elizabeth Warren, who asked whether or how she would protect against waste, fraud, and abuse at for-profit colleges. She asked this of the nominee, and it was troubling to see that the nominee was equivocal at best. Now, let's talk about the nominee's record as it relates to the children of her home State of Michigan. Since the growth of charter schools, Michigan has gone from performing higher than average on the National Assessment of Educational Progress in the year 2000 to below average by the year 2015. A 2015 Federal review found an "unreasonably high" number of charters in Michigan which were among the bottom 5 percent of schools nationwide. According to a report from Chalkbeat, an education publication, when the Michigan legislature attempted to add oversight for both charter schools and traditional public schools in Detroit, the nominee's family opposed the measures and poured \$1.45 million in the legislature's campaign coffers--an average of \$25,000 a day for 7 weeks. The oversight measures, she is happy to say, never made their way into the legislation. We cannot have someone who wants to lead our highest Department of Education who does not support the importance of oversight, of making sure that the children are getting the benefit of their bargain. According to data released from the Michigan Association of Public School Academies in 2015, only 17 percent of Detroit charter school students were rated proficient in math, compared to 13 percent of students in traditional public schools. Even Eli Broad, a great Californian and strong supporter of dramatic education reforms, has expressed strong concerns about the nominee's nomination. That should tell us all something. Now let's talk about the impact on California. During the campaign, President Trump said he would take \$20 billion from existing Federal education programs--which, by the way, is more than half of the Department's budget for K-12 education--and instead put that money into a voucher-like system. The President also committed to getting rid of the Department of Education in its entirety, which would put half a million teachers out of work. The nominee has committed to working with him on these plans. Let's be clear. This plan would be devastating for public schools, including the schools in California that serve over 6 million students. This also means California students could lose \$2.3 billion in Federal education funding, which could end critical programs. For example, the Individuals with Disabilities Education Act serves thousands of California's disabled students and serves them well. But his plan would slash \$1.3 billion in Federal funding--money that our children rely on. The Trump proposal to cut the Department of Education budget would also harm California's students. Some \$3.8 million in Pell grants for California students could be lost, 43,000 or more teacher positions in California could be eliminated, and \$8.96 billion in student loans could be at risk for California's college students. The bottom line is this--fewer teachers, fewer resources for students and parents, and less aid to make college affordable. Maybe one school will cut their after-school program or stop teaching the arts, or it doesn't have a guidance counselor or decides they will just let class size balloon because they don't have enough teachers. We know that is not good enough for any of us. There is a clear connection between public education and public safety. When I was the district attorney of San Francisco, there was a rash of homicides one year. All of us in a position of leadership were rightly concerned, and we did the predictable and the right thing: We figured out how to put more cops on the street, we looked at our gang intervention strategies, and we figured out very predictable and good ways of reacting to these crimes after they occurred. But I asked a question. I asked a member of my staff: Do an assessment and tell me who are these homicide victims? In particular, who are the homicide victims under the age of 25? The reason I asked that question is pretty simple. There were just a lot of them. Sure enough, the data came back to me. It included the fact that, of the homicide victims under the age of 25, 94 percent were high school dropouts. Over the years, I have taken a closer look at this issue. I have learned that 82 percent of the prisoners in the United States are high school dropouts. I have learned that an African American man who is a high school dropout between the age of 30 and 34 is two-thirds as likely to be in jail, have been in jail, or dead. There is a direct connection between what we do or do not do in our public education systems and the price we all pay in terms of our public safety. I say to everyone concerned: There are good reasons to care about the education of children. If nothing else, be concerned about why you have to have three padlocks on your front door. If we don't educate our children in our public school system, we all pay the price. Mrs. DeVos's agenda means fewer teachers and resources and worse schools. Fundamentally, her lack of understanding of the rights teachers have today, the rights parents have today, and the rights students have today mean one thing: She cannot--and will not--uphold the law if she does not understand the law. Her testimony has made clear that she does not understand IDEA, she does not understand initiatives like gun-free zones in schools, and she does not understand the history or the need for title IX. [[Page S724]] If Betsy DeVos gets her way and cuts



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funding for public schools, that means fewer teachers. If she does what she did in Michigan, that will mean poor outcomes with fewer high school graduates. What we know is that these are the kinds of policies that prevent us from actually achieving all that we know we can be as a country, which is about paying attention to all the members of our society, and, in particular, our children, and investing in them with the education they so richly deserve so they can one day stand in this Chamber as a Member of the Senate, doing the best of what we know we can do as a country. Simply put, I will say this. It is clear from her testimony that Betsy DeVos has not done her homework. She hasn't done her homework in terms of preparing for the job, and she did not do her homework in terms of preparing for her hearing. I say that right now the Senate must do our job, we must do our homework, and we must refuse to confirm her as the next Secretary of Education. Mr. President, I yield the floor. Mr. BENNET. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. BENNET. Mr. President, I wish to begin by congratulating our new Senator from California for her first speech in the Chamber. I know it is not her first official speech, but she is here on this important night to talk about the state of public education in this country and this confirmation process. So I thank her for her remarks. I also want to thank the ranking member of the Education Committee of the Senate, Senator Murray from Washington State, who is here tonight as well. I know she has been here all day today and was here all day on Friday as well, because the set of issues we are discussing are so important. As I sat here listening to the Senator from California, I was thinking about the work we have done recently on the committee on which we both serve--the Health, Education, Labor, and Pensions Committee-- with the leadership of Chairman Alexander, a Republican from Tennessee, and Ranking Member Senator Murray, from Washington State, to pass a new reauthorization of No Child Left Behind--a bill that if you said: Let's have a rally on the steps of the Capitol to keep No Child Left Behind the same, not a single person in the United States would have shown up for that rally. It took this body 7 years--7 years after we were supposed to reauthorize No Child Left Behind--to actually do the work. But when we did the work, we were able to get it through the committee once unanimously. This committee has on it, among other people, Senator Bernie Sanders from Vermont and Senator Rand Paul from the Commonwealth of Kentucky. They seldom agree on anything, but they agreed on that bill. We got it out of the committee almost unanimously, and then passed it on the floor of the Senate with over 80 votes. It passed with a huge bipartisan vote in the House of Representatives, and it was signed by the President. It was 7 years too late, but we were able to do it in a bipartisan way--which is what education issues should always require. It is a shame that tonight we are here with a partisan divide because of the selection President Trump has made to lead the Department of Education. So I just want to say thank you again to Senator Murray for her leadership. Since our first days before we founded this country, education has been an American value. In Massachusetts, Pennsylvania, and elsewhere, colonists recognized their collective responsibility to educate their children. They wrote into law that children, both wealthy and poor, must be taught to read and write, and to learn a skill, like blacksmithing, weaving, or shipbuilding, to secure their economic independence. As democracy took root in early America, public education became not just an ideal but an imperative. An enlightened public, the Founders believed, was essential to self-government. Thomas Jefferson wrote that we must "educate and inform the whole mass of the people. . . . They are the only sure reliance for the preservation of our liberty." Benjamin Franklin believed: "The good education of Youth has been esteemed by wise Men in all Ages, as the surest Foundation of the Happiness both of private Families and of Common-wealths." With education, the common man would be able to select leaders wisely and fight back against the tyrannical instincts of those in power. He would be able to understand, maintain, and protect his rights, so that government could not usurp authority and devolve into despotism. In a country "in which the measures of Government receive their impression so immediately from the sense of the Community as in ours," George Washington explained, "knowledge . . . is proportionally essential." This set of beliefs represented a fundamental break from the aristocratic ways of the old world. A republic that was "for the people" and "by the people" required an educated people. With this new world also came a new conviction that individuals could determine their own future, that their birth or circumstance no longer limited their potential. This foundational idea grew to become the American dream: Every child, regardless of who her parents are or where she came from, could achieve an education and grow up to achieve a better life. Over time, as our Republic became more and more democratic, as the right to vote and lead was secured by African Americans and women, education became the fundamental means by which Americans sought to secure their liberty and their equality. Perfecting our Union by expanding education has not come without struggle, but we have often succeeded because we have recognized that symbiotic relationship among the needs of our country and the

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success of individual Americans and our aspiration to move forward. This included the need for a universally literate workforce in the 1830s and the creation of Horace Mann's Common School Movement; the demand at the turn of the 20th century to replace out-of-date Latin schools with progressive high schools that prepared students for the emerging industrial workforce; the challenge of providing World War II veterans with a career path and the creation of the GI bill for college education; and the need to tear down the barriers of Jim Crow school systems in the 1950s and 1960s. Too often, as a country, we confronted these challenges too late and at the tragic expense of our fellow American's potential. "With all deliberate speed" has proven not fast enough, especially for children living in places like the Mississippi Delta and South Central Los Angeles. At each of these turning points, we have asked for more from our public schools. To their credit, our educators--teachers, specialists, and principals--have risen to the challenge, many times much sooner than the rest of us. They have helped us build a nation admired for our forward progress, for opportunity, and for equality. That is the American ideal from our founding until today. I come to the floor tonight with a sense of urgency because our generation is at risk of being the first American generation to leave less opportunity to our children than we inherited. If we do that, we will have broken a fundamental American promise to our children. In our Nation, education is supposed to be at the heart of opportunity, but today our education system fails far too many kids. Schools that once were engines of opportunity and democracy are now too often traps for intergenerational poverty. As a result, only 3 out of 10 children born to very low-income families in the United States will make it into the middle class or higher. Only 4 out of 100 will make it to the top 20 percent of income earners. Already, the United States has less social mobility than at least 12 other developed countries--among them, Canada, Japan, and Germany. In America, children growing up in poverty here hear 30 million fewer words than their more affluent peers by the time they reach kindergarten. In fourth grade, only one in four of our students in poverty is proficient in math, and fewer than that can read at [[Page S725]] grade level. As few as 9 will receive a bachelor's degree by age 25. As a nation, we are falling behind the rest of the world. When George Bush, the son, became President in 2000, we led the world in college graduates. Today we are 16th in the world. American 15-year-olds score lower than their peers in 14 countries in reading, 36 countries in math, and 18 in science. Much of the rest of the developed and developing world is figuring out how to produce more and more educated citizens, while the United States is standing still and therefore falling behind. We must refuse to accept outcomes that are a tragedy for our children, a threat to our economy, and an immeasurable risk to our democracy. To make change, we need to stop treating America's children as if they belong to someone else. To meet our children's needs, we must invent a 21st century approach to education, a system for the delivery of free, high-quality education built for the future, not for the past. We must have the courage to shed old ways of thinking, abandon commitments to outdated approaches, and explore new ideas. This reenvisioned system must focus like a laser on what is best for kids, not what is convenient for adults. It must be comprehensive and integrated from early childhood to postsecondary education. A 21st century system of public education must set high expectations, demand rigor, and create meaningful accountability. This system must embrace different kinds of schools and create a culture that is focused on continuously learning from each other--among traditional, charter, and innovation schools, and across districts, cities, and States. We need to change fundamentally how we prepare, recruit, place, train, retain, and pay teachers and school leaders. That entire system belongs to a labor market that discriminates against women and said you have two professional choices: one is being a teacher and one is being a nurse. So why don't you come teach Julius Caesar every year for 30 years of your life in the Denver Public Schools, where we are going to pay you a wage far lower than anybody else in your college class would accept. Those days are gone. We had discrimination in the labor market that actually subsidized our school system because very often the brightest students in their class--very often women--had no other career options and therefore were willing to teach. That whole system needs to be transformed in the 21st century. We have 1.5 million new teachers whom we have to hire over the next 6 to 8 years in this country, and we have no theory about how to hire them or how to keep them. Fifty percent of the people are leaving the profession now in the first 5 years. This new system of public education should embrace technology and personalized learning. We must create space for innovation in school autonomy, and we must also provide choice to parents and kids, but our goal is not, and should not be, school choice for choice's sake. For a youngster in a low-income family, there is no difference between being forced to attend a lousy school and being given the chance to choose among five lousy schools. That is no choice at all. It is certainly not a meaningful one. The goal is, and must be, to offer high-quality education at every public school so parents can choose among grade schools in their neighborhood and throughout their cities and towns. We must refuse to accept the false choice I have heard over and over again during this confirmation process that you either support school choice in whatever form or you defend the status quo, just as we must reject the idea that you

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cannot support public schools and advocate for change. This old rhetoric and manufactured political division will not work for our kids. We need to rise above the narrow, small politics that consume our attention and permit and prevent us from making tough choices. Instead, we need to recognize that a 21st century education can and should look very different than a 19th century education or a 20th century education, and no matter what approach or method of delivery, it must be high quality. The good news is, we know it is possible to reverse course and create meaningful change. Several cities around the country have already begun creating roadmaps to this 21st century approach. Denver is one of them. In Denver, we made a deal--create a public choice system that authorizes charters, creates innovation schools, and strengthens traditional schools. We empowered schools through autonomy and worked to create a culture of shared learning and innovation focused on all ships rising. We demanded quality, and we implemented strong accountability. High-performing schools were rewarded, replicated, and expanded. Low-performing schools had to be improved or be shut down. We made tough decisions. We closed schools. I sat in living rooms, classrooms, and gymnasiums with parents urging them to demand more from the school district, even if it meant that their child had to go to a different school. Along with concerned citizens, teachers, and principals, I went door-to-door to enroll kids in new schools. Denver created innovative teacher and school leadership policies. We tried to rethink the tired model of the last century and create a new career for this one. That is why today in Denver you will find teachers teaching other teachers and being paid for it, knowing that their job is not only to educate their students but also to improve the honorable craft of teaching so our kids can achieve even more. We used the levers of Federal law, strong accountability, and civil rights protections as the backbone of change. We cannot have made the changes we did had it not been for the national demand for improvement in our schools--the civil rights impulse that underlies the Federal involvement in public education, as well as the courage of our community to demand something better for our children. Denver has begun to see the results of hard work. Over the last decade, Denver Public Schools students' achievement growth increased faster than the State's in both math and English. This outcome was achieved by students qualifying for free and reduced-price lunch and also students not qualifying for free and reduced-price lunch. Latino and African-American students' achievement in English and math grew faster than their counterparts' throughout the State. Sixty-one percent more students graduated in 2016 than in 2006. We have a long way to go, but I would suspect that if we could say of every urban school district in America that we are graduating 60 percent more students this year than we were a decade ago, we would be feeling a lot better about where we are headed as a country. In Denver, over that time, the overall ontime graduation rate increased almost 30 points, and the ontime graduation rate for Latino students has doubled since 2007. Since 2006, Denver Public Schools' enrollment has increased--many cities have lost enrollment--over 25 percent, making it the fastest growing urban school district in America, partly because Denver has grown but also because parents and kids and families have now found schools that are responsive to their families' needs and supportive of their children. I am the first to say, and I always will be the first to say, that we still have a lot of work to do to make sure the ZIP Code Denver's children are born into doesn't determine the education they receive. But cities like Denver are moving in the right direction. Now we need to move a nation in the right direction. Tonight, as we stand here in this marbled Chamber among these statues that tie us to our past, I am thinking of our future. I am thinking of the millions of poor children across time zones our Founders could not have imagined, heading home after a long day at school, shifting their backpacks of books to find a comfortable spot, sharpening pencils for math and pastels for art, clearing a space on a busy dinner table for homework. I am thinking about children teaching other children, older brothers and sisters teaching their younger siblings, expecting that they will have more opportunity than their parents. I am remembering the naturalization ceremony I attended just last Friday at Dunn Elementary School in Fort Collins, CO, where Kara Roth's fifth grade class welcomed 26 new Americans from 13 countries to the United States. I am thinking about [[Page S726]] teachers and principals and students--while we are here speaking--who are up tonight, planning for tomorrow, and hoping for a future that allows them to review at home before they teach tomorrow the best lessons for teaching the productive and destructive forces of volcanoes, what Scout learns in "To Kill a Mockingbird," or the mathematical reasoning that calls on us to invert the second fraction when we divide. I am imagining a country that fulfills our generational responsibility by providing quality early childhood education to every American family who wants it--a K-12 school for every child to which every Senator would be proud to send his or her child or grandchild and access to college and skills training that prepare students for economic success without shackling them to a lifetime of debt. All of that leads me to comment briefly on President Trump's nomination for Education Secretary. I have no doubt that Mrs. DeVos sincerely cares about children. It is not her fault that President Trump nominated her. So let me be clear that I am addressing the President and not Mrs. DeVos when I say that this nomination is an insult to school

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children and their families, to teachers and principals, and to communities fighting to improve their public schools all across this country. Even with the limited questioning allowed at the education committee hearing, it quickly became clear that Mrs. DeVos lacks the experience and the understanding to be an effective Secretary of Education. The bipartisan progress of American education achieved over the last 15 years was predicated on a deep commitment to three principles: transparency, accountability and equity. Mrs. DeVos's testimony and public record failed to establish her commitment or competence to protect any of these foundational principles. Her "let a thousand flowers bloom" approach asks American school children to take a huge step backward to a world without the high expectations and transparency that we need to give parents and taxpayers the information they deserve on how our schools are performing. Those high expectations, paired with the clear commitment to accountability, ensure that our successful schools should be replicated and our struggling schools should be held accountable for improvement, regardless of whether it is a choice school or a district school. Finally, we know that the Secretary of Education holds the sacred job of ensuring that every child in America gets the resources and the support they deserve, regardless of their income, background, or educational needs. This commitment to equity is at the core of the Elementary and Secondary Education Act. Mrs. DeVos has shown no evidence of her commitment to be the torch bearer for both excellence and equity. Her ideology and dogmatic approach communicates a lack of understanding and appreciation of the challenges we face and the depths of solutions they demand. A commitment to choice without a commitment to quality serves ideology rather than improvement, and a commitment to competition without a commitment to equity would forsake our democratic ideal that a free, high quality public education must open the doors of opportunity for all. For the first generation of students to whom that promise feels elusive, they deserve an Education Secretary who has the courage, competence, and commitment to orient our mighty education system to build opportunity for all. Mrs. DeVos shows none of those skills, and our young people cannot afford to wait 4 years for their chance at the American dream. Millions of Americans recognize this, which is why this nomination has generated more controversy than any other. I look forward to working with anyone--as I have over the years, including even Mrs. DeVos--anyone interested in improving our children's opportunities and taking seriously the future of our democracy. But I will not support her nomination. I will vote no on this nomination and urge my colleagues to do the same. Mr. President, I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll. Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mrs. MURRAY. Mr. President, over the course of this debate, over the last 9 hours, plus 6 hours on Friday of the 30 hours that we have on this, many Senators have come to the floor to talk about their concerns about the nomination of Betsy DeVos to be Secretary of Education. There are open questions about her extensive financial entanglements. There are open questions and a clear concern about her lack of understanding of basic education issues. We have heard that time and again, as well as the many ways in which her vision for our education system is really at odds with where families and communities nationwide want us to go. But let me take just a moment to focus on one major concern in particular. It is a public health threat that I know is deeply concerning for families and communities across this country, and that is the epidemic of sexual violence on our college campuses. One out of five women and 1 out of 71 men are sexually assaulted while in college. In 2013 alone, college campuses reported 5,000 forcible sex offenses, and a recent study indicated that number could be much greater. There should be no question that sexual violence on our campuses is a great, widespread, and unacceptable problem--one that I expect any incoming Secretary of Education to be informed about, to be concerned about, and committed unequivocally to confronting head-on. Much of the discussion so far has been about the commitment of a Secretary of Education to our K-12 system. Serious concerns have been raised, but it is important to know in this debate that the Secretary of Education also has responsibility over our higher education institutions. In our hearing, Betsy DeVos actually agreed with me that President Trump's horrifically offensive leaked comments from 2005 describe sexual assault. She was clear. But I was deeply disappointed, to say the least, in Mrs. DeVos's responses to simple questions about whether she would seek to continue the Obama administration's work to protect students and stand with survivors. When she was asked whether she would uphold the guidance issued under the Obama administration to hold schools accountable for stronger, more effective investigations of sexual assault, she wouldn't commit to that. She would not commit to that. When I asked her whether she would continue key transparency measures, like weekly public reports on active investigations into potentially mishandled sexual assault cases, she dodged the question. These answers are especially concerning given that Mrs. DeVos has gone so far as to donate to an organization dedicated to rolling back efforts to better support survivors and increase accountability. Let me tell you that again. Mrs. DeVos has gone so far as to donate to an organization

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dedicated to rolling back efforts to better support survivors and increased accountability. Let's be clear. The epidemic of sexual assaults on our college campuses means that in States across the country, students' basic human rights are being violated. I am deeply proud to see the work that has been done on this issue over the last few years. Survivors have bravely stepped up to make clear they expect far better from their schools and their communities. By speaking out, by being courageous and speaking out, they have shown other survivors they are not alone. Key university leaders have made fighting campus sexual assault a top priority by developing new partnerships in their communities and prioritizing prevention. New measures to increase transparency and awareness went into effect in 2013 thanks to the reauthorization of the Violence Against Women Act. These are hard-won steps forward on an issue where some Democrats and Republicans have finally been able to find common ground. There is much more to do. The next Department of Education should not be standing on the sidelines, much less taking us backward on an issue that is so critical to student safety on campus. [[Page S727]] So I hope that as my colleagues are listening to the debate here today, tonight, and tomorrow, that they consider what Mrs. DeVos's leadership at the Department of Education means on this issue, the issue of making sure men and women on our college campuses can go there to learn and not be worried about being a victim of sexual assault and having nowhere to turn and not have the confidence that their voices will be taken seriously. On another area, nominees for Secretary of Education have largely been people, over the past, who were very committed to our students, who had long careers dedicated to education, and who were focused on keeping public education strong for all of our students and for all of our communities. Public education is a core principle that our country was founded on, that no matter who you are, where you come from, or how much money you have, this country is going to make sure all young people get an education. That is how our country has been strong in the past. That is how our country has to be in the future. Free public education. Well, Betsy DeVos is a very different nominee. She has spent her career and her fortune rigging the system to privatize and defund public education, which will hurt students in communities across our country. She is not personally connected to public school--except, by the way, through her work over the years trying to tear them down. She has committed herself for decades to an extreme ideological goal to push students out of our public schools and weaken public education. I can talk at length about Betsy DeVos's record of failure and her devastating impact on students, but all people really need to do is watch her hearing in our Health, Education, Labor, and Pensions Committee. Just go back and watch the hearing. This was a hearing that people across the country heard about--and for good reason--from local newspapers, to local news, to "The Daily Show," to "The View," and posts that went viral on social media. A lot of people in our country heard Betsy DeVos for the first time in that hearing. They were not impressed. She refused to rule out slashing investments in our public schools. She was confused that Federal law provides protections for students with disabilities. She did not understand the basic issues in education policy or the debate surrounding whether students should be measured based on their proficiency or their growth. She argued, as we have all heard, that guns needed to be allowed in schools across the country to "protect from grizzlies." Even though she was willing to say that President Trump's behavior toward women should be considered sexual assault, as I just talked about, she would not commit to actually enforcing Federal law protecting women and girls in our schools. Her hearing, quite frankly, was a disaster. It was so clear to millions of families how little she really understood about education issues. I have to tell you, as a former preschool teacher myself and a former school board member, someone who got my start in politics fighting for strong public schools, as a Senator committed to standing strong for public education in America, as a mother and a grandmother who really cares deeply about the future of our students and our schools, I know that we can and we must do better for our children and our students and our parents and our teachers. The decision we are making here on whether to confirm Betsy DeVos for Education Secretary will help set the course for our public education system for years to come. So I hope, again, that our colleagues are listening to this debate and thinking about it and not just voting rotely on this. This is so important. Quite frankly, I am disappointed that our Republican colleagues have moved us so fast into this debate. I have been in the Senate a long time. I know what the usual practices are when we go through hearings and listen to nominees from Presidents who are Republican and Democrat, Republican majorities and Democratic majorities. I was here when the Senate was 50-50. There are practices we have to make sure that all Senators get the information they need so they can make a wise decision with their vote for which they will be held accountable. Quite frankly, the usual practices here were really being ignored. The right thing to do was being ignored. This nominee was jammed through like I have seen none other. Corners were being cut. The minority was being brushed aside. I really think that is wrong. Earlier this month, Republicans on the Health, Education, Labor, and Pensions Committee scheduled Mrs. DeVos's hearing even though she had not yet finished her standard ethics paperwork and even though she

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had not and still, by the way, has not answered my questions about her financial disclosures to our committee. In fact, when we started the hearing, the Republican chairman, the senior Senator from Tennessee, whom I have worked with greatly--we worked together to pass the replacement of No Child Left Behind. I have a tremendous amount of respect for him. But I was shocked and surprised when he preemptively declared that he would be limiting questions for each Senator to just 5 minutes--a shocking and disappointing breach of committee tradition, clearly intended to limit public scrutiny. Mrs. DeVos is a billionaire. She has extraordinarily complicated and opaque finances, both in her own holdings and those in her immediate family. We know that she has invested in education companies, for-profit companies, for decades. Over 100 conflicts were identified. Her ethics paperwork raises questions about the company in which she plans to remain invested. She still, by the way, has not fully answered my questions about her committee paperwork. As I told the Republican chairman at our markup, the process that has taken place on Mrs. DeVos's nomination is a massive break in the tradition of this body. We should not have had a vote in this committee until all Senators had received appropriate responses to reasonable questions and until a second hearing was held so that Senators could get these serious concerns addressed and do their job scrutinizing the nominee. Understand, we had a hearing. We were limited to 5 minutes each. And we did not have all of the paperwork, so we could not do our homework to make sure we were asking the questions we needed that needed to have a public debate. So, again, that is another reason I am deeply concerned about this nominee. We do not yet know whether there are conflicts of interest. For a Secretary of Education who wields tremendous power over our K-12 system and our higher education system--as we all know, there have been tremendous questions over the past decade about access to higher education; whether you go to college and get the degree you have been promised; whether institutes have been responsible and accountable; and how we as the Senate and House can come together to make sure that when a student takes out a student loan or invests in a higher education institution, they know they are getting their money's worth and if there are taxpayer dollars involved, that the taxpayers are getting their money's worth as well. So conflicts of interest are extremely important to this nominee. To this point right now, here we are voting tomorrow, and we don't have the answers to those questions. So these are just a few things. I have been out here on the floor to talk about them. We have heard from many of our other colleagues. It is no surprise to me that this has lit a firestorm across the country. Having a Secretary of Education, someone who is responsible for our children's education--schools are the center of our community. Community members own those schools in their minds. This is where they send their kids to school, where they have basketball games, music concerts. It is where the community comes together. Yes, we all complain about public education. Who hasn't? But at the end of day, we love our local schools, and we want them to know that the Secretary of Education--the highest person in the land to oversee them--has that love, too, and is there because they want to make them better, not because they want to tear them down. So, yes, this nominee has taken off like no other because of her hearing, because of her conflicts, because she has attacked and gone after basic public education, which so many people [[Page S728]] are proud of in their own communities and want to make better. So I, like everybody else, have heard from many of my constituents, more than I can ever remember in my entire Senate career. This has ignited a public storm. I want to share some stories from my constituents who have reached out and urged me to vote against Betsy DeVos because they know better than anybody why their school is so important to them, why their teachers are so important to them, why their children's public education is so important to them. One of the major concerns I have continued to hear from my constituents about is her disconnect from the working class. A woman from Marysville, WA, said: Betsy DeVos, a billionaire herself, does not represent the working class and certainly not her family experience with public education. Betsy DeVos never attended public school or even sent her own children to public school. In Olympia in my State, an employee at a high-poverty public school says she works with some of the most in-need children in the area. She is very concerned that Betsy DeVos's push toward a privatized public school system would only benefit those in wealthy communities and leave her most vulnerable students behind. She believes Betsy DeVos would absolutely not look out for their best interests. In our rural communities, there is no private school to get that voucher and send your kids to. The policies she is pushing only mean that those schools will have taxpayer dollars taken away from them to send to other kids with vouchers to go to private schools, who live nearby or have the additional resources to use those vouchers to go to school. A teacher in Seattle wrote to me with a story that I can't get out of my head. It really inspires me to keep going in this fight. This teacher serves preschoolers with special needs who face a number of challenges. She teaches at a title I school, where most families are low income, and many of them are immigrants and non-native English speakers. She believes that her children deserve access to the best educators out there and that if DeVos's agenda was put in place--a system of privatized public education--her students would be failed, because without strong public

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schools, we would fail students who are low income or living with disabilities or impacted by trauma or who belong to racial or ethnic minorities. She says Betsy DeVos does not have her students' best interests in mind, and her students deserve the best, as I believe all of our students do, no matter their financial status, their race, their religion, or any other difference they might have from their peers. A mother in North Bend wrote to me expressing her worry that vouchers only benefit the wealthy, leaving the middle class and poor without the benefit of a good education. Being part of a middle-class family herself, she is proud that her first grader is already mastering addition and subtraction and is reading and writing sentences all because of her local public school. My constituent in Auburn said that money and ZIP Code should not determine who gets a better education, and she said that Betsy DeVos's worrisome policies would make that the case. She is strongly urging me to reject a nominee who doesn't look out for those who are the most in need. A man in Kelso wrote in, saying that the public school system is what ensures we all get a good education. It is what gives so many parents hope that their child can have an even better life than they had, that public education is a great equalizer for everyone to have a chance to succeed, and I couldn't agree more. Those are just a few of the letters I have gotten from people who are worried that the nominee's push for taking public tax dollars and using them for private schools and for-profit schools only, robbing our public schools of the resources they need, will not be the right choice for public education. I wanted to share a few other letters from my constituents who wrote to me regarding Betsy DeVos's nomination. One of them was from Seattle. She emphasized how important it is that our Secretary of Education be dedicated to providing a quality education to all students and to strengthening our public education institutions. She strongly believes that Betsy DeVos will not be that kind of Secretary. A retired teacher in Federal Way asked me to work as hard as I can to protect public education because she believes every child's right to a free and quality public education is at risk with Betsy DeVos's nomination. Many constituents expressed their disbelief that the nominee for Secretary of Education has absolutely no experience in public education. Her children never even attended a public school. One, a teacher in Bellingham, is fearful of an Education Secretary who doesn't truly understand what the needs of kids look like today. She asked how someone with no experience can be expected to lead our country's education system. A woman in Puyallup wrote to me, saying that education is the greatest gift we can give to our children, and she thinks that confirming Betsy DeVos, with her plans to weaken public education, will rob so many children of that gift. Mr. President, those are just a few of the letters I am getting. There are many more, and later this evening, I will be reading from some of those letters because they tell the story better than I do. I know some of our colleagues are wondering why this woman set off such a firestorm when her nomination came up and why so many people are calling and writing and rallying and letting their voices be heard. It is not easy to rally the public. This came from within. This came from many people in this country who understand, as so many of us do, that public education and the right to an education, free--free education is critical and fundamental and a core philosophy of this country that all of us want to be successful and want to be great again. To have a Secretary of Education who doesn't agree with that, who in fact promotes the exact opposite, who has said that our public education system is a dead end, who has proposed, promoted, and paid for campaigns to take public tax dollars to send to private, for-profit schools, that is not what our country was built on. It is not the foundation that our forefathers put out in front of us. They said: We are going to build a system unlike any other, where no matter who you are or where you come from or how much money you have or what you look like, in this country, we are going to make sure you get an education, a free education, paid for by all of us, to go to school in your community and to be who you want to be. That is a dream of this country, and we will not stand by and give our votes to a Secretary of Education who does not share that philosophy. That is why there is a firestorm. That is why parents and teachers and students and grandparents and community leaders and superintendents from across the country are writing us and asking us to vote no. It is not too late. If we have one more Republican who votes no, then we will be able to say to the President: Mr. President, we reject this nominee, and we ask that you send us one who will work with all of us to make sure our public education system is a core principle of this country, is valued by this country, and is pursued by the top person in the Department of Education, our Secretary of Education. It is not too late. With that, I have many more letters that I will be reading later. I know some of our other colleagues will be over here. Again, I ask everyone to stop and think. This is a critical nomination. It has hit a chord in our country because people do care. They want our country to be strong. They want this country to be great, and they know our public education system is an absolutely critical part of that. Mr. President, I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. Gardner). The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Rounds). Without objection, it is so ordered. Mr. FRANKEN. I thank the Presiding Officer. [[Page S729]] Mr. President, I rise

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this evening in opposition to the nomination of Betsy DeVos to be our next Secretary of Education. This is one of the most important jobs in our government. The Department of Education bears responsibility for making sure that every child in America has the opportunity to fulfill his or her potential, which means that the Secretary of Education has an enormous amount of power to shape our Nation's future. This is not a job for amateurs. President Obama's first Secretary of Education was Arne Duncan, who had spent 7\1\2\ years building a record of accomplishment as CEO of Chicago's public school system, previous to which he had been director of a mentoring program and the founder of a charter school. When Secretary Duncan stepped down, he was replaced by Dr. John King, Jr., the recipient of a doctorate in education administrative practice. He had served as Deputy Secretary under Arne Duncan and was previously the education commissioner for the State of New York. Each brought to the job a background in public education that informed their understanding of what students, parents, teachers, and administrators need in order to succeed, which brings me to Betsy DeVos. There are reasons to be skeptical about Mrs. DeVos's nomination right off the bat. As my Republican colleague, Senator Collins of Maine, put it: "The mission of the Department of Education is broad, but supporting public education is at its core." Well, in Mrs. DeVos, President Trump sent us a nominee with no experience in public education. Mrs. DeVos has never been a public school superintendent or a public school principal or a public schoolteacher. She has never attended a public school. She has never sent a child to a public school. Mrs. DeVos has no formal background in education, no classroom experience, and no demonstrated commitment to supporting public education whatsoever. In fact, Mrs. DeVos has a long history of actively undermining public education. She and her family have spent millions of dollars advocating for an ideology that would steal funds from public schools in order to fund private and religious education. Let's take a moment to talk about what that means. Mrs. DeVos ran a political action committee called "All Children Matter," which spent millions in campaign contributions to promote the use of taxpayer dollars for school vouchers. The argument was that these vouchers would allow low-income students to leave the public school system and attend the private or religious school of their family's choice. Mrs. DeVos has described this as "school choice," claiming that it would give parents a chance to choose the best school for their children, but that is not how it works. In reality, most school vouchers don't cover the whole cost of private school tuition, nor do they cover additional expenses like transportation, school uniforms, and other supplies, which means the vouchers don't create more choices for low-income families; they simply subsidize existing choices for families who could already afford to pay for private school. As it happens, we have a real-life test case that we can look at to determine whether Mrs. DeVos's argument holds water. Mrs. DeVos heads up a voucher program in the State of Indiana, and guess what happened. Today, more than half of the students in the Hoosier State who received vouchers never actually attended Indiana public schools in the first place, which means that their families were already in a position to pay for private school. Indeed, vouchers are going to families earning as much as \$150,000 a year. I am sure these families appreciated the extra help, but as of 2015, nearly half of Indiana's children relied on free and reduced-price lunch programs. These are the kids Mrs. DeVos claims would be helped by school vouchers; instead, taxpayer dollars were taken away from public schools that remain the only choice for these low-income families and given to families who could already afford private school, who were already sending their kids to private school. That is the reality of school vouchers. That is why after Mrs. DeVos developed a similar proposal for a voucher program in Pennsylvania and an analysis projected that, just like in Indiana, the vouchers would mostly benefit kids already enrolled in private schools, voters rejected it on multiple occasions. Yet Mrs. DeVos and her family continued their fight for school vouchers. In fact, she has been such a fervent advocate that her political action committee, "All Children Matter," received the largest fine for violating election law in Ohio's State history--a \$5.3 million fine that nearly a decade later she still hasn't paid. Why do this? The evidence is clear that Mrs. DeVos's voucher obsession doesn't help low-income families. Quite to the contrary, it represents a serious threat to the public school system--a system that as many as 90 percent of the children rely on--but Mrs. DeVos describes as "a dead end." The truth is that Mrs. DeVos's education advocacy isn't really about education at all. She describes her goal as follows: to advance God's kingdom. Now many families choose to send their children to religious schools, and many children receive an excellent education at religious schools, but it is the public school system that the Secretary of Education is supposed to focus on, and that is not the part that Mrs. DeVos and her family have put at the forefront of her advocacy. Mrs. DeVos spent a decade serving on the board of the Acton Institute, which seeks to infuse religion in public life, beginning with public education. She and her family have devoted millions to promote the institute's work, including promoting ideas like this: We must use the doctrine of religious liberty to gain independence for Christian schools until we train up a generation of people who know there is no religious neutrality, no neutral law, no neutral education, and no neutral civil government. Then they will get busy in



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constructing a Bible-based social, political, and religious order which finally denies the religious liberty of the enemies of God. Those are the words of Gary North, a Christian Dominionist for whom the Acton Institute serves as a forum. Of course, not everyone who believes in the potential of parochial schools shares his view, but this is the kind of stuff Mrs. DeVos and her family have spent millions and millions of dollars promoting. It is fine for someone to hold strong religious views and to advocate for those views and to spend their family fortune encouraging others to adopt, but it is entirely fair to ask whether the mission of building a Bible-based social, political, and religious order is compatible with the mission of the Department of Education. So, yes, based on Mrs. DeVos's radical ideology, I was skeptical when her nomination was sent to the Senate, but I understand that others in this body may not have shared my discomfort. Within this Chamber we have important differences when it comes to education policy and, for that matter, the appropriateness of using taxpayer funds to advance God's Kingdom. And do you know what? That is fine. But we all have the exact same responsibility when it comes to vetting the President's Cabinet nominees. Each of us is called upon to determine not just whether we agree with the nominee's ideology but whether that nominee is free from relevant conflicts of interest and, critically, whether the nominee is competent, whether he or she is capable of doing the job. Making that call is our job, and that is why we have the process that we have. It is why we ask to see the nominee's financial information. It is why we ask them to submit written answers to questionnaires about their experience and their record. And it is why we have them come to the Senate to sit in front of committees and to answer our questions. Unfortunately, during her hearing, Mrs. DeVos proved beyond a shadow of a doubt not only that her ideology is fundamentally incompatible with the mission of the Department of Education but that she is fundamentally incompetent to be its leader. Throughout the hearing, she was unable to answer basic questions about her views on important issues, she was unfamiliar with basic concepts of education policy, and she was unwilling to make basic commitments to continue the Department's work on behalf of our most vulnerable children. Let me give you one example of what I mean. During my 5 minutes of questioning, I asked Mrs. DeVos to weigh in [[Page S730]] on the debate about measuring growth versus measuring proficiency. I am going to take a few moments right now to make sure that everyone here and everyone watching at home understands what this debate is about and just how central it is to the future of education policy. The difference between the two approaches, proficiency and growth, is very easy to explain. Let's say a fifth grade teacher has a student who comes into the classroom reading at a second grade level. Over the course of the school year, the teacher brings the student up to a fourth grade level. If we are measuring growth, we would say: Well, that teacher brought that student up two grade levels in 1 year. That teacher is a hero. If we are measuring for proficiency, we would say: Well, that student is still reading below grade level. That teacher is a failure. That is the difference between measuring growth and measuring proficiency. It took me all of 30 seconds to explain that, but I could spend all night talking about what this debate means for students, teachers, school leaders, and our entire education system. Everyone agrees that there should be accountability in our education system--accountability for school systems, schools, teachers. We want to know we are getting results. That was the core idea behind all the standardized testing in No Child Left Behind. The problem was that No Child Left Behind set up a system in which we assessed student learning by measuring proficiency and only proficiency. As the law was implemented, all sorts of problems emerged from taking this approach. For example, teachers in Minnesota would tell me how measuring proficiency would lead to what they called "a race to the middle." See, measuring proficiency only measures whether or not students are performing at grade level--at this line of proficiency, at grade level--and a teacher is measured by what percentage of her students or his students are above proficiency or at proficiency. A teacher does not get credit for helping kids who were already well above grade level to perform better, and they don't get credit for helping kids who are way below grade level start to catch up. So we had this race to the middle because it is a yes-or-no question: Did this student achieve proficiency or not? A teacher's entire career could depend on how many of his or her students met that arbitrary goal. So under this system, understand this, please. A teacher had a strong incentive to ignore all of the students at the top who were already going to meet proficiency. No matter what you did to that kid, that kid was going to beat proficiency in the No Child Left Behind test at the end of the year. They had a strong incentive to ignore all the kids at the bottom because, no matter what you did, that student wouldn't reach proficiency. The only thing--or one of the only things--I liked about No Child Left Behind was the name. And we were leaving behind the kids at the top and the kids at the bottom because of the insistence on proficiency. I can't overstate how central this issue is to education, and I can't tell my colleagues how important it is to educators across America. If you talk to any State education secretary, any district superintendent, any local school board member, any principal, any classroom teacher-- and, heck, parents--they will have an opinion on measuring growth versus measuring proficiency. So when Mrs. DeVos came before the HELP Committee, I asked

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for her opinion on this very basic--this extremely basic--extremely important question, and she had no idea what I was talking about. Let me be clear. She wasn't reluctant to declare her opinion. She wasn't trying to strike a middle ground. She did not know what I was talking about. We would not accept a Secretary of Defense who couldn't name the branches of the military. We would not accept a Secretary of State who couldn't identify Europe on a map. We would not accept a Treasury Secretary who doesn't understand multiplication. In fact, in nearly any circumstance, if a candidate for a job is asked a question that basic and that important and simply whiffs on it the way that Mrs. DeVos did, there is no second question. There is just a thank you for your time, and we will let you know, and will you please send in the next candidate. Earlier this year, the University of Minnesota hired a new head football coach. I wasn't there for the interview. But imagine if the first question for a candidate for football coach of your university was as follows: How many yards does it take to get a first down? And imagine if the candidate answers as follows: Thank you for your question, Mr. Athletic Director; I can pledge to you that I will work very hard to get as many first downs as possible to make sure, we hope, that we lead the team to touchdowns. This wasn't the question. The question was this: How many yards does it take to get a first down? Well, thank you again for the question. I can tell you this: I will look forward to working with you to prevent the other team from getting first downs also. Understand, that is how basic my question to Mrs. DeVos was, and that is how shocking it was that she simply didn't know enough about education policy to answer it. This inexplicable failure alone was enough for me to conclude that Mrs. DeVos lacked the knowledge and understanding that should be a bare minimum for anyone seeking the position. But the entire hearing--the entire hearing--was a showcase for her lack of qualifications. I would urge any of my colleagues who haven't had a chance to watch it. I urge you to do so before casting a vote for this nominee. It was one of the most embarrassing scenes I have witnessed during my time in the Senate. In fact, I believe it may have been one of the most embarrassing performances by a nominee in the history of the Senate. Asked about the right of children with disabilities to get a quality public education, she didn't know that this right is protected by a Federal law--the Individuals with Disabilities Education Act. Asked about guns in schools, she suggested that maybe guns should be kept on hand in case grizzly bears attacked. This was in answer to a question from Senator Murphy, who in Congress represents Sandy Hook and who, as a Senator, represents those parents. That was her answer to him. Asked about whether she would hold private parochial schools that get taxpayer funding to the same standard of accountability as public schools, she couldn't or wouldn't say. Asked about a family foundation that has donated millions of dollars to an organization promoting conversion therapy for LGBT youth, she claimed she had no involvement, which is ridiculous. Even if Mrs. DeVos's own role as vice president of that foundation was a 13-year clerical error, as she now claims, she herself has donated approximately \$75,000 to support that anti-LGBT organization's work. Now, understand that none of these were difficult questions. None of these were gotchas. All of these failures took place during a single 5-minute-per-Senator round of questioning, because after that first round, the hearing was cut off and our chairman refused to allow any further questions. By the way, I would like to say a word about that move to cut off questioning. I have great respect for the chairman of the HELP Committee, Lamar Alexander. We have worked together, and he worked with Senator Murray on the reauthorization of No Child Left Behind, changing it to ESSA, the Every Student Succeeds Act. I respect the chairman tremendously. But his decision to end that hearing was wrong, and his rationale was simply false. Our chairman insisted that because Secretary Duncan and Secretary King had been subject to only a single round of questions, there was a precedent to deny the minority a second round of questioning of Mrs. DeVos. That simply isn't so. First of all, as I discussed earlier, both Ernie Duncan and John King were experienced education professionals with long records of public service. Even if Republican Members had occasion to disagree with them on policy matters, there was no question that their backgrounds had prepared them for the job of Secretary of Education, and that is the bigger point here. There were no further questions. In both cases, committee members weren't denied the opportunity for a second round of questioning. They simply chose not to engage in one. Indeed, when I asked the Congressional Research Service, they confirmed that those hearings did not establish the precedent that our chairman claimed. Instead of allowing us to question Mrs. DeVos further, the chairman invited us to submit additional questions in writing, presumably so that she could get some help from her Trump administration handlers in answering them. Even so, her written responses only served to further expose her own lack of understanding of how education policy affects Americans. For example, I asked Mrs. DeVos in writing about the effects of trauma and adverse childhood experiences on education. This is a subject I have been interested in for a long time. A lot of kids in our country live in extreme poverty. Some may have a parent in prison or a parent who has passed away. These kids may also experience physical abuse or emotional abuse or neglect. There may be some drug or alcohol abuse taking place in the house. Some have witnessed domestic violence in

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their home or street violence in their neighborhood. Some have seen siblings shot and killed right in front of them. Decades of research have shown that the trauma that comes from such adverse childhood experiences actually changes a child's brain chemistry and affects their behavioral development, their mental and physical health, and their chances to succeed in school and in society longterm. But research has also shown that these challenges can be overcome and that the kids who do overcome them are the most resilient kids you have ever met. Our public education system was designed to give these kids a shot. Teachers and administrators often lack the resources they need to give these children the chance they deserve. Because Mrs. DeVos's crusade for school vouchers would further rob our public schools of these limited funds, I wanted to know her thoughts on this important issue. This is take-home. Her written answer was brief and superficial. She wrote that she had heard that children are impacted by trauma and that trauma can cause difficulties in a child's education. That was it. Was she unfamiliar with the literature? Was she unwilling to acknowledge that poor kids face special challenges? Would she be remotely interested in addressing these challenges as Secretary of Education? I guess we may never know. I also asked Mrs. DeVos in writing about her vision for education in rural communities. As the Presiding Officer knows--the Governor and now Senator from South Dakota--many of our children in America attend school in rural America, 10 million American kids, schools that struggle with teacher shortages and transportation challenges. I asked how would her school choice agenda help them. In her response, she pointed to online schools, which are often run by for-profit companies, many with questionable records. In fact, one of the country's biggest online schools recently agreed to a \$168.5 million settlement in California for allegedly defrauding families--a \$168.5 million settlement. But even online schools that aren't out to rip off students often wind up failing them. A 2015 Stanford study showed that, on average, kids in online schools lose the equivalent of 72 days of learning in reading and 180 days of learning in math, and that is for each 180-day school year, which means that kids in online schools can fall up to a year behind in math. Of course, as the Presiding Officer knows, many rural communities lack reliable broadband access. I have been on rural education tours where I find students who go to a McDonald's parking lot so they can get WiFi to read their public school assignment or get materials to study. This is another answer that wasn't an answer at all, yet another piece of evidence that Mrs. DeVos is simply not up to this job. Like many Americans, I have serious concerns about many aspects of the Trump administration's agenda. Still, I believe that as a United States Senator, it is my job to evaluate each nominee on his or her own merits. That is why I voted for nominees like Secretary Mattis and Secretary Chao, even though I disagree with them on important issues. General Mattis, for example, has nearly a half century of military service under his belt, he has earned the respect of leaders on both sides of the aisle, and I believe he will be a much needed voice of reason on the Trump administration's foreign policy. Ms. Chao has a lengthy background in public service, including as Secretary of Labor and Deputy Secretary of Transportation. I believe she will bring significant and valuable experience to her important role. I may well take issue with the decisions they make and the agenda they implement as members of President Trump's Cabinet, but at the very least, each illustrated during their confirmation hearings that they have a basic understanding of the issues they will be responsible for. Mrs. DeVos is different. I have heard from Minnesotans about many of President Trump's nominees, but the outcry over this nomination far surpasses anything else. As of a week ago, my office had received 3,000 calls about this nominee. A grand total of 12 were in favor of her confirmation. Additionally, we received more than 18,000 letters and emails, and again the overwhelming majority of them have urged me to oppose this nomination. For example, a woman from Brainerd, MN, wrote to say that she never contacted one of her representatives before and didn't consider herself very political--in fact, she was neither a Democrat nor a Republican, but she has a daughter in second grade and a son beginning kindergarten in the fall, and she wanted me to vote against Betsy DeVos. "How," she asked, "is someone who has never had any experience in public education supposed to competently preside over it?" A mother of two public school students in Faribault, MN, wrote of Mrs. DeVos: "As I watched her during the hearing, I was in disbelief that she would be appointed to such an important position." Another constituent from Warren, MN, wrote: "This woman is so unqualified, it's scary." Last week, I went to dinner with Vice President Walter Mondale at his favorite restaurant. Afterward, he took me into the kitchen to greet some of the men and women who worked at the restaurant. One of the guys in the kitchen--I am a little unclear of whether he was taking dishes to the dishwasher or he was washing dishes. He is not a teacher, he is not an education advocate, just a guy who works in the kitchen. He said: "Please vote against DeVos." There is a reason why this nomination has been met with such overwhelming resistance on the part of the American people, and I know I am not the only one who has heard it. In fact, two of my Republican colleagues and fellow HELP Committee members who sat through that hearing, Senator Collins and Senator Murkowski, have stepped forward to announce they cannot vote for this nominee. They don't agree with me on every aspect of education policy, but,

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believe me, when we put ESSA-- Every Student Succeeds Act--together, the committee voted unanimously. There is a lot of agreement on education policy on our committee, but Senator Collins and Senator Murkowski saw the same hearing I did. Like me, they saw a nominee who simply does not understand the needs of the students our Secretary of Education is supposed to serve. I will let my colleagues speak for themselves as to the reasons why they will be joining me in voting against this nominee, but I would like to close by asking a few questions of my colleagues who are still considering a vote in her favor. If Mrs. DeVos's performance didn't convince you that she lacks the qualifications for this job, what would have had to have happened in that hearing in order to convince you? If you cannot bring yourself to vote against this nominee, is there anyone President Trump could nominate for any position that you could vote against? If we cannot set party loyalty aside long enough to perform the essential duty of vetting the President's nominees, what are we even doing here? The Constitution gives us the power to reject Cabinet nominations specifically so we can prevent fundamentally ill-equipped nominees like Betsy DeVos from assuming positions of power for which they are not qualified. Let's do our job. For the sake of our children, let's do our job. Mr. President, I yield the floor. [[Page S732]]

The PRESIDING OFFICER. The Senator from Rhode Island. Mr. WHITEHOUSE. Mr. President, I wish to add a few Rhode Island voices to the voice of the Senator from Minnesota. By the way, I am not cherry-picking my correspondence to find the rare letters in opposition to this nominee. We have had an unprecedented avalanche of opposition to this nominee. It is running well more than 100 to 1 against her, and it is people from all walks of life. Here is a letter from William, a 12th grader in Pawtucket, RI. William took the trouble to write to me. Let me start with the topic line: ``Concern over Betsy DeVos." Hello, Senator Whitehouse! My name is William and I am a senior at Blackstone Academy Charter School, a public charter school in Pawtucket, Rhode Island. I am contacting you today due to my concern about educational equality, specifically Betsy DeVos' ability to commit to practices that ensure that the children who need the most help aren't forgotten about and brushed under the rug. These children are our kids of color, as well as our low-income kids attending urban public schools with limited resources. Having attended a Pawtucket public school, I can confidently say that there are some genuinely brilliant minds here in this very city, in the areas where somebody like Mrs. DeVos would least expect. Yet it also cannot be denied that the students here begin their journey on ground that is unequal to that of other kids who are not people of color, or are not part of the public school system, etc. These bright young saplings are being crushed before they are given the chance to blossom, and that is a systemic problem that DeVos, given her various shortcomings, will only serve to perpetuate and make worse. DeVos, given her support of the privatization of public schools and her open disdain towards the LGBTQIA community, has established that she will not improve the experiences of marginalized communities. Her interest is not the betterment of education for people, but the monetization of education to put money in her pockets and the pockets of people like her. DeVos will never spearhead movements that promote equity in education and will continuously disappoint us all throughout her term which will not be defined by deviating from the status quo and creating a system that our troubled but gifted youth can thrive in. In fact, she will do the opposite. With this in mind I ask that you, Senator Whitehouse, openly speak out against Betsy DeVos, and do everything in your power to keep her out of the Secretary of Education office. I also ask that you continue to remember me and children like me; public school youth who could be incredible if they are just given the opportunity to thrive. Thank you for your time! William. Now let's hear from Da-naijah, a 10th grader from Central Falls, RI. Dear Senator Sheldon Whitehouse, My name is Da-naijah Gibbs, and I am in 10th grade at Blackstone Academy School which is a public charter school. I live in Central Falls, RI. I'm writing today because I'm concerned about kids being able to afford college, regardless of background. I care about this because I have plenty of family members and friends who go to public school, and they either want or are trying to go to college. I know they will need help with paying for college because they don't come from a very wealthy background. Fair and equal education is so important to me because I think everyone should be treated fairly regardless of how they look because we are humans. I am concerned about Betsy DeVos being nominated for Secretary of Education because she doesn't have any experience with classrooms. Also because she basically doesn't like public schools since she is trying to make public school private and is trying to take resources away from public schools. With that being said, I hope that you do everything you can to help the kids in public school get equal education and fair education as much as private schools do. Please read my email when you can and I would like to thank you for your time. Sincerely, Da-Naijah

Next is Sara. She also lives in the city of Central Falls. I am writing today because I'm concerned about the education in the public schools in my city. The students in Central Falls are not given the education they deserve in the environment of Central Falls as of schools in other districts. This is important to me because my younger brother is a disabled boy, and it worries me that he won't continue to get the education he deserves. I'm very concerned about the nominee Betsy DeVos because she has 0 experience

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in the role of Secretary of Education and there are videos on almost any social media as well as YouTube to prove it and it clearly shows she has no experience and will put our education, or I'll say "future" at risk. Please Senator I hope you can do everything you can to prevent her nomination. . . . Thank you! Sincerely, Sara The last one I will read is from Jennyfer, 10th grade at Blackstone Academy Charter School, from Pawtucket. I'm writing today because I'm concerned about students in public schools not receiving the same and fair education students in charter and private schools have. I care about students in public schools because I want every student to have the privilege of receiving fair and equal education as I have the chance too. Fair and equal education is so important to me because I'm a Latina and a woman of color, I deserve the same equal and fair education as every other individual. I want my siblings who go to a public school to receive the same education and resources I get. I am concerned about Betsy DeVos [that she] will take that privilege away from students in public schools. I hope you do everything you can to prevent Betsy DeVos from taking this privilege away from students in public schools. Thank you for your time! There are more letters that I could read, but one point I would like to make is that these are students writing from charter schools. In the flood of opposition from Rhode Island that we have seen to this nominee, it has included teachers, managers, and students in charter schools. There has been a notion developed that this is a battle between public schools and charter schools and that public schools aren't good, but they want to trap children in them; that charter schools are the way out; and that Mrs. DeVos will lead us off into that charter school happy land. The fact is, it is not that simple. We have great charter schools in Rhode Island, and we have some great public schools in Rhode Island. We have both. The charter school leaders are opposed to her nomination. Why is that? It is in part because the transition from charter to public schools can be done fairly or it can be done unfairly. In all of her work, Mrs. DeVos has shown that she would do it unfairly. There is an obvious--what demographers would call--selection bias between the kids who turn up in a charter school that they have to select to go into and the kids who are still in the public school that is left behind. The selection bias is based on all sorts of different reasons. It could be as simple as they have more engaged parents. The parents are interested enough in their education to take the trouble to sign them up for the charter school, and that creates a slightly different demographic than the ones who are left behind. It helps the charter school population, and it makes it easier for the charter school. Charter schools have authority that public schools don't have with respect to discipline; indeed, the ability to remove children and return them to the public schools. They are able to force students to sign contracts and agreements regarding their behavior. Public schools can't do that. Again, that confers an advantage on the charter school that a public school doesn't have. Children with disabilities often get immense support through the public school system. When they try to go to the charter school, they see that the supports for the children with disabilities aren't there, and so it doesn't make sense to move to a charter school. The charter schools tend to get a smaller population of children with disabilities. They don't have that additional expense of dealing with and meeting a child wherever their abilities and disabilities are. The public school keeps that expense. In Rhode Island, we have people flooding into Providence. We teach kids who speak something like 70 original languages in our Providence public schools. A new immigrant is going to go to the public school. That is where they go. It is going to take them time to get settled and to learn about America and to pick up enough language to understand that a charter school exists, to make the choice to move their child there, and by the time they do, fine, if they make the choice. But, again, the public school had to be there for them; again, it is an advantage to the charter school. It is all great for charter schools, but the idea that they are outperforming public schools and there is no recognition of that selection bias is just unfair to the public schools. It gets worse when you move from the selection bias on students to the funding because the way it often works and the way it works in Rhode Island is that the money follows the student. If you are [[Page S733]] in the public school and you are selected for a charter school, then a certain stipend of money goes with you to support that charter school. The problem is that as that money gets taken out of the public schools' budget, the costs in the public school didn't follow you to the charter school. The money followed you to the charter school, but many of the costs remained. If one child leaves a public school classroom and goes to a charter school, you still have to turn the lights on, you still have to hire the teacher, you still have to heat the building, you have maybe one less pencil and one less piece of paper in the room, but those are tiny costs. The fixed costs remain. That is a very serious threat to public schools. Anybody who truly supports the charter school movement, as our charter schools do, has to understand, first, the selection bias problem and understand that the testing and accountability has to be fair between public and charter schools and, second, this funding problem--that if you are simply pulling the money out of the public schools into charter schools and the costs are staying behind, what you are doing is crashing the revenues but leaving the expenses of public schools. The public school students are going to suffer from that. If you don't adjust for it, you

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are being unfair to the public schools, and you are being unfair to the students. This is a serious enough problem that our Providence City Council is debating the issue right now and, as students move to charter schools, trying to figure out: How do you provide adequate funding so you are not stripping the public schools of what they need to continue to teach the other students? Not only are they serious about trying to figure out this budget equation at the city council level, but Moody's, the service that looks at municipal budgets and determines how sound they are and rates municipalities, has looked at this problem of charter school movement and the remaining costs in public schools and identified it as a fiscal threat to municipalities. These are both real problems, and the refusal of Mrs. DeVos to grapple with them suggests to our charter school leaders and to me that this is not just an effort to enhance students in being able to go to a good charter school; this is actually an attack on public schools. There are all sorts of reasons somebody might want to knock down public schools. One is that they simply don't like teachers unions. Teachers unions tend to vote Democratic, let's face it. If you want to cripple teachers unions, destroy the schools they work in. That is a really nasty reason to get into this charter school fight, but it is real, and it is out there. A second is, if you want to bring for-profit investment into this space, a lot of money gets spent on education. People who could figure out how to make money in this space want to get their noses in and to get a chunk of that money. When they come in, they may or may not do a good job, but they are highly profit motivated. If you are interested in trying to facilitate them and to give them a money making opportunity, then you may well want to damage public schools in order to support their move to for-profits. This creates a fairly significant problem when you connect it to the next piece of Mrs. DeVos's application. That is conflict of interest. One of the basic elements that we are here to look at in our advice and consent process is conflict of interest. Will the nominee be able to do a fair job? Will she be looking at things fair and square or will she have conflicts of interest that impede the fair exercise of her judgment? One place that we need to look for conflict of interest is when we have nominees who have run political dark money operations. This is a new thing for us. Not too long ago we swore in a new President-- President Barack Obama. When we did, we had ethics rules, government ethics offices, filing requirements, and all of that in place. That was 2008. Then came the Citizens United decision--one of the worst decisions that five Justices on the Supreme Court have ever made, and it opened up the floodgates of dark money. This nominee is a practitioner of the dark arts of dark money. We know nothing about what she has done, but the conflicts of interest ought to be pretty obvious. If you raised millions of dollars from people in your dark money operation, then there is an indebtedness there that somebody might think could be an appearance of impropriety or conflict. We should know so that evaluation can be made. Or if you spent dark money in support of certain things, we should know so that we can connect the dots and evaluate the linkages and see whether it is a conflict of interest. We wrote to Mrs. DeVos about this. The first letter was January 5, 2017. We got an answer, and the answer was spectacularly incomplete and unhelpful. So we wrote a second letter on January 27. I wish to take a minute and read this letter because I think it explains our predicament. Elisabeth DeVos Trump-Pence Transition Team Pennsylvania Avenue, NW Washington, DC Dear Mrs. DeVos, Thank you for your response of January 17, 2017, to our January 5, 2017 letter-- Mr. President, let me ask unanimous consent to have printed in the Record the letter at the end of my remarks. Thank you for your response of January 17, 2017, to our January 5, 2017 letter requesting additional information on your vast political fundraising and spending network. Along with various responses and objections to our request, you produced a series of already public campaign finance reports related to the American Federation for Children Action Fund, a 527 organization, and its various State affiliates. For the reasons that follow, we view your response as, while sizable, nonresponsive. We requested you provide information about two 501(c)(4) organizations with which you have been associated: the American Federation for Children and the Great Lakes Education Fund. You acknowledged your association with these entities in your disclosures to the Office of Government Ethics (OGE). You also acknowledged in your letter to us that "[e]ach organization with which [you] have been involved is independent." It is not clear what you mean by "independent" since you have already acknowledged your association with these organizations. I hope you can appreciate how both fundraising and spending of these organizations (from whom? to whom? in what amounts? your personal role?) might produce conflicts of interests in potential decisions if you are confirmed to serve as Secretary of the Department of Education. Our concerns are not hypothetical as known contributors to your political organizations have had business before Department of Education. For example: Vahan Gureghian: In 2010, Gureghian donated \$100,000 to the American Federation for Children Action Fund. Mr. Gureghian founded and is the CEO of CSMI LLC, a Pennsylvania charter school management company and helped found the Chester Community Charter School. He has been a major donor in promoting charter schools in Pennsylvania. I will interrupt reading the letter for a moment to point out how obvious it is that somebody involved in the charter school movement could very easily have

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business before the Department of Education. Who knows how much he gave? We know of about \$100,000, but it could be a lot more. He knows. She knows, but the public won't know. When bids or competitions are up, that is simply not fair. On to the next one and back to the text of the letter: J.C. Huizenga: Between 2005 and 2007, Huizenga donated \$25,000 to All Children Matter, and in 2010 he donated \$30,000 to the American Federation for Children Action Fund. Mr. Huizenga founded the National Heritage Academies, a for-profit charter network that has 80 schools in 9 States and has received over \$43 million in federal funding. According to a 2012 review by the Michigan Department of Education of the schools in the "focus" category, due to significant gaps in achievement, more than half were managed by National Heritage Academies. It has been reported that Mr. Huizenga said that his involvement with charter schools was due to realizing that "privatizing public education was not only practical but also desperately needed." Again, to step back out from the letter, here is somebody who is in the for-profit charter school business, whose charter schools are more than half of the troubled charter schools reviewed by the Michigan Department of Education and who wants to privatize public education. He is linked with her through the dark money operation. We don't know anything about the dark money side. David L. Brennan: Brennan donated a total of \$200,000 to All Children Matter from 2004 to 2007, prior to AMC's wind down due to campaign finance violations. This is a series of campaign violations, finance violations, that led to the \$5 million fine that neither the entity nor Mrs. DeVos have ever paid. [[Page S734]] In 2010, he donated \$39,000 to the American Federation for Children Action Fund. He is the founder of White Hat Management LLC, a for-profit charter school management company that operates 15 schools in three states with over 12,000 students. Since 2008, Whitehat and its affiliates have received \$3.6 million in federal funds including IDEA funds. How are we ever going to know if people like this--who are making big, dark money contributions into the dark money operation that she runs--will not be rewarded in a pay-to-play fashion with grants and favors and an advantage in competition at the Department of Education? You would ordinarily evaluate that by knowing that the conflict of interest existed. But because it is dark money, we will never know. They will know. She will know, but the public will never know. The Senate will never know. The press will never know. While you may not have a direct financial interest in the for-profit education enterprises headed by those listed above, your political fundraising relationship with them, and perhaps others, could cause a reasonable person concern over your impartiality in matters involving them. Let me step out of the letter again. Doesn't that make sense? If you were applying for a grant before the Department of Education and your competitor was somebody who had given \$1 million to Mrs. DeVos's Action Fund, wouldn't you want to know that? Don't you think the public should know that? If you were to find out later that had taken place, and they were awarded the grant and you were not, wouldn't that rankle you a bit? Wouldn't that suggest to you that perhaps we are not being treated fairly because of that big contribution that was made? But we will never know. We are disabled from doing our constitutional job of reviewing these nominees for conflict of interest when it is dark money that is at stake. The OGE process does not capture conflicts that arise through political activity. . . . This is the first transition of Presidents since the Citizens United decision. This is the first one; so there is no history. We have to do it now, but we are not--not for this nominee, not for other nominees. We are leaving a black hole of secrecy around this enormous conflict of interest potential. The OGE process does not capture conflicts that arise through political activity so it is incumbent upon us to assure the Senate record is complete as to such conflicts and how they will be resolved. These are just the publically known examples of potential conflicts. Our original request asked you for information to assess potential conflicts with 501(c)(4) organizations that are not required to publicly disclose donor information. Accordingly, we reiterate our request that you provide: A list of all donors, their total donations, and affiliations, who have contributed to the American Federation for Children 501(c)(4), and the Great Lakes Fund 501(c)(4) since their inception. A list of donations made by you, members of your family, and foundations or organizations with which you are affiliated, to other 501(c)(4) organizations over the past five years. That seems like a perfectly reasonable request. According to the American Federation for Children's IRS Form 990 filed for the year 2014, it spent nearly \$1.1 million on political activities, including a \$315,000 transfer to the American Federation for Children Action Fund, Wisconsin IE Committee. I think most people here know how this works, but to make it clear for people listening, many political organizations require that the donors be disclosed. So if you want to engage in the dark money game and hide your political influence-seeking, what you do is you take your money and you give it to a 501(c)(4), a dark money operation. Then they in turn give it to the political action group. That is what happened here. \$1.1 million into the American Federation for Children, \$315,000 transferred to the American Federation for Children Action Fund in Wisconsin. The only function that provides is to launder the identity of who the donor was. So that all you see is the money emerging from the dark money organization, with no transparency as to who put it in. Because donations to a 501(c)(4) are anonymous, they effectively launder the identities of donors to the other

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parts of the political apparatus. But you know, and the donors know, and therein lies the potential for conflict of interest. Additionally, you refused to disclose donations to 501(c)(4) organizations that you, your family and your foundation have made. You explained, "(t)he information request requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education." That was her answer to the first letter. Our letter here continues: Your donations to 501(c)(4) organizations are indeed relevant to your nomination, just as your donations to political candidates, parties and causes are. One obvious instance would be where groups to which you have made political contributions are before the Department as advocates or grant seekers. Again, you know and the donors know, and therein lies the potential for conflict of interest. Senators have a Constitutional duty to provide advice and consent on Presidential nominees, and understanding the scope and nature of potential conflicts of interest is at the heart of that duty. I do hope that we can agree on that in this Body: That part of our advice and consent role is to understand the potential for conflicts of interest. If we can't agree on that, then we have a real problem here, because that is the purpose or at least one purpose of what we do. Your role in raising and distributing "dark money" clearly raises the possibility of such conflicts. As a result, we renew our request for information related to your 501(c)(4) organizations as outlined above. Please contact us if you have any questions regarding this request. We look forward to your additional information and disclosures and timely and responsive answers. Well, as of today, what we have is no answer at all--no answer at all. This is a recurring problem here. This business of dark money not being caught by the rather obsolete, in that respect, government ethics reporting conventions that have been carried forward from the Obama transition before all of this became a problem doesn't just apply to Mrs. DeVos. Secretary of State Tillerson, as CEO of ExxonMobil, ran a massive dark money operation. ExxonMobil has money all over front groups that deny climate change, all over political groups to try to discourage action on climate change, and a lot of it is dark money. There has been reporting that traces it back to Exxon, but we never know how much because it is dark money, and Mr. Tillerson hasn't told us one thing about it in his hearing. We will be considering shortly the nomination of Scott Pruitt as the EPA Administrator. Scott Pruitt ran a dark money operation as the attorney general of Oklahoma. Why would an attorney general want to run a dark money operation in the first place? That is a whole separate question--but he did. It was called the Rule of Law Defense Fund, and what it did was it took in money, prevented the donors from having their identities revealed, and then funneled the money publicly to the Republican Attorneys General Association. It was an identity laundering machine for the Republican Attorneys General Association for big donors who didn't want anybody to know who the source was of the money that was being funneled into the Republican Attorneys General Association. That is fine, I guess. I would like to be rid of all of it. We should pass the DISCLOSE Act and clean this mess up. But for sure, when somebody who has run a dark money operation comes before the Senate seeking to be nominated to a Cabinet office, we hold a constitutional duty to protect that office from improper conflicts of interest. Surely, then, their role in the dark money operation should be disclosed. It only makes sense. But, no, like Mrs. DeVos, absolute stonewall on any information related to the Rule of Law Defense Fund and Mr. Pruitt's dark money operation, a black hole of secrecy and enormous opportunity for conflict, because obviously, given his background and given where the rest of his fundraising went, you can draw a reasonable conclusion about where the dark money came from: Devon Energy, ExxonMobil, American Petroleum Institute, Murray Coal--the usual suspects. That is where a lot of his other money came from. You have to believe it went here. But do we know that? No. He could have taken \$1 million from one of those groups and then, as EPA Administrator, be ruling on an application of theirs and we would not know. Please don't anyone tell me that is not a potential conflict of interest. I mean, we can deal with alternate facts around here, but that is just crazy. We don't know about Mrs. DeVos's dark money. We don't know about Tillerson's dark money. We don't know about Pruitt's dark money. It is as if [[Page S735]] there has been an understanding--some secret handshake around here-- that nobody will allow dark money information into the nomination process. That is just wrong. That is just wrong. It infects this nomination of Mrs. DeVos. We have to get answers to these questions. Let me move on to one other point: student college debt. I had a meeting recently. I think all of us had the same experience. From our home States, groups come to visit us and to get our time and to bring our attention to problems that concern them. I think we all get visits from the same groups. We get visits from our community bankers from our home States. We get visits from our credit unions in our home States. We get visits from the automobile dealers in our home States. We get visits from the insurance brokers in our home States. We get visits from the Realtors in our home States. When the Realtors of Rhode Island came in to visit me the last time, they raised a new issue that I had not heard before from them. The issue that they raised was this: You know, we are starting to have a real problem financing houses for the next generation of home buyers, the young home buyers who are coming into the market and who would ordinarily be buying their starter homes. The problem we are



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finding with them is that they are so loaded up with college debt that we can't finance the purchase of a home for them. That is how enormous the student loan debt problem is in this country. It is now preventing so many young people from buying a home that the Realtors have noticed and put it on their problem list as something for us to take action on. If the Realtors have noticed this, I don't think it is asking too much for a nominee for Secretary of Education to have noticed this. If, in fact, she has noticed this, I don't think it is asking too much for her to have thoughts and a plan, because we are well over \$1 trillion in debt for these kids. I think it is about \$1.3 trillion now. It has been a known problem for some time. Over and over again, Democrats have tried to find and propose solutions here in the Senate. Over and over again, we have been shot down. But it remains a very considerable issue. You would think that a new Secretary of Education coming in would want to hit the ground running on this issue. She would have something she wanted to get done to solve it. There would be a plan or an outline. We may not agree with it, it may be something that we have to work together to find a way to get it to the floor, but at least there would be a starting point. All I got was, well, I would be interested in your views on that issue. How is it possible that with over \$1 trillion in student debt piled up, with the student debt problem so severe that even Realtors have put it on their to-do list to get something done about it, that a nominee for the Secretary of Education has nothing? Pockets out. Nothing to get started on this problem. Is she ever going to take an interest? I don't know. But it would seem to me, particularly when you look at where we are in the HELP Committee--our ranking member, Senator Murray, is here. Senator Murray and Chairman Alexander helped lead us together through the ESSA, the reform of No Child Left Behind, the Every Student Succeeds Act. It passed roaring through the Senate. The House even picked it up and took it. It came out of committee unanimously. States are still working on implementation of it because it freed them up to do a lot more things, and so they have to go through the process of deciding how they are going to take advantage of its new freedoms. So with respect to elementary and secondary education, we are actually in pretty good shape. All we have to do is implement the bipartisan popular law that we passed. So where is the attention going to be? Well, what we have not passed is the Higher Education Reform Act. So if you know at all that has been going on in education in the Congress, which is not asking too much of a Secretary of Education nominee, you know that we have just implemented a major reform of elementary and secondary education, that our next order of business is higher education, and that an elemental part of that is going to be college debt. So the fact that this nominee has nothing on that issue and is in the traditional deer-in-the-headlights-nominee mode of, well, I look forward to working with you on that Senator. Oh, yes, I understand that is a serious problem, Senator, but actually I don't have any ideas; I don't have any plans; I don't have any strategy; I have nothing. Let's just work together on it. That is not very convincing to me. I see the Senator from New Jersey here. The night is going on, so I will yield the floor to him, but I will close by saying that this recurring question about nominees who are involved in dark money operations and then refuse to disclose anything about their dark money operations so that it remains a black hole of secrecy and potential conflict of interest is wrong. It is just wrong. I know there are forces in this building that love the dark money, and there are huge special interests behind the dark money. There are a lot of people who benefit from the dark money who don't want any light on it ever. But once a nominee has had their name put in for a Cabinet position of the Government of the United States, by God, they ought to disclose their dark money connections because otherwise it is an avenue toward conflict of interest. Where there is conflict of interest, there comes scandal. It is our job to head that off by getting the information before the public so everybody can evaluate it, and we have been knee-capped in that effort by an absolutely positive shutdown from the other side of the aisle on any information about any dark money from any nominee. They don't have to be nominees. If they don't want to cough up their dark money information, they can turn the papers back in and tell President Trump: Find someone else. I would rather keep my secrets. But you should not keep your secrets and get the job. There being no objection, the material was ordered to be printed in the Record, as follows: January 27, 2017. Elisabeth DeVos, Trump-Pence Transition Team, Washington, DC. Dear Mrs. DeVos, Thank you for your response of January 17, 2017, to our January 5, 2017 letter requesting additional information on your vast political fundraising and spending network. Along with various responses and objections to our request, you produced a series of already public campaign finance reports related to the American Federation for Children Action Fund, a 527 organization, and its various state affiliates. For the reasons that follow, we view your response as, while sizeable, non-responsive. We requested you provide information about two 501(c)(4) organizations with which you have been associated: the American Federation for Children and the Great Lakes Education Fund. You acknowledged your association with these entities in your disclosures to the Office of Government Ethics (OGE). You also acknowledged in your letter to us that "[e]ach organization with which [you] have been involved is independent." It is not clear what you mean by "independent" since you have already acknowledged your

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association with these organizations. I hope you can appreciate how both fundraising and spending of these organizations (from whom? to whom? in what amounts? your personal role?) might produce conflicts of interest in potential decisions before you if you are confirmed to serve as Secretary of the Department of Education. Our concerns are not hypothetical as known contributors to your political organizations have had business before Department of Education. For example: Vahan Gureghian: In 2010, Gureghian donated \$100,000 to the American Federation for Children Action Fund. Mr. Gureghian founded and is the CEO of CSMI LLC, a Pennsylvania charter school management company and helped found the Chester Community Charter School. (he has been a major donor in promoting charter schools in Pennsylvania. J.C. Huizenga: Between 2005 and 2007, Huizenga donated \$25,000 to All Children Matter, and in 2010 he donated \$30,000 to the American Federation for Children Action Fund. Mr. Huizenga founded the National Heritage Academies, a for-profit charter network that has 80 schools in 9 states and has received over \$43 million in federal funding. According to a 2012 review by the Michigan Department of Education, of the schools in the "focus" category, due to significant gaps in achievement, more than half were managed by National Heritage Academies. It has been reported that Mr. Huizenga said that his involvement with charter schools was due to realizing that "privatizing public education was not only practical but also desperately needed." David L. Brennan: Brennan donated a total of \$200,000 to All Children Matter, from 2004 [[Page S736]] to 2007, prior to AMC's wind down due to campaign finance violations. In 2010, he donated \$39,000 to the American Federation for Children Action Fund. He is the founder of White Hat Management LLC, a for-profit charter school management company that operates 15 schools in three states with over 12,000 students. Since 2008, White Hat and its affiliates have received \$3.6 million in federal funds including IDEA funds. While you may not have a direct financial interest in the for-profit education enterprises headed by those listed above, your political fundraising relationship with them, and perhaps others, could cause a reasonable person concern over your impartiality in matters involving them. The OGE process does not, capture conflicts that arise through political activity so it is incumbent upon us to assure the Senate record is complete as to such conflicts and how they will be resolved. These are just the publicly known examples of potential conflicts. Our original request asked you for information to assess potential conflicts with 501(c)(4) organizations that are not required to publicly disclose donor information. Accordingly, we reiterate our request that you provide: A list of all donors, their total donations, and affiliations, who have contributed to the American Federation for Children 501(c)(4) and the Great Lakes Education Fund 501(c)(4) since their inception. A list of donations made by you, members of your family, and foundations or organizations with which you are affiliated, to other 501(c)(4) organizations over the past five years. According to the American Federation for Children's IRS Form 990 filed for the year 2014, it spent nearly \$1.1 million on political activities, including a \$315,000 transfer to the American Federation for Children Action Fund--Wisconsin IE Committee. Because donations to a 501(c)(4) are anonymous, they effectively launder the identities of donors to the other parts of your political apparatus. But you know, and the donors know, and therein lies the potential for conflict of interest. Additionally, you refused to disclose donations to 501(c)(4) organizations that you, your family, and your foundation have made. You explained, "[t]he information requested has no bearing on the office to which I have been nominated nor the duties of the Department of Education." Your donations to 501(c)(4) organizations are indeed relevant to your nomination, just as your donations to political candidates, parties, and causes are. One obvious instance would be where groups to which you have made political contributions are before the Department as advocates or grant seekers. Again, you know, and the donors know, and therein lies the potential for conflict of interest. Senators have a Constitutional duty to provide advice and consent on presidential nominees, and understanding the scope and nature of potential conflicts of interest is at the heart of that duty. Your role in raising and distributing "dark money" clearly raises the possibility of such conflicts. As a result, we renew our request for information related to your 501(c)(4) organizations as outlined above. Please contact us if you have any questions regarding this request. We look forward to your additional information and disclosures and timely and responsive answers. Sincerely, Sheldon Whitehouse. Robert P. Casey, Jr. Tammy Baldwin. Bernard Sanders. Al Franken. Elizabeth Warren. The PRESIDING OFFICER (Mr. Sullivan). The Senator from New Jersey. Mr. BOOKER. Mr. President, I know the night is going on. I just want to take a moment to express my appreciation to all the staff members and Senators who remain here on the floor. A lot of folks who work here, from the gentleman typing very quickly, all the way to a lot of the folks working, I just want to express my gratitude for the long night, particularly to the pages. It is their second week here, and they suddenly are being forced to grapple with not just school but the long nights of the Senate. I really do respect them and am grateful for their, how should I say, endurance tonight as well. I rise today, as many of my colleagues have, to speak to the nomination of Betsy DeVos and to speak specifically in opposition to her nomination to serve as Secretary of Education. I have listened to as many of my

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colleagues' words as I can. I want to say that particularly those on the Senate Health, Education, Labor, and Pension Committee have and will and continue to expand upon many of the concerning elements of Mrs. DeVos's record, concerns that I share about her lack of support for critical accountability measures, her lack of familiarity with many of the basic financial aid policies and programs which are so essential for people to have access to higher education, her inability to say that guns should not be in school, and her seeming lack of understanding of many of the fundamental yet critical education policy perspectives that I think are necessary for a job of this magnitude. I know there has been much said and there will be many more issues brought up of concern to many of the Democrats who spoke tonight, but tonight I would like to focus on an area that is very personal to me and also very personal to millions of Americans, that is essential to this role but one that may not be immediately understood when you talk about a Secretary of Education, but it is absolutely critical to that Department. In fact, I think it is one of the more critical roles of that Department when it comes to fulfilling the ideals of our Nation. Within the Department of Education is the Office for Civil Rights. That office is profoundly important, but it is one that many people don't have a full understanding of. What I would like to do right now is highlight four areas in which the Office for Civil Rights functions and also talk as it relates to my concerns about and my opposition to Betsy DeVos to serve as Secretary of Education. First, I would like to talk about what is at stake for children with disabilities and their families and their parents. About 13 to 14 percent of our American school-age children--about 6.5 million kids and young adults in America--are students with a disability. Here in the United States, I am so proud that we have a deep belief and, in fact, our laws, passed by people of both Houses, both parties, dictate that all children be treated with dignity and respect and that they will get the educational opportunities all children deserve. Indeed, our laws reflect that, but the spirit of America is to see that in this Nation all of our children have unique gifts, all of our children have beauty, and we as a nation collectively believe they all deserve a strong pathway to the fundamental American ideal. They deserve pathways to life and liberty and the pursuit of happiness, that when we say "justice for all," we really do mean all children. But unfortunately, as the work of the Department of Education's Office for Civil Rights demonstrates, the Federal Government is often at odds with some school districts that do not properly enforce protections granted to students with disabilities under the Federal law, again passed by both Houses, passed by both parties. Within our country, thousands of parents do not believe their children are receiving justice in their local school systems for their children with disabilities. They reach out to the Federal Government for help, for relief, for that justice. Take the example of one child, the case of a 9-year-old child in California whose name is withheld for privacy. This child--and let's call her Jane--is a student like so many others. She has the same dreams and aspirations, has hopes, has promise, and has untapped, unlimited potential. At the age of 9, this child, "Jane," had been physically restrained in her school more than 92 times during an 11-month period by her school because of her disability. As a part of that restraint, she had been held facedown for a total of 2,200 minutes. The Office for Civil Rights at the Federal level, the Federal Government, it took them to investigate this case, and they found that the district was in violation of the Federal law and required the school district to stop using these kinds of restraints on students and to actually take the time and energy to invest the resources in training the staff on alternative intervention methods, methods that recognize the dignity of that child and show that we have the potential and power to elevate that child, not to so savagely restrain them. This was not only unconscionable treatment that the Federal Government intervened in, but clearly it was illegal within the bounds of Federal law. This is not the way that anyone here, anyone in this body with a child with a disability, any of us would want our children to be treated. If I had a child, I know it is not the way I would want them treated. Frankly, when it comes to the children of America, they are our children. Whether Republican or Democrat, we know that our children, our kids, American children--all children, frankly--deserve better than this kind of physical abuse. It is for these kinds of reasons [[Page S737]] that I believe we need to have an aggressive Office for Civil Rights because the story of Jane, of a 9-year-old, is not an anomaly. It is not something that is rare. Unfortunately, as we are seeing, there are many violations of Federal law that go on when it comes to our children with disabilities. There is tremendous evidence that this kind of abuse still goes on in our country, and there needs to be an ultimate authority that can investigate this abuse and, if necessary, hold those people accountable who are the abusers. And the additional step that the Office for Civil Rights does is it gives advisement, gives instruction on how to make sure the abuse does not happen in the future. We need our Office for Civil Rights to work with school districts to establish those policies and procedures to prevent that abuse. When Mrs. DeVos, during her testimony, was given the opportunity to speak to the millions of parents who have real, legitimate concerns about their children with disabilities and the treatment they receive in school--she was given the opportunity to speak to the vital role of the Federal Government in protecting our children and affirming those rights, about the role of the Office for Civil Rights, and instead of taking that opportunity, instead

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of seizing the moment to talk about what she would be doing to lead, she actually denied a role for the Federal Government. When asked about protecting students with disabilities, she simply said: "It should be left up to the States." Well, I will tell you right now, for that 9-year-old child physically restrained more than 92 times, held facedown for hours, the Federal Government clearly had an important role to play for that mom, for that family, for that child in making sure this kind of atrocity doesn't happen and will not happen for more children. Secondly, I would like to talk about what is at stake with the Office for Civil Rights as it relates to children who are different, whether that be the color of their skin, whether they wear a hijab to school as an expression of their faith or if they are a minority or, again, a child with a disability. For example, I have spoken much as a Senator about the school-to-prison pipeline and often how certain categories of children experience different types of discipline for the same act in school just because of how they look. School disciplinary policies, we know, play a big role in a child's success, and those disciplinary policies are clearly treating different children in different ways. There will be different outcomes for those categories of kids. We know that children who have out-of-school suspensions often graduate at significantly lower rates, have significantly higher run-ins with the law. I am one who believes we cannot allow discrimination to happen in that manner in our school. These are the facts. This is the data. Take, for example, the fact that Black students are 3.8 times more likely than their White peers to receive one or more out-of-school suspensions, while students with disabilities actually are twice as likely as those without to receive one or more out-of-school suspensions. Let me give you the specific case of Tunette Powell, who wrote about her son who is Black. His name is Joah. He was suspended five times in 2014. He was 3 years old. She said: "One after another, White mothers confessed the trouble their children had gotten into. Some of the behavior was similar to JJ's," her son's. "Some was much worse. Most startling" to her was that "none of their children had been suspended." She continues to write. "After that party," where she had heard this from other White parents, "I read a study reflecting everything I was living. Black children represent 18 percent of preschool enrollment but make up 48 percent of preschool children receiving more than one out-of-school suspension, according to the study released by the Education Department's Office for Civil Rights in March," she writes. One of the critical things about the Office for Civil Rights is that they have been proactively collecting data about differences in treatment in our schools. Now there are many people who actively assert that the role of the Office for Civil Rights has grown too large, that they are poking around in local matters too much, that even collecting such data, as was relied on by this mother, is an intrusion into States' rights. I believe, when it comes to civil rights, when it comes to religious freedom and the treatment of our children, I do not believe that the Office for Civil Rights has grown too large. I believe they are offering critical transparency into the workings of our schools; that they are collecting data that parents and policymakers and civil rights groups can use to see who is being left behind, who might be facing discrimination, who is not receiving justice. What do we have to be afraid of even on just the collection of data to allow ourselves to have that transparency, to create an environment of accountability? I worry that if this is not a priority for the next Secretary of Education, then closing the achievement gap, shutting down the school-to-prison pipeline, and empowering all children to have an equal opportunity to learn will be undermined. These are real problems in our country, and they aren't just going to go away. The Federal Government, especially when they insist upon data transparency, is an active partner in helping us to receive the justice that we deserve and need and pledge allegiance to as a country. I had hoped during the hearings of Mrs. DeVos that I would hear more; that even if I had the opportunity to talk to the nominee myself, I would have asked for more information around these issues, but I didn't have that opportunity, and in the very rushed hearing, the issue wasn't raised. I believe, though, that based on the testimony that was given, that the nominee may not see this as a vital function of the Office for Civil Rights and, in fact, may shrink that office and the ongoing proactive investigations that we see right now into such matters. We know that the school-to-prison pipeline, particularly for young people of color, isn't just real; it is actually pervasive. But during Mrs. DeVos's confirmation hearing, when asked about the Office for Civil Rights within the Department of Education that is responsible for rectifying such unjust situations, she refused to comment. She refused to comment. She refused to commit herself even to directing the Office for Civil Rights to investigate such civil rights violations. I don't understand why it is difficult to even commit the Department to continuing such investigations, but that commitment was denied. I want to next talk about the serious problem we have in America with sexual assault and sexual violence in schools and on college campuses. Mr. President, 1 in 5 women and 1 in 16 men are sexually assaulted in their college years, but only 1 percent of assailants on college campuses are arrested, charged, or convicted. We still know that too many people on college campuses who have been sexually assaulted, who are survivors, are routinely denied justice and are forced to even live or even go to class with their attackers. The Office for Civil Rights has risen to this challenge and this crisis. They have opened investigations in over 200 schools in

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America. There is a crisis of campus sexual assault in America, and now the Office for Civil Rights is expanding their work. They have stepped up to that challenge. In addition to that, they have issued guidance to all college campuses on preventing and combating sexual assault. Mrs. DeVos, again, during her testimony--many of us were hoping she would rise to the occasion, that she would speak to this issue. She was given a chance, given a chance not just to speak to the issue but to talk to the Federal role in meeting this crisis, to acknowledge that this is an issue our Nation must grapple with and must end, but she did not speak to the concerns of parents. She did not speak to the concerns of survivors. She did not speak to America about the urgent need for all of us to be engaged in dealing with the crisis for which there has been silence for too long. More than this, she did not speak to the role of the Office for Civil Rights, to the expanding role they have been taking, to the expanding investigations on college campuses all across the country, giving no confidence to me or [[Page S738]] to others that this will be a role that will continue--in fact, a role that I believe should be expanded. Again, even when she was specifically asked about upholding guidance within the Department of Education on combating and preventing sexual assault--not asked to commit on the investigations, not asked to commit to expanding the efforts but just asked about upholding the guidance within the Department of Education on combating and preventing sexual assault, she refused to commit to maintaining that guidance. I would like to speak to another area. Before I do, I do believe in this idea of transparency that my previous colleague talked about when it comes to donations. Some of the charities that have received donations from Mrs. DeVos have a history of fighting against efforts to combat sexual assault, and some of these organizations worked to make it more difficult for sexual assault victims to seek justice. That brings me to an area in which I have a deep level of concern. I hope Mrs. DeVos will take the opportunity to set the record straight because much has been written even before the hearings involving an area where there is a clear crisis in our country. It is the crisis involving the safety and security of our lesbian, gay, bisexual, and transgender youth in America. Lesbian, gay, bisexual, and transgender youth face a stunning level of discrimination inside and outside of schools starting at a very young age. We know that LGBT youth are two times more likely than their heterosexual peers to be physically assaulted in schools. LGBT youth are four times more likely to attempt suicide. According to youth risk behavior surveys, 34 percent of lesbian, gay, bisexual, transgender students were assaulted on school property. More than one-third of LGBT school students were bullied on school property, and 13 percent of lesbian, gay, bisexual, and transgender students did not go to school because of concerns for their safety. We know in America that this kind of harassment has no place in our classrooms, no place in our schools, and it has no place anywhere in our country, but it is all too common and all too often unaddressed. I would like to talk about a parent. Her name is Wendy Walsh. The harassment against Wendy's son Seth began for him in the fourth grade when his classmates suspected he was gay. By the time he reached the seventh grade, the bullying, the verbal and physical abuse in person and online was so bad that he was afraid to walk home from school. This child lived in terror of just going to class. After one bullying incident in a local park, his mom says that 13-year-old Seth came home from school. She talked to him. He asked to borrow a pen from his mom. That conversation will be the last time she would see her son alive. The next time Wendy saw her son Seth, he had hanged himself on a tree in their backyard. After Seth's death, Wendy, experiencing a level of grief and agony I cannot imagine, decided to file a complaint with the Department of Education Office for Civil Rights. When the Office for Civil Rights came in and investigated, they found that Seth's school district was in violation of several Federal laws, that they failed to intervene and stop the bullying and harassment and torment that this child endured from a precious age until his death, that their actions could have potentially prevented the death of one of our children, an American child, a child of beauty and of worth and of dignity and protection. Wendy went to the Federal Government to the Office for Civil Rights, and they took her concerns seriously. They aggressively investigated. Because of their investigation and because of Wendy's courage in her time of grief, the school district, in violation of Federal law, was required to take steps--though not there to prevent her child's death-- they were required to take steps to prevent the kind of harassment, tormenting, and bullying from happening to other students. I am not sure if any of that is solace to a mother who lost her child. I am not sure if it gave her comfort, but I am hopeful that with an active Office for Civil Rights at the Federal Department of Education, at a time where more than 10 percent of lesbian, gay, and bisexual youth are missing school because of that kind of fear, when one-third are reporting bullying and harassing in person or online, at this level of unconscionable treatment for any child, there is a role for the Federal Government to protect our children. I believe if we take these matters seriously that we can insure that this kind of bullying and harassment will come to an end in America. It is unacceptable in a country this great. There are laws against this, and there are folks who have an obligation to enforce those laws; that is, the Office of Civil Rights. I believe things will get better, but they will not get better automatically because we hope for them, because we pray for them; they

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will get better because we are a country that loves our children, and love is not a being verb. It demands action. We see time and time again that children aren't seeing the kind of action where they are, and thank God right now there is a place for parents to go. They can appeal to the Federal Government. The Department of Education, the Office for Civil Rights, has to be led by someone who takes this seriously, who sees the calls for justice for lesbian, gay, bisexual, and transgender youth as valid, that sees the crisis, that sees the problem. It was widely reported, when Mrs. DeVos's nomination was made--widely reported--that her family had given support, significant support, and that she herself gave significant support to discriminatory extremists, dangerous and hateful groups that promote ideas that say a child who is gay is somehow lesser than a child that is not; groups that have supported things like conversion therapy, something that has been resoundingly condemned--dangerous ideas that are hurtful to children. With all of that, with all the articles that have been written, this was a chance for Mrs. DeVos to sit before the American public knowing that these concerns are out there, and it is understandable, even if she doesn't hold them, it is understandable that this was a moment for her to allay the fears of the thousands and thousands of children who are being isolated and hurt by bullies, the people who are assaulting their dignity--these children have suicide rates that are unconscionably high--for the parents mourning their kids, with all that swirl, the hearing was her chance to set the record straight to say: I will uphold the value and dignity of these children, but more than that, I recognize there is a crisis in our country, and I will work with the Office for Civil Rights to do something to address this evil in our country. We have so many kids being hurt and harmed. This was her chance to go beyond just denying that she believed in conversion therapy, to go beyond just words in asserting that she values equality. This was her chance. It should have been understood that because of the record and the charitable donations that there was a degree of suspicion; that there was an understandable degree of legitimate fear that she would not continue the courageous work of the Office for Civil Rights in combating discrimination, harassment, and physical abuse of children across our country. She had the opportunity. Given the fears and concerns that have been expressed, I would have hoped she would have spoken directly to the work of the Office for Civil Rights to protect lesbian, gay, bisexual, and transgender teens who are factually experiencing some of the highest levels of hate crimes and violence and bullying of any children in America; that she would have made some affirmation that she would be a champion for their equality, for their dignity, and the Office for Civil Rights would continue its needed work, but she didn't. I hoped she would stand up and say: We have violence on our college campuses; that right now silence is allowing insidious realities to exist. We have a problem with reporting rates. We have a problem with reports being made and not being taken seriously; that she could have used that as an opportunity to speak against what is happening to an unconscionable level of young women on college campuses--something that we would never want to have happen to any of our daughters; to make a pledge that the Office for Civil Rights would not just continue campus advisories but would fight to hold those college campuses accountable, but she didn't. For students and families across the country, this may not be a celebrated [[Page S739]] part. We may not all know in America that the Department of Education has an Office of Civil Rights, but for so many families with children on college campuses and preschools, grade schools, high schools, the Office for Civil Rights has been the difference--the difference makers between injustice and justice, the difference makers between violence and security, the difference makers between who we say we are as a nation, liberty and justice for all, and experiencing a terrible, awful lie. I feel compelled to speak out on the vital importance of the Education Secretary, regardless of party, regardless of background. I feel a personal responsibility to assure that if I cast my vote as a Senator, that whoever takes that office will be tireless in the defense of all the rights, privileges, and liberties of our students because I personally stand here today because of the role of the Federal Government in enforcing civil rights laws. I stand here today because of the courageous Federal laws that were put in place--bipartisanship, Republicans and Democrats, great battles on this floor for civil rights and disability rights, for title IX protections for women. I am a product of these kinds of fights over the Federal role when it comes to civil rights. I stand here today because of our collective history. I stand here today because of our dramatic history. I believe in States' rights. It is enshrined in our Constitution, but I cannot ignore the role of the Federal Government. Brown v. Board of Education is perhaps one of the most famous Supreme Court cases affirming the Federal role. I hung a picture in the front of my office. I come out of my office into where my assistant sits, and the first thing I see on the wall in front of me is a Norman Rockwell painting. There is this young girl in that painting, and she is striding proudly to school, and behind her are racial epithets, a tomato smashed against that wall. She is a little girl--God, her courage--named Ruby Bridges. There are these White men surrounding her walking just as tall, and they are escorting that girl to school. There is clearly hate swirling around. You can look at that picture, and you can feel it. But I don't care what your background or religion is, you look at Norman Rockwell's painting--as I make sure I do every day as I leave my office as a U.S. Senator

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and I see that picture--and I am reminded that sometimes when there is hate, sometimes when there is violence, sometimes the State doesn't get the job done. Sometimes, the most vulnerable child needs a little help--not just from a loving teacher or a loving parent but from a government that stands behind her and says: You matter. I can't stand here today without recognizing that this is my history, that this is your history, that it is all of our history, and that our Federal Government has a role to play. I drink deeply from the wells of the freedom and the struggles and the sacrifice. I reap the harvest from Ruby Bridges and her courage. Our country has come so far. There is so much love, so much more recognition of the dignity of all children. But, come on, we are not there yet. Children are often harassed because they wear a head scarf. I recently heard about a Sikh child wearing a turban who was still harassed; a mother concerned that her kid, no worse than another but seems to get suspended more for the same behavior. As to children with disabilities, parents are still concerned that even though we have affirmed their rights and dignities in law, those laws aren't being carried out like they should. God, there are young women on a college campus today who rightfully question whether their campus is committed to eradicating sexual violence. With all of these things going on, we have to have champions here. We have to have people who understand that public education is a right for everyone. Some of the most profound battles in our country have been fought to get equal access for children to school, so that they can stride toward that school door knowing that they will get a quality education, free from bullying, free from harassment, free from the binds of hatred or discrimination that might hold them back in their lives. Now, I have faith in who we are as a Nation. I know we are a loving country and a good country, but we haven't got it perfect yet. So I stand here today in opposition to this nomination because I believe we need a champion. I wish I had a chance to meet with the nominee. I wish the hearings had been longer. I have never seen them so rushed. But there is too much at stake right now. There are too many problems that still exist. Sadly, there still is a need for an Office of Civil Rights in the Department of Education that is aggressive when it comes to the defense of freedom and our rights. I did not hear such a commitment from this nominee. There are millions of parents who didn't hear her speak to the concerns they have about their gay child, the concerns they have about their child with a disability, their concerns about their children going off to college. We did not hear that commitment. In fact, what we heard was a belief that States can figure it out. There was a failure to commit to even the most basic continuance of the Office of Civil Rights. I am glad I hung that picture in front of my office. I may not be able to get what I consider an open hearing and answers to these questions because I walk by Ruby Bridges. I feel I owe her a duty to not vote for someone who has been silent on the issues that are so critical to this country being who we say we are. There is a child, I think, who wonders right now. Somewhere in America, that child is wondering if this country will prove itself true to them. They are probably enduring some things I never had to endure. They are probably worried about their safety. They are probably being put in a situation where they are questioning their worth. They probably feel alone and isolated. My prayer is that this child knows that, even though it isn't perfect and it won't be easy, that child somehow knows that they are not alone, that there will be people fighting for them. I was taught, in the words of a great poet, that there is a dream in this land with its back against the wall; to save the dream for one, we must save it for all. May the Office of Civil Rights in the years to come remain vigilant, remain strong, and remain expansive in their efforts. I have no confidence it will do so under this person and, therefore, I oppose this nomination. Thank you very much. I yield the floor. The PRESIDING OFFICER. The Senator from Washington. Mrs. MURRAY. Mr. President, I wish to thank the Senator from New Jersey, who has given us such a compelling reason to remind all of us why we are here at almost midnight and why we all intend to keep talking and keep working and keep trying to convince one more Senator to say no to this nominee. He reminds us of the basic principle in this country that our forefathers dreamed of and that they put into our Constitution and that we have fought for, which is that every child should have dignity and every child should have a public education. That is why it is so important that we have someone who leads this agency who shares that conviction. I really want to thank Senator Booker for his tremendous words tonight. As the ranking member on this committee, who has been here throughout the Friday debate and through the 12 hours of debate we have had tonight and we will continue to have up until the vote tomorrow, I have had the opportunity to hear many Senators speak passionately. Senator Tester was here on Friday. He is from a very rural State, and he was speaking about how important it is to not have funds robbed away from the public education systems in those small little school districts to go to students with vouchers for private schools that don't exist in those rural communities. He talked about the importance of our public schools and our public school institutions in a slightly different way than the Senator from New Jersey did. He talked about how, when his grandparents settled in Montana, instead of being ranchers like those before them, they were wheat farmers. There were cattlemen and wheat farmers who were fighting and at odds with each other in the community, and where they came together was in their schools, because

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both cattlemen's kids and ranchers' kids were in the same school, and they played basketball together, and it healed the wounds of that community. [[Page S740]] The Senator from New Jersey just talked about the Office of Civil Rights and why it is so important--that no matter what we look like or what this country stands for, this country says you have a right to an education. It is in our public schools where kids from all strata and all economic lives, with different backgrounds and different colors and different religions and different thoughts come together and heal our communities. That is what is at risk with this nominee, and that is why so many Senators on our side have said: To one more Republican Senator, send this nomination back to the President who campaigned saying: Let's heal this Nation; let's bring people together; send us a nominee who actually does that. Again, I want to thank the Senator from New Jersey and all of the Senators who have been here to speak about how important it is to have a public education. I wouldn't be in the Senate tonight without a public education. I come from a family of nine, and my father, who was a World War II veteran, got sick when I was in junior high. He was diagnosed with multiple sclerosis. My mom had been at home taking care of seven kids. She didn't have a job. She didn't have skills. We didn't know what was going to happen to us. But we had a public education system that was there for us. Our country was there for us with a public education system--not with a voucher that said you can go to a private school that we couldn't afford even with it or to be able to get one, but a public education school in our community that gave the education to each one of those kids in my family--all seven of us. Then it allowed us to go on to college with Pell grants and student loans, because our government was there for us, even though my dad was sick and my mom had to stay home and take care of him. We had food stamps for a while, and it was tough, but we made it because this country had a commitment to public education for every student, no matter where you lived or where you came from or what challenges you had at home. That is why I am here in the Senate, and that is why many of us are here in the Senate. It is why this nominee has sparked such an interest across this country. Like many Senators--I think, like all Senators--my office has been inundated with mail and phone calls and emails and rallies and people saying: Please, stop this nominee, and send us someone who can actually work for all of us, because education is a critical piece for each one of us. It is across the country. I want to share some of the letters that I have received about this nominee. I have received 48,000 pieces of mail opposed to Mrs. DeVos; the number of pro-DeVos emails and letters is in the teens. I have 48,000 pieces, and they are all personal. These aren't rote emails and letters; these are personal pleas. Why and how? Because these people saw this nominee at this hearing, and their expectations for our education system in this country are high. They want someone leading the Department of Education who knows the issues, who believes in public education. They were appalled at what they heard, and they said no. Mrs. Mary Ann Whittaker, a woman from Longview, WA, a small rural community: Dear Senator Murray, As an educator of 30 years and a mother who has helped to raise and educate five children, I was shocked and dismayed by the lack of knowledge and depth of understanding that Ms. DeVos has about education. Our education system needs a leader who can be a true leader in this arena, with the background and backbone to do what is in the best interest of the children of this great country--please do everything in your power to make sure this woman is not allowed to gain this position. Thank you--on behalf of thousands of children and educators in the state of Washington!! I heard from Joel Puchtler of Seattle, WA. He said: Please do everything in your power to stop DeVos from becoming Secretary of Education. She is transparently incompetent, and will be destructive to the nation's education system through both intent and ineptitude. Demand a competent appointee from the president-elect. I am an educator. My wife is an educator. My grandfather was the first Commissioner of Education (so called at the time) under the Johnson administration. He would be thrilled to see a competent woman in this appointment, but categorically horrified at the possibility of DeVos, just as I am. These are the kinds of reactions I am hearing from my constituents. Why? Because we had this nominee come before our committee. We were allowed 5 minutes each to ask her questions. She has a very complex financial background. We were not allowed to look at those financial background papers before we had a chance to talk to her, so we only had some information. The only thing we could do was ask her questions about what she believed in. Her answers were astounding, and many people saw them, whether it was about IDEA and the ability of children with disabilities in this country to get an education, whether it was about policy debates we are having on education, or what she saw as her drive and her ambition. People in this country want someone who feels passionate about public education, not someone who has used her vast amounts of wealth and her experience to go after what she calls an education system that is incompetent and, in her opinion, needs to go away. Her drive has been to take the funds out of public education and go for private, for-profit education. I can understand that a woman who is a billionaire with a lot of money invested in companies wanting companies to succeed, but our public education system is not a company. Our public education system is something that is derived from the communities that it is in, from the teachers who are



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there, from the parents who participate as school board members and teacher volunteers. It is the driving passion of our communities. It is not something people want ripped away, torn apart, or degraded. That is why this nominee has touched a nerve across the country. I heard from Mrs. Rebecca Blankenship. She lives in Gig Harbor. She said: Dear Senator Murray, I am writing to urge you to oppose the nomination of Betsy DeVos as the Secretary of Education. As a certified teacher who has taught for many years in Public schools and as a parent of two young girls in the Peninsula School District, I find DeVos to be completely unqualified for the position as she has no public school experience, has actively funneled money away from schools in need and lacks the fundamental educational background to make decisions that impact millions of students. There is no issue more important to me than our education system. I heard from Ms. Carol Pelander, a former teacher, from Tacoma, WA: As a retired public school teacher, who continues to work part-time training new teachers, I am extremely concerned about the potential damage that will be done to public education if Betsy DeVos is confirmed as the Secretary of Education. Our mission as educators includes teaching our kids how to live and work together effectively in a diverse community, and the proposals brought to the table by Ms. DeVos to privatize education will further divide us as a community and significantly reduce our already limited resources. She is not qualified for this important leadership position. I have been in the Senate for a long time. I have gotten a lot of emails, a lot of phone calls, talked to a lot of constituents, and been to a lot of community meetings. These thousands of letters that we are getting are not form letters. These are letters of people telling stories. They are passionate about their public schools. They have spoken louder about this nominee than any other, saying: This is not what I want for my country. I have heard from many people in our rural communities who are so concerned about privatizing our public education system because they don't have a private school to send their kids to, even if the voucher that she espouses were enough to put them into one. I grew up in a rural community. I grew up in the small town of Bothell. Coming in to town, I remember the sign that said 998 people, and I remember the day it said that 1,000 people lived in Bothell. Our schools were the heart and soul of our community. It is where you met your neighbors. It is where you sent your kids to play basketball. Everybody showed up for the football games and the music concerts. It was our community. We loved it, and we owned it. Did we say it was perfect? Did my parents say it was perfect? No. But it was the heart and soul of that community, and they did not want to lose it, just as so many other parents in this country want a Secretary of Education who wants all kids to have a good education. I have so many letters here. I have one from Adam Brickett, from McClure Middle School in Seattle. He says: Thank you for your years of service representing our state. I have never contacted an elected official before-- By the way, many of my letters start with that. I have never contacted an elected official before but with the changes happening in our country I feel the need to now. I'm writing specifically to you today about the nominee for Secretary of Education, Betsy DeVos. As a middle school teacher for Seattle Public Schools I work hard every day to ensure that my students get the best education possible to be successful in their future careers and lives. I am concerned that Ms. DeVos does not have the experience necessary nor the best intentions for our nation's students and schools to be our Secretary of Education. I believe she would put profits and money ahead of students, schools and teachers. I felt this way before her nomination hearing and feel even more strongly after her hearing. I am worried about the damage she could do to an already fragile public education system. I know I am not alone as virtually all the colleagues I have spoken with have expressed similar dismay with her nomination. Her record of attacking public schools and funneling money to charter and parochial schools with little to no oversight is troubling. Her lack of experience whatsoever with public education is also very disturbing. Not only has she never been an educator or administrator but she has never even attended or enrolled her children in public education. A high quality, public education is one of the most powerful tools a society has. Please don't allow someone with no experience and who is fundamentally against public education to become the person in charge of it. I respectfully ask you and your colleagues in the senate to do what is right by our nation's students and reject Ms. DeVos as Secretary of Education. Thank you again for your tireless service to the residents of Washington. I have 48,000 letters. My staff handed me a pile of them. They are all very similar. They are very heartfelt. They are not just writing a rote letter to us. They watched the hearings, they listened, they care about our public schools, and some of them are Trump supporters. They want this President to support our public schools. They did not in this past election have a debate about whether we should privatize public schools. We talked about the debate--and I know my candidate didn't win. But in this country, I never heard a debate about taking public education away, about voucherizing our public schools, about having someone who is the top person--the Secretary of Education--espouse positions that are so fundamentally opposed to what I grew up with and obviously to so many parents, teachers, students, family members, superintendents, people involved in schools, and business leaders. They are writing to us now because they saw

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the same thing we did in this hearing. Let me read a letter from Trina Whitaker from Mukilteo Schools. She says: This is my 16th year of being a teacher in our public school system in WA State. I am an advocate of public schools as I feel strongly that all our students deserve the right to free and quality education. I am opposed to the nomination of Betsy DeVos for the Secretary of Education system. Her past actions and beliefs clearly demonstrate that she is not an advocate for our public schools. It would be so damaging if we move in the direction of privatizing public education. Please consider opposing the nomination of Betsy DeVos in the best interest for our public school system. Let me read another letter from Rachel Guim of Seattle. She says: As a committed public school teacher, I believe in our neighborhood public schools, which open their doors to all children, because unlike Betsy DeVos, I see them work for children and their families every single day. We as a community are being undermined by charters, vouchers, for-profit schools and online schools. Precious tax dollars are being wasted creating a parallel school system (when we're already underfunded and not meeting the legal requirements)! Our democratically governed schools--we, the people you have vowed to represent--need your commitment and support. Choice is a disguise for school privatization, nothing more. Stop the takeover of our democratically governed schools. . . . Do not vote to confirm Betsy DeVos. And she goes on. Again, there are so many letters from so many people from so many different walks of life, all concerned about having a Secretary of Education who doesn't represent the best values and the best beliefs of our country. Ms. Amanda Smith, a Kindergarten teacher, wrote to me and said: Hello, I am a kindergarten teacher in a public elementary school. I am very concerned about Betsy DeVos' potential nomination as secretary of education. As someone who never attended public school, didn't send her kids to public school, does not have an education degree and has never taught, she hardly seems like a fitting candidate for secretary of education. Can anything be done to stop this nomination? From Gina McMath, a teacher in Port Townsend, WA: Dear Patty Murray, As a recently retired public school teacher, I especially urge you to fight against Betsy DeVos's nomination for education secretary. She is not in any way qualified for the job. Her commitment to charter schools combined with a lack of experience with public schools could destroy our nation's educational system. Public school teachers provide an education for all of our students. Teachers need more respect and remuneration. We need the very best college graduates to be attracted to the profession. I have known so many dedicated and effective public school teachers during my 25-year career and those of us retiring baby boomers need the best successors possible. They need your support. Don't let this undermine our efforts. Thank you again for all your [work]. What I hear from people over and over again is that they want somebody leading our public school system in this country who actually believes in public schools, who has the education, the experience, the compassion, the willingness to understand what our forefathers did when they created this country and said: We are going to have a country--a democracy--that has a public education system paid for by all taxpayers to assure that everyone, no matter who they are or where they come from, is not denied a public education. They can learn to read and write and communicate and get the skills they need to be successful. They can dream who they want to dream to be and be there. We do not want to go backward, and we are one vote away from changing where we are on this nomination, sending this back to the President, and asking him to please send us a Secretary of Education who can get the votes in the Senate, who will be an Education Secretary for all people, from all walks of life, from our rural communities and our urban communities, no matter who they are or where they come from. That, I think, is a great possibility and would be a great outcome. I know that my colleague is on the floor and is ready to speak as well. Again, I have so many letters from so many people--48,000--who have voiced their opinion on this, more than I have ever had with any other nominee in my memory or any other issue in my memory. I thank all those who have written in and spoken out and stood up for public education. It is the foundation of our democracy, and it is our responsibility, our goal to continue that for them. Mr. President, I yield the floor.

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