

United States Senate
WASHINGTON, DC 20510

March 7, 2017

The Honorable Lamar Alexander
Chairman
U.S. Senate Committee on Health, Education, Labor and Pensions
455 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Alexander:

We write to request that the Senate Committee on Health, Education, Labor and Pensions (“HELP”) hold hearings prior to any committee votes on President Trump’s nominees to fill critical positions requiring Senate confirmation at the Department of Education (“the Department”). In her confirmation hearings, Secretary DeVos made clear that in a number of critical areas – particularly post-secondary education – she would be relying heavily on other appointees to drive policy and oversight. These positions include the Deputy Secretary, Under Secretary, General Counsel, and Assistant Secretaries with authority over policy, civil rights, and postsecondary education.

Historically, the HELP Committee has selectively held hearings on the nominations of subcabinet-level appointees at the Department under both Republican and Democratic administrations, and while the Senate was in both Democratic and Republican control. For example, the HELP Committee held hearings for subcabinet nominees under both Presidents George W. Bush and Clinton, specifically for the posts of Assistant Secretary for Civil Rights, Assistant Secretary for Elementary and Secondary Education, and General Counsel.¹

There is a uniquely strong case for holding hearings for President Trump’s subcabinet-level Department of Education nominees, particularly for appointees who could influence postsecondary education policy. Senate Republicans, with the help of Vice President Pence, confirmed a Secretary of Education without experience in postsecondary education policy. When asked about issues affecting the federal student aid program, Secretary DeVos answered that “individuals with whom I work in the department will ensure that federal monies are used properly and appropriately.” When questioned about specific rules and legislation regarding postsecondary policy, Secretary DeVos’s response was “I look forward to reviewing existing rules.” Given these responses, we have an obligation to question the individuals with whom Secretary DeVos will work in the Department and whom she admittedly expects to rely upon to protect the integrity of our higher education system.

¹ Hearings have been held for Democratic and Republican nominees to subcabinet-level Department of Education positions. During the George W. Bush Administration, the Committee held hearings for Gerald Reynolds, who was nominated by President Bush to serve as Assistant Secretary for Civil Rights, and Brian Jones, who was nominated to be General Counsel. Additionally, during the Clinton Administration, a hearing was held for Thomas W. Payzant to be the Assistant Secretary for Elementary and Secondary Education.

Secretary DeVos's inexperience requires that we ensure subcabinet-level appointees—especially those with influence over the \$150 billion in grants and loans that the federal government distributes annually to schools and students and the federal government's \$1 trillion student loan program—have the knowledge, experience, and willingness to administer critical student aid programs and execute established federal policy. The Senate must also confirm nominees who will hold all actors involved in the federal student aid program—including the Department's student loan contractors, accrediting agencies, and the over 4,000 colleges and universities that participate in the federal student aid program—accountable to the law and accountable for acting with the best interests of students and families in mind.

We have a solemn duty to our constituents, to our fellow Senators, and to the country to ensure that experienced and qualified experts are guiding and executing our nation's higher education policy, and we look forward to evaluating these candidates in a public forum before the American people. Thank you for your attention to this important matter.

Sincerely,



Elizabeth Warren
United States Senator



Tammy Baldwin
United States Senator



Bernard Sanders
United States Senator



Al Franken
United States Senator



Robert P. Casey, Jr.
United States Senator



Margaret Wood Hassan
United States Senator



Christopher Murphy
United States Senator