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## United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

May 31, 2017

Marcella Goodridge-Keiller  
Designated Agency Ethics Official  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Ms. Goodridge-Keiller:

I am writing in regard to Secretary DeVos' recent speech at the American Federation for Children's (AFC) National Policy Summit on May 22, 2017. As you know, Secretary DeVos signed an ethics agreement on January 19, 2017, that sets out a one-year recusal from matters involving AFC. Given Secretary DeVos' extensive ties to AFC and its affiliate organizations, and the summit's sponsors' record of advocating and lobbying on federal education policy, I am concerned her appearance created an actual or perceived conflict of interest and potentially violated her ethics agreement. The Secretary of Education should be committed first and foremost to our students, and I am concerned Secretary DeVos is prioritizing her ideological agenda over complying with conflict of interest rules.

On May 22, 2017, Secretary DeVos spoke at AFC's National Policy Summit in Indianapolis, Indiana. AFC is a 501(c)(4) organization that lobbies for private school choice policies and is closely associated with the American Federation for Children Action Fund, a tax-exempt 527 organization, that supports pro-privatization candidates. Secretary DeVos' advocacy on behalf of private school vouchers is closely associated with AFC; she helped to found AFC and served as Chair of the organization for more than seven years until her nomination as Secretary.

Since its founding, Secretary DeVos and her family have also provided significant financial support to AFC and its related organizations. Between 2005 and 2015, through the Dick and Betsy DeVos Family Foundation, Secretary DeVos has donated at least \$600,000 to AFC and its related organizations.<sup>1</sup>

For these reasons, Secretary DeVos' ethics agreement included a one-year recusal from matters relating to American Federation for Children, Inc., American Federation for Children Action

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<sup>1</sup> AFC is a 501(c)(4) organization that is affiliated with the American Federation for Children Action Fund, Inc. and the Alliance for School Choice, Inc. (d/b/a American Federation for Children Growth Fund). Former names of AFC are: American Education Reform Council, and Advocates for School Choice. It is not possible to compile a complete picture of financial support since the extent of her contributions to each organization are not publicly available.

Fund, Inc., and Alliance for School Choice, Inc. (d/b/a American Federation for Children Growth Fund). Specifically, she agreed not to “participate personally and substantially in any particular matter involving specific parties in which [she knows] that entity is a party or represents a party, unless [she is] first authorized to participate, pursuant to 5 § C.F.R. 2635.502(d).”

Secretary DeVos has also been a major donor or financially tied to at least four of AFC’s National Policy Summit sponsors. The Dick and Betsy DeVos Family Foundation donated at least \$90,000 to the Institute of Justice and \$12,500 to EdChoice and its predecessor, the Friedman Foundation for Educational Choice. Secretary DeVos and her husband, Dick DeVos, previously held a financial stake in K12, Inc. that was sold for an undisclosed amount prior to her nomination. Secretary DeVos remains invested in Apollo Investment Fund IV, L.P, which was held a stake in Connections Education’s parent company until that company’s sale in 2011 for \$400 million.

In order to understand the implications of Secretary DeVos’ speech at AFC and whether it violated the letter or spirit of her agreement to avoid conflicts of interest, I ask that you answer the following questions no later than June 14<sup>th</sup>:

1. Did Secretary DeVos consult you before agreeing to speak at the AFC’s National Policy Summit? If so, on what date did she consult you?
2. Was Secretary DeVos authorized by you to speak at the AFC National Policy Summit? If so, please provide your analysis regarding why this appearance did not present the appearance of or an actual conflict of interest.
3. Since her confirmation, has Secretary DeVos received any waivers, exemptions, or authorizations pursuant to 5 § C.F.R. 2635.502(d), 18 U.S.C § 208(b)(1), or 18 U.S.C § 208(b)(2)? If so, please list each with an explanation of the scope of the waiver, exemption, or authorization and the date it was granted.

Thank you for your attention to this matter and I look forward to your response. If you have any questions regarding this request, please contact Carly Rush or Amanda Beaumont on my Health, Education, Labor, and Pensions Committee Staff at 202-224-0767.

Sincerely,



Patty Murray  
United States Senator  
Ranking Member, Senate Health, Education,  
Labor, and Pensions Committee