

madness. It is time for Democrats and Republicans to sit down and talk seriously about improving our current system.

The Presiding Officer is from the State of Louisiana and is a medical doctor. He has joined on the Republican side with Senator COLLINS of Maine to open this conversation. Thank you. We should have this bipartisan conversation—not about repeal but repair, what we can do to make this better and fairer and more affordable while preserving quality healthcare for Americans. Thank you for your leadership in this. We have talked about it, and I want to continue the conversation.

This notion coming over from the House is unacceptable. I hope that many people will tell the President and tell those who support it that this is no way to celebrate 100 days—by taking health insurance away from 24 million people.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. President, during the Senate's consideration of Betsy DeVos to be Secretary of Education, I asked a basic question: As Secretary of Education, would she side with corporate and other for-profit interests or would she be on the side of the students and their families?

I was concerned that the record of Secretary DeVos indicated that she was on the side of corporate interests, looking for opportunities to profit off of students and often exploiting them in the process.

Months into the job, now that she was approved by a historic tiebreaking vote by the Vice President, we are beginning to see which side the Secretary is on. A recent Chicago Tribune article entitled "Targeted by Obama, DeVry and other for-profit colleges rebounding under Trump" put it this way:

Less than 100 days into Trump's presidency, the Department of Education under Secretary Betsy DeVos has delayed implementation of gainful employment rules . . . withdrawn key federal student loan servicing reforms . . . and signaled a less onerous regulatory environment for the essentially taxpayer-financed career education [or for-profit] sector.

A group of State attorneys general, including Lisa Madigan of Illinois, warned of a return to "open season" on students in a letter to Secretary DeVos if she rolled back all of these protections.

I ask unanimous consent that the full text of that letter from the State attorneys general be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,

February 22, 2017.

Re How For-profit Schools Have Harmed Student Borrowers: the Need for the Gainful Employment Rule, Vigorous Federal Oversight of Accreditors, and the Borrower Defense to Repayment Rule

Hon. ELISABETH DEVOS,

Secretary, U.S. Department of Education, Washington, DC.

Speaker PAUL RYAN,

Speaker of the House, House of Representatives, Washington, DC.

Hon. MITCH MCCONNELL,

Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. NANCY PELOSI,

House Minority Leader, House of Representatives, Washington, DC.

Hon. CHARLES E. SCHUMER,

Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SECRETARY DEVOS, SPEAKER RYAN, SENATOR MCCONNELL, CONGRESSWOMAN PELOSI, SENATOR SCHUMER: We, the undersigned Attorneys General of Illinois, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maryland, Maine, Massachusetts, Minnesota, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia, as well as the Executive Director of the Office of Consumer Protection of Hawaii, write to express our support for recent federal protections for students and taxpayers in higher education. We are deeply concerned that rollbacks of these protections would again signal "open season" on students for the worst actors among for-profit post-secondary schools. As the chief consumer law enforcement agencies in our states, our offices handle thousands of complaints concerning higher education every year. We also enforce laws to protect consumers from unfair and deceptive practices perpetrated by higher education providers.

I. BACKGROUND: THE NEED FOR RULES TO PROTECT STUDENTS AND TAXPAYERS FROM UNFAIR AND DECEPTIVE PRACTICES BY FOR-PROFIT HIGHER EDUCATION PROVIDERS

Over the last ten years, student loan debt has soared from \$450 billion to nearly \$1.4 trillion. A major driver of this increase has been for-profit colleges. Of the top 25 schools where students hold the most student loan debt, over half were for-profit schools in 2014. This is up from only one for-profit institution in the top 25 in 2000.

In addition to driving the increase in student loan borrowing, for-profit institutions also have significantly more loan defaults than other types of institutions. Since 2013, for-profit institutions accounted for 35% of all federal student loan defaults, but enrolled just 27% of all borrowers. Many for-profit schools are almost entirely dependent on federal grants and loans. In December 2016, the U.S. Department of Education ("ED") found that nearly 200 for-profit schools derive more than 90% of their income from federal sources. The only reason that many of these institutions are in compliance with the federal 90/10 Rule is that certain categories of federal money, including GI Bill money, are excluded from the rule and thus count toward the 10% that is supposed to be non-federal money.

Over the past fifteen years, millions of students have been defrauded by unscrupulous for-profit post-secondary schools. With accreditors asleep at the wheel, State Attorneys General Offices have stepped in to stop some of the worst abuses. The list of State Attorney General investigations and enforcement actions against for-profit colleges is long, including actions against: American Career Institute; Ashford University/

Bridgepoint Education, Inc.; Corinthian Colleges, Inc.; Career Education Corporation; Education Management Corporation; Daymar College; DeVry University; ITT Tech; National College of Kentucky; and Westwood Colleges, among others. These schools, and others like them, engaged in a variety of deceptive and abusive practices. Some promised prospective students jobs, careers, and further opportunities in education that the schools could not provide. Many schools inflated job placement numbers and/or promised career services resources that did not exist. Many nationally-accredited schools promised that their credits would transfer, even though credits from nationally-accredited schools often do not transfer to more rigorous regionally-accredited schools. Many students were placed in loans that the schools knew from experience their graduates could not pay back. The schools were overseen by accreditors who failed to take action to protect students or the taxpayers who funded their federal student loans, despite ample evidence of these and other problems. In short, the entire for-profit education system was failing students and taxpayers. As investigations and prosecutions initiated by our offices shed light on these problems, ED began to take steps to remedy these harms, issuing new regulations and reformulating policies to help protect students and taxpayers.

Three of these recent steps—the Gainful Employment Rule, the policy of vigorous federal oversight of accreditors, and the Borrower Defense to Repayment Rule—are essential to protect both consumers and taxpayers from fraudulent actors in the for-profit education sector. The Gainful Employment Rule is a measure of graduates' debt-to-income and is designed to ensure that programs produce graduates that are able to pay back their student loans. Prospectively, the federal government recognizes accreditors who have standards sufficient to show that the schools they accredit provide a quality education and should have access to federal student loans and grants. Finally, where other protections fail and students are defrauded by bad actors, the Borrower Defense to Repayment Rule provides a formal process for students to assert a defense to repayment of their federal student loans.

II. CORINTHIAN COLLEGES: AN EXAMPLE OF THE HARM FACED BY STUDENTS AND TAXPAYERS

The egregious conduct of Corinthian Colleges illustrates how each of these three policies is necessary to avoid harm to both students and taxpayers. In March 2016, after an extensive review of published job placement rates at Corinthian campuses nationwide, the Department of Education found that the job placement rates were fraudulent for hundreds of cohorts from 2010-2014. Corinthian was telling the world that far more of its students obtained jobs than actually did, inducing students to enroll. Many of these students were left without jobs in their field of study. Without these jobs, many are saddled with debt they cannot repay, defaulting on loans funded with taxpayer dollars.

Had the gainful employment regulations been in place, Corinthian's programs that weren't producing jobs for students would have been shut down because the median debt-to-income ratio would have shown that students were not making enough money to pay down their loans. Had Corinthian's accreditors reviewed the school's self-reported job placement data on a regular basis, the fraud would have been discovered and stopped much earlier, saving students and taxpayers billions of dollars.

The absence of policies in place to protect prospective students from Corinthian's fraudulent practices also demonstrates the

need for an effective process for students to assert a defense to loan repayment. This defense was established in the 1990s when Congress passed legislation allowing students to assert claims against their schools as a defense to repayment of their federal student loans. There was little detail, however, on the process for asserting such claims. The regulations set to take effect on July 1, 2017 give borrower defense to repayment set processes so that students, schools, and taxpayers have an orderly process, and a degree of certainty, moving forward.

Without the Gainful Employment Rule, meaningful oversight of accreditors, and an orderly borrower defense process, we face the prospect of for-profit schools continuing to line their pockets with taxpayer dollars while students and taxpayers experience another crushing wave of defaulted student loan debt.

III. THE GAINFUL EMPLOYMENT RULE

ED's gainful employment regulations are designed to further a simple idea—that students who attend career training programs should be able to repay their federal student loans once they graduate. The Rule allows prospective students to compare debt-to-income ratios across schools. By doing this, the Rule creates an incentive for schools to make good on their promises to students, and protects students from programs that will leave them saddled with debt and without job prospects in the careers for which they trained.

The Rule generally applies to vocational programs at for-profit institutions and to non-degree programs at community colleges. If graduates' annual loan payments exceed 30% of discretionary income and 12% of total earnings in two out of three consecutive years, the program loses access to Title IV federal student loans and grants. A program can also lose access if graduates' annual loan payments exceed 20% of discretionary income and 8% of total earnings for four consecutive years.

Data released on January 9, 2017 indicate that over 800 programs fail the Department's Gainful Employment metrics. For-profit institutions are responsible for 98% of the failing programs. But these 800 programs are only a portion of the for-profit school programs that have failed their students. With the Gainful Employment Rule pending, for-profit institutions have already eliminated hundreds of programs where students did not make enough money to cover their debt obligations, sometimes closing entire institutions that would have failed to provide students with gainful employment under the regulations.

It is essential that the Gainful Employment Rule be kept in place. Removing the Rule would open students and taxpayers up to the worst excesses of the for-profit higher education sector. It would greatly increase the regulatory and enforcement burden on states and accreditors by removing a central protection from the federal leg of the triad that oversees higher education in the United States.

IV. VIGOROUS OVERSIGHT OF ACCREDITORS BY ED

The federal government and states need strong partners with specialized knowledge of higher education to provide prospective quality assurance of schools in order to protect students and taxpayers. Accreditors are the organizations tasked with this role. Our experience, however, has shown that without substantive oversight by the federal government, some accreditors are negligent in their role.

The primary example of this dereliction of duty to students and taxpayers is the Accrediting Council for Independent Colleges

and Schools (ACICS). As noted in our April 8, 2016 comment to the National Advisory Committee on Institutional Quality and Integrity (NACIQI) opposing ACICS's application for renewal of recognition, a recent study found that only 35% of students enrolled in ACICS accredited programs graduate, the lowest rate for any accreditor.

NACIQI, a bipartisan panel, voted to revoke ACICS's recognition in June 2016. The Senior Department Official at ED agreed with NACIQI and revoked ACICS's recognition as an accreditor in September, 2016. ACICS appealed the decision to the Secretary of Education, and in December 2016, the Secretary denied ACICS's appeal.

An accreditor's failure to verify program quality at its accredited institutions jeopardizes the effectiveness of state enforcement efforts and regulations, exposing each state's students to subpar educational programs that provide little value, but for which each student may borrow tens of thousands of dollars in student loans, that are nearly impossible to discharge in bankruptcy.

A prime example of the harm that stems from lax accreditation was brought to light by state action against Westwood College. The Illinois Attorney General's Office sued Westwood College for systematically misrepresenting the ability of its criminal justice graduates to pursue careers in law enforcement. Thousands of Westwood students in Illinois borrowed up to \$75,000 each for careers they were unable to pursue because many police departments in Illinois, including the Chicago Police Department and the Illinois State Police, did not accept credits from nationally-accredited schools. Graduates of Westwood's criminal justice program have a median salary below the median salary of a 25-year old with a high school diploma, in part because they were locked out of the career they had been promised. This combination of high debt and limited job prospects is a crushing blow not only to students, but to taxpayers who bear the burden of defaults on these loans. Despite the Illinois Attorney General's January 2012 suit against Westwood, ACICS accredited Westwood up to the day it closed its doors in March 2016.

Similarly, on September 8, 2016, a Hennepin County Court found that the Minnesota School of Business and Globe University systematically misrepresented their criminal-justice program as allowing students to pursue careers as Minnesota police officers or probation or parole officers. The Minnesota School of Business and Globe University were accredited by ACICS throughout the time period of the fraud determined by the Court, and their Chief Operating Officer during that time was in fact the Chair of ACICS's board of directors. Terminating ACICS's recognition is a responsible action that will protect students and taxpayers for years to come.

V. THE BORROWER DEFENSE TO REPAYMENT RULE

In order to fairly and efficiently redress the harms suffered by for-profit college students, the borrower defense to repayment rule promulgated by ED must be allowed to take effect on July 1, 2017. As we noted in our August 1, 2016 comment to the proposed rule, students need a fair and transparent process to apply for borrower defense to repayment, and that process is missing from the existing regulation. The regulation finalized by ED also contains significant protections for taxpayers, including the requirement that schools cannot use arbitration agreements to bar students from bringing borrower defense claims directly against the school in court.

It is important to note that these regulations do not create a new defense to repayment. Congress established the borrower defense to repayment in the 1990s. Furthermore, over the last two years, ED has created substantial documentation of what constitutes a valid borrower defense claim under the existing regulation. Not only will the defense continue to be available, but it is likely that claims will continue to be asserted, particularly if regulations surrounding for-profit institutions, such as gainful employment, are loosened, allowing the bad practices of the past to return. Because the defense will continue to exist, a formal, transparent process to assert the defense, as reflected in the new repayment rule, is essential.

A basic sense of justice requires that the borrower defense to repayment rules be allowed to take effect. Millions of students paid tens of thousands of dollars each in federal student loan money to for-profit schools and received worthless degrees in return. Federal student loan debt is non-dischargeable in bankruptcy. These students cannot be left without a clear recourse. The new borrower defense to repayment regulations provide that recourse and should be allowed to take effect.

Our extensive experience in the higher education field, and our participation in the process of developing these recent policies and regulations, gives us unique insight into the abusive and deceptive practices of for-profit schools over the last ten years. We cannot overemphasize the harm to students and taxpayers that a rollback of federal protections would cause. Our offices hear from former for-profit students on a daily basis; sadly, many are hopeless. They have little hope of paying off their student loans without the career prospects promised by their schools. They have little hope of continuing their educations without the ability to transfer their credits from the many nationally-accredited for-profits to more rigorous regionally-accredited schools. Allowing for-profit schools unfettered access to federal student loan money without reasonable oversight and accountability is a mistake that American students and taxpayers should not be made to pay for again.

Sincerely,

Lisa Madigan, Illinois Attorney General;
Matthew Denn, Delaware Attorney General;
Tom Miller, Iowa Attorney General; Brian E. Frosh, Maryland Attorney General; Maura Healy, Massachusetts Attorney General;
Hector Balderas, New Mexico Attorney General; George Jepsen, Connecticut Attorney General; Douglas S. Chin, Hawaii Attorney General; Andy Beshear, Kentucky Attorney General; Janet T. Mills, Maine Attorney General.

Lori Swanson, Minnesota Attorney General; Eric Schneiderman, New York Attorney General; Josh Stein, North Carolina Attorney General; Josh Shapiro, Pennsylvania Attorney General; TJ Donovan, Vermont Attorney General; Karl A. Racine, District of Columbia Attorney General; Ellen F. Rosenblum, Oregon Attorney General; Peter Kilmartin, Rhode Island Attorney General; Bob Ferguson, Washington State Attorney General; Stephen H. Levins, Executive Director, Hawaii Office of Consumer Protection.

Mr. DURBIN. Mr. President, we know what open season means when it comes to these students. Gilbert Caro of Chicago can tell us. He was profiled in the Chicago Tribune article that I mentioned. Gilbert received his master of business administration degree from DeVry University. It is possibly the second largest for-profit college in the United States.

He took on nearly \$100,000 in debt for his master of business administration degree. He believed that debt was worth it because it was going to unlock the door to a high-paying job and financial security.

Do you have any idea what Gilbert Caro is doing now with his DeVry master of business administration degree? He is a prison guard in Joliet, IL.

While Gilbert has a good job, he certainly didn't need \$100,000 in debt to be a prison guard. It is far from what he was promised by DeVry when he signed up. Gilbert, like so many other students who go to for-profit colleges, was lured in by an amazing marketing campaign, flashy advertisements and empty promises.

In 2016, DeVry University, a for-profit school, agreed to a \$100 million settlement with the Federal Trade Commission for misleading "prospective students with ads that touted high employment success rates and income levels upon graduation."

DeVry is not alone. For-profit college giants like Corinthian and ITT Tech collapsed after they were caught engaging in similar deceptive, disgusting practices. The predatory practices of these and other for-profit colleges have left tens of thousands of students across the country, just like Gilbert Caro, with worthless degrees and a mountain of debt.

In fact, during the early part of this century, when for-profit colleges acted with near impunity, just the students from the for-profit colleges and universities accounted for 47 percent of all student loan defaults. Ten percent of the students coming out of high school went to for-profit colleges, and 47 percent of the student loan defaults were those same students—10 and 47. Why? Because they were overcharged for worthless degrees. That is why.

The University of Phoenix students held almost \$35 billion in cumulative debt. When I look at their flashy advertising and the commercials about how life is going to be perfect if you sign up at the University of Phoenix, it is hard for me to imagine how many of those students are burdened with debt they will never be able to repay.

We also know what open season means for the for-profit college industry and its executives and investors. Between 1998 and 2008, enrollment at for-profit colleges exploded by 225 percent—a lot of advertising, a lot of marketing, a lot of recruiting. With it came exploding profits for these schools.

By 2009, the seven largest publicly traded for-profit college companies were worth a combined \$51 billion—2009, \$51 billion.

In 2010, the University of Phoenix alone enrolled nearly half a million students, more than the combined enrollment of all the Big Ten universities.

When former Senate HELP Committee Chairman Tom Harkin released his seminal report on the industry in

2012, for-profit colleges had grown to take in an incredible \$32 billion a year in Federal taxpayer dollars, 25 percent of all Federal aid in education, despite enrolling only 10 percent of the students that went to college after high school.

For-profit colleges and universities are the most heavily subsidized private businesses in America that exist. No one rivals them. No other industry is even close, and 80, 85, 90, 95 percent of the revenue of these so-called private, for-profit universities ends up coming out of the Federal Treasury.

John Murphy, the cofounder of the University of Phoenix, talks about those days by saying that what started off as a serious venture to educate students soon became too focused on "chasing stock prices."

To pump up those stock prices, companies needed students and they needed Federal student aid dollars. They proved that they would do and promise nearly anything to get "the juice," as Mr. MURPHY, the cofounder of the University of Phoenix, called it.

Boy, is this industry itching for the Trump administration to return to those bad old days. The Chicago Tribune reports that since the November 8 election, the stock prices of DeVry University, a for-profit college, have increased 52 percent.

In a recent New York Times article by Patricia Cohen entitled "For-Profit Schools, an Obama Target, See New Day Under Trump," the paid spokesman for the for-profit college industry, former Congressman Steve Gunderson, said he "has repeatedly spoken with members of Trump's transition team . . . White House domestic policy advisers . . . and congressional Republicans."

He is truly an insider. Mr. Gunderson promised: "We're going to get some regulatory relief."

Sadly, it looks like he is right. Take for example the delay of the gainful employment regulation. The Obama administration spent years writing and rewriting regulations to ensure that career training programs meet the statutory requirement to prepare students for "gainful employment."

Is that a radical idea—that if the Federal Government is going to provide grants and loans for a student to go to a school, the school should provide education and training that would lead to "gainful employment"?

My colleague from Oklahoma was on the floor a little while ago talking about overregulation, too many rules, and the impacts on small business. I would say that I am prepared to stand up and defend what the Obama administration did in saying that if you were going to lure a young man like Gilbert Caro into a school and put him \$100,000 in debt for a master's of business administration, he ought to at least end up with a job that is consistent with his education.

Today, Mr. Caro is a prison guard with \$100,000 of debt and a business administration degree of no value to him.

The gainful employment rule cuts off title IV funding for programs where graduates' ratio of student debt to earnings is too high. Literally, the students are too deeply in debt.

Prior to leaving office, the Obama Department of Education released the first set of gainful employment data. It showed that the graduates of public undergraduate certificate programs, like community colleges, earn \$9,000 more than their for-profit counterparts on average.

Think about that. You go to the virtually free community college, get a certificate, and you are going to earn \$9,000 more than if you get deeply in debt at one of the for-profit schools seeking the same degree. Of the programs that saddle students with too much debt compared to the income its students receive after their program, 98 percent of the violators were for-profit colleges.

This is not just a chance occurrence. It is a pattern. The rule is meant to protect students from taking on debt to attend programs that don't lead to a good-paying job. The rule is also meant to prevent billions in taxpayers' dollars on worthless programs.

Many for-profit colleges receive more than 90 percent of the revenue straight from Federal taxpayers. My Republican colleagues are committed to the free market system. So am I. I am committed to capitalism. I believe in it. Though, I think there is need for us to have regulation when it gets out of hand. That is why we have an antitrust division, for example.

In this circumstance, to argue that these are just private companies that are doing what ordinary people do when they start a business is to ignore the obvious. These for-profit colleges could not exist if they weren't receiving 80, 85, 90, and 95 percent of their revenue directly from the Federal Treasury.

In recent testimony before a House subcommittee, the Department of Education inspector general agreed that the gainful employment regulation "is a good rule in terms of protecting [students] and protecting taxpayers."

I sent a letter—along with Senators PATTY MURRAY, ELIZABETH WARREN, and nine other colleagues—expressing our concerns to Secretary DeVos about her delaying this rule. In our letter, we made clear that these delays undermine the rule and are going to be a danger to students and taxpayers.

It is also a betrayal of students not to ensure that they are treated fairly after they have been taken advantage of by for-profit schools.

Today, POLITICO reported that the Trump administration has dramatically slowed, if not stopped, processing applications from tens of thousands of students seeking to have their Federal student loans discharged after they have been defrauded by for-profit colleges.

Think about that. A student is about to sign up for a for-profit school.

Maybe he doesn't know much about higher education. His parents say: Listen, if you can get a Pell grant and a Federal student loan, this must be a really good school.

He is defrauded into signing up for a school that is too expensive and offers a worthless degree, and then they turn around and that school goes bankrupt. Now the student has the debt, no degree, and we are left holding the bag. What has happened in previous cases is the Federal Government stepped in and discharged the students from the debt if they were defrauded into signing up for the college.

Secretary Betsy DeVos has decided to slow that down—to slow down the discharge of these students' debt. Students who were misled or defrauded by their schools are eligible for discharge of their Federal student loans under the Higher Education Act—the law as it now exists. Yet during her confirmation process, Secretary DeVos would not commit to providing this relief to students—relief already specified in law—and has now effectively stopped processing the claims.

On the day before President Trump took office, more than 3,200 Illinois students applied to the Department of Education for relief. While the Department fails to process these claims, these students are left in the lurch. It adds insult to injury that students taken advantage of by for-profit colleges, nominally supervised and regulated by the Federal Government, are now being ignored by the Federal Government's Department of Education. That is unacceptable. It is unfair, and the Trump administration should change it.

We've started to see the true colors of the administration and Secretary DeVos when it comes to these students who have been victimized. As feared, the Department has thus far put for-profit and other commercial interests ahead of students and taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUNT). The Senator from Mississippi.

T-45 GOSHAWK FLEET

Mr. WICKER. Mr. President, I come to the floor to speak about a troubling issue for our Navy, our national defense, and a problem that should be of concern to Members of this body. Our Navy pilot training installations, including Naval Air Station Meridian in my home State of Mississippi, produce some of the finest pilots on the planet. They trained on the T-45 Goshawk.

On Friday, March 31, a significant number of T-45 instructor pilots at NAS Meridian, NAS Kingsville in Texas, and NAS Pensacola in Florida decided not to fly because of safety concerns. As you can imagine, this was an almost unprecedented act and brought considerable attention to a problem plaguing the Navy's tactical fighter community: a dramatic and sustained increase in so-called physiological episodes, or PE events, across the FA-18 Hornet, the EA-18 Growler,

and the training jet T-45 Goshawk fleets.

Physiological episodes occur when air crew experience diminished in-flight performance related to loss or contamination of oxygen, depressurization in the cockpit, or other factors. There are some technical terms I am going to mention to my colleagues. Hypoxic hypoxia occurs when pilots are getting insufficient oxygen. A more serious phenomenon called histotoxic hypoxia occurs when they are breathing contaminated oxygen, and of course depressurization occurs when the cabin pressure drops.

I have been assured that solving this physiological episode problem is now naval aviation's No. 1 one safety priority. As chairman of the Armed Services Committee's Seapower Subcommittee, I intend to continue the committee's oversight on this issue and, if necessary, include provisions in the upcoming Defense authorization bill to help. I applaud the work of our full committee chairman, Senator McCain, on his efforts so far. In fact, Senator McCain knows NAS Meridian very well, having served there as an instructor pilot. The airfield named "McCain Field" is in honor of Senator McCain's grandfather, ADM John McCain.

The Navy has told Congress and the American people repeatedly that its effort to mitigate and solve the problems of these PE events, including histotoxic hypoxia, are "resource unconstrained." In other words, the Navy has told us that money is no object in solving this problem, time is no object, and personnel is no object. As chairman of the Seapower Subcommittee, I intend to put that claim to test.

I would like to update my colleagues on the situation—my factfinding trip to Meridian, the state of play, and the plan going forward.

Beginning around 2010, a significant increase in reported PE events occurred, which led to the establishment of a Physiological Episode Team to identify root causes, develop mitigation efforts and solutions. This team mainly addressed the less serious problem of hypoxic hypoxia, but in recent months, there has been an alarming uptick in histotoxic hypoxia, a relatively new phenomenon involving contaminated oxygen in the cockpit. This has presented new challenges. The Navy has not identified a root cause for either type of hypoxia but has taken steps to mitigate effects through new maintenance rules, equipment changes and redesigns, and by adding data collection tools. However, there is currently not adequate mitigation for the more serious type of hypoxia, which has led to this halt in training.

As a search for the root causes continues, data collection is worth stressing. These aircraft do not have automatic sensors. In effect, the pilot is the sensor. Maximizing data collection on every training flight is critical. The collection of more data can help in the

analytical effort, which will get us closer to finding the root cause. After the instructor pilots' boycott—which I stress they had every right to do—the Navy issued a safety standdown and stopped all training flights for a period of days. This tactical pause allowed the Navy to send senior leadership to visit the training installations and hear directly from the instructor pilots and students. I respect the considered decisions of both of these groups, the instructor pilots who continued to fly and the ones who engaged in the boycott.

After meeting with Pentagon experts on this matter, I then made a fact-finding trip to NAS Meridian on April 8. I met with VADM Mike Shoemaker, the commander of Naval Air Forces. Admiral Shoemaker is the air boss who commands operational naval aviation forces. I also met with RADM Dell Bull, who is the chief of Naval Air Training, and I met with NAS Meridian's excellent installation leadership. Perhaps most important, I convened two focus groups: one group of instructor pilots who chose to fly and another group who chose not to fly. Both groups agree that a serious communication problem existed. The meetings with pilots demonstrated that some in the Navy hierarchy did not fully appreciate that this histotoxic hypoxia, contaminated oxygen, was a new and different phenomenon. In addition, the efforts of the Navy leadership were not being communicated effectively to the instructors and the students. In other words, the message was not getting down to the flight line, and the people on the flight line did not feel the message was getting back up to the hierarchy. Many felt their concerns were being ignored. The lack of action on the relatively new emergence of histotoxic hypoxia in the Goshawk only exacerbated the feeling among some that the Navy's actions were not matching its rhetoric.

Following my visit on April 8, the Navy took the important step of establishing a Physiological Episode Team for the T-45 alone. This is an important action which should bring more focused attention to the Goshawk community. The Navy ended the safety standdown on April 14 and resumed flying the next week under restricted conditions, such as flying at lower maximum altitudes and pulling fewer Gs. Of course, this is not the optimal way of training.

Then, following a subsequent PE incident in Kingsville and feedback from instructor pilots on the mitigation plan, the Navy has chosen to restrict training flights even further. This is a problem. The Navy tells us the current practice would allow a student to complete only about 20 to 25 percent of the curriculum. That is the status today. The Navy is already short on pilots, and continuing the status quo could further constrict the pilot production pipeline.

Where do we go from here? The Navy has brought three T-45s that have experienced physiological episodes to