

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CRUZ).

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 389 Ex.]

#### YEAS—70

|              |           |            |
|--------------|-----------|------------|
| Baldwin      | Graham    | Risch      |
| Bennet       | Grassley  | Romney     |
| Blackburn    | Hassan    | Rosen      |
| Blumenthal   | Heinrich  | Rounds     |
| Blunt        | Hirono    | Sanders    |
| Booker       | Kaine     | Sasse      |
| Boozman      | Kelly     | Schatz     |
| Brown        | King      | Schumer    |
| Burr         | Klobuchar | Sinema     |
| Cantwell     | Leahy     | Smith      |
| Capito       | Lujan     | Stabenow   |
| Cardin       | Manchin   | Tester     |
| Carper       | Markey    | Thune      |
| Casey        | McConnell | Tillis     |
| Collins      | Menendez  | Van Hollen |
| Coons        | Merkley   | Warner     |
| Cornyn       | Murkowski | Warnock    |
| Cortez Masto | Murphy    | Warren     |
| Cramer       | Murray    | Whitehouse |
| Crapo        | Ossoff    | Wicker     |
| Duckworth    | Padilla   | Wyden      |
| Durbin       | Peters    | Young      |
| Feinstein    | Portman   |            |
| Gillibrand   | Reed      |            |

#### NAYS—27

|          |            |            |
|----------|------------|------------|
| Barrasso | Hoehn      | Moran      |
| Braun    | Hyde-Smith | Paul       |
| Cassidy  | Inhofe     | Rubio      |
| Cotton   | Johnson    | Scott (FL) |
| Daines   | Kennedy    | Scott (SC) |
| Ernst    | Lankford   | Shelby     |
| Fischer  | Lee        | Sullivan   |
| Hagerty  | Lummis     | Toomey     |
| Hawley   | Marshall   | Tuberville |

#### NOT VOTING—3

|      |              |         |
|------|--------------|---------|
| Cruz | Hickenlooper | Shaheen |
|------|--------------|---------|

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Washington.

Mrs. MURRAY. 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.

Mr. SCOTT of South Carolina. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS CONSENT AGREEMENT

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent to modify the previous order so that the Senate remains in executive session until 5 p.m., with all provisions under the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### CHARTER SCHOOLS

Mr. SCOTT of South Carolina. Mr. President, tomorrow, we will have an

opportunity to vote for students. Tomorrow, we will have an opportunity to vote for parents. Tomorrow, we will have the opportunity to vote for common sense in the U.S. Senate. Tomorrow, we will have an opportunity to vote for my resolution to stop the Biden Department of Education from destroying educational opportunities for millions of students and their parents.

During the pandemic, we saw the devastating impact of prolonged school closures on America's kids, especially kids living in low-income communities.

Big labor unions orchestrated these shutdowns, and blue city politicians fell in lockstep. They sided with union bosses over parents, over kids, and over plain old common sense.

Now we see the tragic consequences. The 2022 NAEP scorecard shows the largest drop in reading scores for 9-year-olds in more than 30 years and the first-ever—the first-ever—drop in math scores, a 7-percent decrease.

We warned them that this would happen. We said stop, stop letting labor bosses make decisions. Parents—parents—are the ones who know what is best for their kids. They need flexibility. They deserve choice.

One of those options should always be high-quality public charter schools. These charter schools continue to outkick their coverage. This year, charter schools only represent 12 percent—12 percent—of all public high schools, but they make up 22 percent of the top 100 public high schools in our amazing country. That is nearly one out of four amazing public schools is a charter school, even though only 12 percent of all schools, all high schools, are charter schools.

Think about this. In Colorado, 85 percent of charter school students met performance standards compared to only 66 percent of students in district-managed schools.

Despite their proven track record of success for students, for parents, and, of course, for common sense, the Biden administration continues to attack charter schools. He campaigned against them. And then as soon as he got in office, he directed the bureaucrats at the DOE—the Department of Education—to put new restrictions on charter schools desperately, desperately looking for funding. These restrictions are a slap in the face to parents who are turning to charter schools as a better alternative for their children.

Since the pandemic, charter schools have gained 7 percent—7 percent; that is, 240,000 more students have chosen charter schools because their parents are able to access common sense for their kids' education path. That means hundreds of thousand of students are better off today than they were before they had this option.

These are kids growing up in some of America's most devastated communities, some of America's poorest communities, some of America's most disadvantaged communities.

This is a game changer, not just for the students while they are enrolled in these schools, but this is a game changer for the rest of their lives. This is a game changer for them economically. This is the fastest path to the American dream, what we all hope to achieve one day. This is the game changer that we so often talk about.

We have seen the success of providing parents with more options right here in Washington, DC, since the creation of the bipartisan—and let me say that word one more time because sometimes here in Washington, we don't think anything happens in a bipartisan fashion. But the DC Opportunity Scholarship is a bipartisan coalition of Senators and Congress members who came together to make sure that DC kids, since 2004, have had opportunity for quality education through charter schools. Yes, 11,000 students, by the way—not 500, not 2,000, 11,000 students—from low-income families here in DC were able to receive scholarships to attend the school of their choice, scholarships that were provided by Republicans and Democrats in Congresses since 2004.

There is good news, by the way. The good news is that these students attending these remarkable public charter schools graduate 91 percent of the time—91 percent of the time. Compare that to students in the DC area who do not attend a public charter school who are in the public school system; they graduate only two out of three times, 66 percent. Wow.

I can't imagine a world where my friends across the aisle who stood with me to protect DC Opportunity Scholarships would not stand with us today to protect more education options for kids all across America.

By voting for the administration's restrictions, my friends across the aisle are telling these hard-working parents that labor union bosses and bureaucrats know what is best for their kids better than the parents themselves. That is plain wrong.

Here is what I know: The greatest difference between the haves and the have-nots, it is not the color of your skin, it is not the neighborhood you live in, it is not the income of your parents, the biggest difference between the haves and the have-nots in our country will not be solved by playing politics and putting labor unions in front of your kids. The way that we close that gap, the biggest difference between the two sides—the haves and have-nots—my friend from Indiana, is education, quality education. It changes lives. It sets poor kids on the right path.

I want to do for the kids today what was done for me when I was a kid. I want to make sure that everybody understands that education is the closest thing to magic in America, and I do mean a good education.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Mr. President, I come to the floor here to give an even simpler argument as it applies in many different areas in addition to education.

Senator SCOTT came to the floor to ask for choice, opportunity, and competition all mixed in together. When you have got that, you have got the description of a perfect marketplace, whether it is for healthcare, whether it is for education. And, ironically, the two places in our country where expenses keep going up and up would be in healthcare. Most families would put that up there right along with education.

K-12, having that ability to choose where you would want your own kids to go to school is something that you should never be afraid of. If you are not interested in it, you are probably trying to hide something. That would be, in many cases, where you are not mustering what it takes to minimally educate your own child properly.

I was on a school board for 10 years—2004 through 2014—in Indiana, a public school system in one of the most Catholic places in the State of Indiana. I will never forget, a high school tried to start that was Catholic. Our public school system was so good it couldn't get to first base, but at least the attempt was made. Not all areas are blessed with a public school system, as we traditionally know it, offering that top-notch education.

Whenever you do fear competition, transparency—which doesn't necessarily apply here, but choice, it does—you are probably trying to cover up something that is not performing.

And, sadly, here is where you need the choice more than any other place, where folks can't afford to have the choice. And if you are trapped in one system, what does that say for your kids' future?

I ran a business for 37 years. So many businesses tried to do the same thing, get involved in markets. It gets concentrated. That is what is happening in our healthcare industry. It is like an unregulated utility, and it disguises itself as free enterprise. That is restricting competition, restricting transparency, restricting choice.

Costs have been going up for decades with no end in sight; postsecondary education, very similar. Here, all we need to do is take a system that still has a pretty good value to it, it just is not producing the results.

Indiana has been one of the leaders in charter schools and choice. We have over 100 charter schools. I reflect back—I think it was when I was a State legislator—on a neighboring county, there were three grade schools. The smallest of the three had to be shut down because of cost cuts—well, best performing of the three. Those kids would have had to travel 10, 15 miles to get to one of the other two public schools, elementary. This place worked as hard as it could over 2 years, scraped together the resources, and kept their Otwell Miller Academy

open. It was the choice of the parents. They were part of a system that wasn't working, and they were able to do it. Had it not been for the charter school policy in our State, that community would have been out of luck.

We have some of the best charters in the country in Indiana because we are a place that generally embraces competition, transparency, choice, and no barriers to entry. Whenever the healthcare industry is trying to lobby for not having more competition, for instance, through physician-owned hospitals, when public school systems want themselves to be the only option, sometimes you get lucky, like I did, and went to a great public school system, but many times you don't, and you are trapped in a bad system.

Our schools, too, that are charter sometimes are a little more experimental. They focus on things like STEM, CTE, particular education that community might need, where if you are brought into the same old curriculum, the same old process, the same thing that is not generating even the basic results, you are trapped in something that should never be the case.

Be for choice. Be for competition. Be for a successful education.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, charter schools have seen explosive growth since they first came onto the scene in 1992 as a model for education. In 1993, there were just 23 charter schools in the United States, serving a little over 6,000 students. Today, there are over 7,000 charter schools and counting, serving more than 3 million American students. It is not difficult to understand their increasing popularity. They offer an affordable alternative to parents and students who want more options. More options increase competition, and more options improve the quality of the traditional public education system.

Unfortunately, the Biden administration's new rule threatens to stifle their progress by imposing stringent, onerous, burdensome new requirements on charter schools, specifically those that receive grants under the Federal Charter Schools Program, or CSP. This is a terrible idea.

The CSP was established to provide grants to eligible charter schools to help ensure that all children have access to quality education regardless of their ZIP Code. The administration's new rules would stifle this proven, emerging, and burgeoning model, one that serves millions of the most vulnerable students in our traditional public school system. It would require CSP grantees to hold hearings—to hold hearings—specifically to prove that the presence of the school in question does not or would not contribute to increased racial segregation. This would impose a deliberately costly and inherently unfairly accusatory burden on

charter schools and would disincentivize new schools from opening. This, I fear, is precisely the point. That is a feature, not a bug, in this program.

Look, everyone can agree that we want our children to have access to quality education. The President's rule is antithetical to that very mission. The rule treats charter schools as if they have done something wrong, as if they are guilty somehow of racial segregation until they prove themselves innocent. The accusation of racial segregation is particularly egregious here because CSP schools are required to admit students through a lottery system if there are more interested students than there are available slots at the school. Clearly, this isn't an observation of reality but an injection of woke politics into an issue as fundamental as the education of America's schoolchildren.

Most charter schools are doing their best to provide quality education to all students, regardless of race or ethnicity. Punishing them for behavior that they don't engage in simply isn't fair. It is not right.

These regulations would also require the Secretary to examine whether a charter school is "needed." Maybe I am old-fashioned, but I tend to think that parents—and certainly not the U.S. Secretary of Education—should be the ones deciding the necessity of such schools.

You know, we have seen this in other areas, other sectors of our economy. There are special interests that tend to stifle competition by pushing for regulations requiring new market entrants to demonstrate that they meet a need, to demonstrate that their facility of one sort or another, a hospital or otherwise, is "needed."

I fear this requirement would do the same, and I fear this requirement has as its object the same thing as those other requirements in other industries: stifling competition, erecting barriers to entry, squelching competition. This is not OK. I don't think it is OK in any industry. It is certainly not OK where the victims are innocent schoolchildren who just need to learn, who need to be taught, need to go to school somewhere, and ought to be able to go to school with some options that their parents can have a role in choosing.

Proponents of these rules argue that the regulations are necessary because charter schools are more likely to close than traditional public schools. They rightly argue that such closures can be disruptive to students' education. In reply, I first note that CSP schools are less likely to experience closure than other charter schools, but I would also note here that school closures also show why charter schools are so valuable.

Unlike traditional public schools, where students in failing schools can go for 13 consecutive years without any other option, charter schools are subject to greater accountability. That is the power of choice.

Mr. President, we shouldn't subject new charter schools to onerous requirements. We should not set up rules purely to protect the interests of teachers unions—the very same teachers unions that also pushed to close schools, that resisted reopening those schools and repeatedly placed their interests above those of parents and students.

The President's rule would only lead to fewer educational opportunities for America's schoolchildren.

While accountability for any government-funded enterprise is undoubtedly important, these rules go far beyond mere accountability. In fact, they are not about accountability; they are about something else, something far less credible, far less defensible than accountability. This is about squelching competition and protecting teachers unions from competition, and that is wrong.

I urge my colleagues to oppose this misguided rule, this misguided effort, and to protect parent choice, ensuring that all children have access to quality education regardless of their ZIP Code.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I want to tell a bit of a story. There are some great schools and great teachers in Oklahoma. They do an incredible job, and they serve our families every day, doing remarkable work, working alongside so many kids who struggle in their educational environment, who struggle to be able to learn but who excel. I am grateful to those teachers across our State. Those teachers who are in our public schools—both our public traditional schools and our public charter schools—deserve to be applauded and encouraged for the work they do every day, and I am proud to know many of them as friends and as neighbors.

But what is interesting to me right now is there is a push that is happening from the Biden administration to divide teachers, teachers who are in public school education, that there are some who are like the good public school teachers, and apparently there are some that—you are the bad public school teachers. And it is not based on the ratings for their students or the quality of their teaching; it is based on which public school they choose to be able to serve in.

You see, the Biden administration has put out a new policy to try to crush public charter schools. How are they doing it? They are saying that if there are open desks in other public schools, then the public charter school can't prove a need for them to exist at all, and they want to just be able to wipe them out.

Stop. Let me just set this in context for you. In Oklahoma, there is a school called Harding Charter Preparatory High School. Maybe you wouldn't know it, but U.S. News & World Report—they know it. U.S. News & World Report—with 18,000 schools in America, they rank the 18,000 schools in America.

U.S. News & World Report ranked Harding Charter Preparatory School in Oklahoma City 115th out of 18,000 schools. In fact, in Oklahoma, Harding Charter Preparatory High School was ranked No. 1. The No. 1 school in the State is this public charter school.

Now, it happens to be in an area where there are open desks in other schools around it, so it won't meet the need requirement that the Biden administration is putting out to say: You can't prove a need for your existence. So the No. 1 school in our State could be wiped out because those public school teachers are teaching at the wrong public school.

What else can I tell you about Harding? At Harding, 100 percent of the students go to AP classes—100 percent of them. What else can I tell you about Harding? Seventy-two percent of the students at Harding Preparatory School are minorities—72 percent—and it is the No. 1 school in our State.

What is different about a public charter school and a traditional public school? Well, the rules for the kids are exactly the same—the same testing requirements, the same State requirements, the same Federal requirements for the kids. The rules are exactly the same for the kids, but they are different for the grownups. The grownups have a different set of rules. They have a different set of accountability in charter schools.

What is the result they are getting? The No. 1 school in our State is a charter school. The 115th school in the country is this charter school. Yet, now the Biden administration is saying: You are going to have to prove a need for it.

Can I tell you, the parents and families in Oklahoma have already proven a need for it. I got an email in from one of those students, who said: I was not getting access to these AP classes in the school—in the public school they were in before. They had no shot of really getting into the college they wanted to be able to get into until they got into Harding Charter Preparatory School, a public charter school, and now they have a shot.

I have to tell you, I don't understand the battle with choice that is happening with parents in this country. I don't understand why suddenly so many government officials want to be able to say to parents: You go to that school, the school we choose; you can't move; you have to stay right there—why that is suddenly the trend in America.

This growing push across our country for public charter schools, for parents to be more involved in their child's education, for parents to have new options in education, for parents to be able to have a choice and some freedom, why is that so bad, that so many kids get a shot?

Can I tell you, I have two daughters. They are not the same. They have different preferences. They have different ideas. They are both beautiful and

amazing girls. But, for some reason, the folks in the Biden administration, in the Education Department, are saying: All kids are the same, and we are going to require them to do it the way we want all kids to do it—rather than allowing parents like me and parents like others to be able to say: This child's best education environment is in that location, in that public school, or another child has a better educational environment in a different charter public school.

Don't lose track of this: They are both public schools. They both have requirements for the students which are exactly the same, but the rules for the grownups are different. Some in the teachers union do not like that, and so this plan is to shut down this type of school, like Harding.

I say let's stand with those parents and with those students, with that charter school and a multitude of others in my State where parents are engaged in their child's education and administrators in those schools have to work twice as hard because they don't get the same level of funding as other public schools. Let's support them, not try to diminish them.

I yield the floor.

The PRESIDING OFFICER. (Mr. LUJÁN). The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I would like to thank my colleague from South Carolina for all of his work to promote school choice. I have been proud to partner with him each year to cosponsor the National School Choice Week resolution and promote the maximum amount of educational choice for parents.

Since I have been in Washington, I have noticed how many different school options are available for families in the area: public schools, charter schools, private schools, religious schools, home schools, co-ops. There are all kinds of options for parents and their children here.

DC is an example of a place where school choice has helped everyone, as government-funded schools have generally failed.

Of course, Washington, DC, is also where our Nation's political elite and their children reside. It is where diplomats from around the world come and send their kids to the school of their choice. Bureaucrats, politicians, and wealthy parents have all the choice in the world to send their kids to get a great education. But why should that choice only be available to the elite political class? Why is it that teachers unions and Democratic politicians want to fight school choice and keep students from middle and lower income families in failing schools?

It is a perfect example of how the swamp works: They will give every advantage to their own kids, while pushing the working class down. The elites have always had school choice, and like my colleague from South Carolina, I simply want to extend that choice to every family.

During my 8 years as Governor of Florida, I was a proud champion of school choice and charter schools. I have long believed that parents, not the government, know what is best for their children.

Near the end of my time as Governor, Florida had 653 charter schools operating across our great State. More than one in four K-12 public school kids in Florida chose a school other than the one that they were assigned to.

We were ranked third in the Nation for our number of charter schools and the number of students enrolled in our charter schools. That competition helped everyone, including our public school system. When I was leaving, we ranked fourth in the Nation for K-12 student achievement. In other words, our push for maximum choice helped their students in all of our schools get ahead.

That didn't happen overnight, of course. But we had to work at it. For example, I worked to expand access to Florida's Tax Credit Scholarship Program. This tax credit encourages voluntary contributions from corporate donors to scholarship funding organizations. These organizations then award scholarships to students from low-income families so they can attend private schools or get help transporting them to a public school in another school district.

During my 8 years, the number of kids benefiting from that scholarship program grew from 40,000 to 108,000. Sixty thousand more students were able to attend a school that better met their needs because we gave them that choice.

Similarly, I signed legislation creating open enrollment in Florida. That bill allowed more than 280,000 students to attend any public school in the State regardless of their ZIP Code.

I also signed legislation to expand access to scholarships for students with disabilities so they could attend a public or private school of their choice.

I also signed a bill creating the Schools of Hope Program. It established high-quality educational options for students attending persistently low performing public schools.

Instead of attending the lower performing school, we drew in charter school networks that had a proven track record for operating high-performing charter schools in underserved communities. Because we offered them increased autonomy and flexibility and gave them access to grants and low-interest facility loans, these charter schools were better able to serve Florida's neediest students.

Add to that, I signed legislation to give every student access to virtual learning, with 428,000 students taking advantage of that program in the 2017-2018 school year. That number was up by 312,000 students compared to 10 years earlier.

Parents could use Florida Virtual School to supplement what was hap-

pening in person at school, and they could use a hybrid setup with home school or do completely online learning—whatever best suited their child's needs.

In Florida, school choice isn't just for the elites, it is for everyone because every family deserves the chance to send their child to the school that best meets their needs. Whether it was virtual school, a private school, a religious school, home school, a charter school, or a public school in a different district, I fought to give the kids the best opportunity to get a quality education.

And the best part about it, this kind of choice and competition among schools benefited everyone. It helped all of our schools, including our public schools and neighborhood schools, to improve.

In October, a team of researchers from Northwestern University, UC Davis, and Emory studied the outcomes of Florida students who remained in public schools in the 2016-2017 school year—the same time we were continuing to expand school choice.

I will read you what they concluded.

We find broad and growing benefits for students at local public schools as the school-choice program scales up.

In particular, students who attend neighborhood schools with higher levels of market competition have lower rates of suspensions and absences and higher test scores in reading and math.

And while our analysis reveals gains for virtually all students, we find that those most positively affected are students with the greatest barriers to school success, including those with low family incomes and less-educated mothers.

In other words, school choice helps students of poor and working class families, like the one I grew up in. I was born to a single mom with an 11th grade education and never met my birth father. My adoptive father never had more than a sixth grade education. We were poor and didn't have much to brag about. We lived in public housing and moved around a lot. But my mom pushed me to work hard in school and get a good education. And by God's grace, I was able to live the American dream. That is why I am here—because school choice shouldn't only be for the elites, it should be for everyone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, my children are grown now, but every time that we moved or considered what neighborhood to live in, as they were growing up and attending public schools, the first question we would ask is, "What about the schools?" because we, like most parents, wanted to make sure that our children went to the very best schools possible. And if we had to dig a little deeper and figure out how do we buy a house in a neighborhood that was in that school district, then we would do it. But the sad fact of life is that many parents of less-

er means, of lower income, don't have the luxury of buying a house in a neighborhood where a public school is excellent. In fact, many of our children, because they don't have access to charter schools, are literally trapped in failing schools, which will forever affect their course of life, their development, the jobs they can qualify for, the level of education they can achieve. All of that will be impacted negatively by the fact that many of our young people go to schools that are less than excellent and, in many cases, failing.

In 2010, I think it was, I saw the documentary called "Waiting for Superman." This was a story that in one way was exhilarating but in another way it was very depressing because it was all about the lottery system in New York's schools. If you were lucky enough to win the lottery, you knew that your life and your future was going to be forever impacted for the better.

But I still remember looking at the faces and the tears of the children who did not win the lottery, who did not get to go to the best schools, and they knew that their life, too, would be forever impacted but in that case for the worse.

I am a firm believer that competition makes us all better. It makes us work harder, strive for greater achievement. But I think the public school system—in particular, the teachers unions—they don't want any competition because they don't want anybody to show that our children can be educated better—with better teachers, better training, better facilities. And that is what the charter school movement has provided: some competition, some basis for comparison.

If everybody is operating at this level, with no one operating at this level, then everybody is going to continue to operate in a subpar performance. Of course, I am not painting with a broad brush, but I am saying that a lot of low-income children are condemned to bad schools with no way out. And charter schools offer a way out for those children.

Now, I think sometimes the term "school choice" gets confused with charter schools because school choice, as I understand it, is more broadly interpreted to mean parochial schools and that sort of thing—private schools. But charter schools are public schools. We are talking about high-quality, tuition-free public schools that are open to all students.

In my State, in Texas, we have 900 charter schools. They don't serve the elite. They don't serve the wealthy. They don't serve even the majority population. In fact, 62 percent of Texas charter school students are Hispanic. We have about a 42-percent Hispanic population. So you can say that charter schools disproportionately benefit Hispanic students.

Twenty-seven percent of the students that attend charter schools have limited proficiency in English; that is, English is not their first language. And

the overwhelming majority of students are economically disadvantaged. In other words, their parents can't buy a house in the best school district in town. Their parents don't have the money to send them to a private school. And so charter schools represent the only real option—public, tuition-free schools that are open to all students.

I am concerned that the Biden administration is too close to the teachers unions that were responsible for much of the extended lockdowns we saw during COVID-19, and many of their members basically refused to go back to the classroom even though across the country private schools and many other educational institutions were able to continue—yes, observing social distancing, masking, all of the protocols we became very familiar with during the pandemic. But they continued to learn in person, in school—my understanding is, for example, virtually all the Catholic schools because they depend on the tuition dollars from parents, and parents weren't going to pay to have their children learn sitting in front of a computer, if they were able to learn at all. And we are only today beginning to skim the surface of the kind of damage that occurred to our students—our children—as a result of remote learning.

You know, I sort of envision a single mom with three children who may not have even graduated from high school, much less college, herself, worried about her own job, worried about being able to provide for her family, with three school-aged children, all attending different grade levels. I can't imagine being able to adequately supervise and make sure that your children are able to learn in those circumstances. Maybe you have three kids from three different grades with three separate curricula sitting in front of a computer trying to pick up whatever educational benefit that you can.

What we learned, as a result of the draconian lockdowns supported and encouraged by Randi Weingarten and the teachers unions, is that many of our children have fallen far behind. And it may take not months, not weeks, but literally years to catch up, if they ever do.

So I don't really understand this idea of some of the Biden administration and the teachers unions who don't like and won't tolerate charter schools. Is it because they are OK with children being trapped in failing schools? I can't really understand why they would view this as a threat.

Public, tuition-free, high-quality charter schools—these are public schools. They aren't private schools. These aren't for the elite. This isn't for the rich. This is for overwhelmingly economically disadvantaged students.

And so I support Senator TIM SCOTT. I applaud his leadership in this area in saying that the Biden administration should not stand in the way of these charter schools.

Every child deserves a quality education, and every parent deserves the freedom to choose the school that will serve their child best.

So I appreciate the fact that Senator SCOTT is such a tireless advocate for charter schools and is a champion of choices and alternatives for parents, many of whom are economically disadvantaged and have no other choice other than to send their child to a failing school.

I hope our colleagues will join us in voting to overturn this damaging new rule tomorrow when we vote on it.

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.

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

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

#### NOMINATION OF ERIC M. GARCETTI

Mr. GRASSLEY. Mr. President, I would like to express my strong opposition to the nomination of Eric Garcetti to be Ambassador to India. I am compelled to vote against Mayor Garcetti due to the serious allegations that he enabled sexual harassment and racism to run rampant in the Los Angeles mayor's office.

During my career, I have prioritized protecting victims of sexual harassment and sexual abuse. In 2005, I cosponsored the Violence Against Women Act. That bill provides vital aid to the Justice Department's Office on Violence Against Women and to law enforcement to protect victims of sexual harassment and abuse.

Over several Congresses, I have co-lead bills introduced by Senator GILLIBRAND to defend victims of sexual harassment and sexual misconduct. I cosponsored resolutions introduced by Senator FEINSTEIN to raise awareness of sexual assault. These include the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, the Military Justice Improvement and Increasing Prevention Act of 2021, the Speak Out Act, the Campus Accountability and Safety Act, and a resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

I have also pressed the FBI and the Department of Homeland Security for more transparency and accountability on their handling of sexual misconduct in the workplace. Moving into the next Congress, Senator DURBIN and I have agreed to jointly pursue these inquiries.

With respect to Mayor Garcetti, several credible whistleblowers approached my office about concerning allegations that he was aware of and enabled his deputy chief of staff Rick Jacobs to sexually harass several employees within the mayor's office.

These men and women allege that Rick Jacobs engaged in inappropriate

physical conduct without their consent. They alleged that Rick Jacobs made crude sexual remarks and gestures towards staff and others. They alleged that he made blatantly racist remarks toward Asians and other minorities.

These allegations have also been publicly reported in the Los Angeles Times. Text messages made public by the Los Angeles Times indicate that these instances were common knowledge among the Garcetti staff. One picture that has been made public shows Jacobs inappropriately touching an individual next to him. In the picture Mayor Garcetti is standing on the other side of Mr. Jacobs. For Mayor Garcetti to claim that he didn't know what was going on defies reason.

There is also a pending lawsuit by a Los Angeles police officer against the city of Los Angeles as a result of this type of disgraceful behavior. The kinds of behavior mentioned in the lawsuit include Jacobs subjecting the police officer to unwanted hugs, shoulder massages, and crude sexual language.

In total, my office identified over 19 individuals who have either witnessed Jacobs' behavior or were the victims of it. So who are these brave and courageous individuals who made these allegations?

Are they Republican operatives?

No. They are his former communications director, senior staffers, junior staffers, businessmen, civic leaders, and the Los Angeles Police Department officer assigned to protect him.

Despite attempts by Mayor Garcetti and the Biden administration to frame complaints against him as a political hit job, some of the individuals who have come forward and shed light on misconduct are from Mayor Garcetti's own staff.

How hypocritical is it for this administration to encourage victims of sexual harassment to speak out, yet when they do so against a powerful ally of Joe Biden, they are ignored? And they have been ignored in this matter even after providing evidence of harassment, including photographs and text messages.

When convenient, Democrats have supported claims of harassment with far less.

Just last week, President Biden signed into law a bill sponsored by Senator GILLIBRAND that I cosponsored which enabled survivors to speak out about workplace sexual assault and harassment. Continuing to push this nominee after signing that bill into law is the very definition of tone deafness.

Unfortunately, the Biden administration is sending a message to victims of sexual harassment in the workplace that they will only be believed when politically convenient. As a result, the Biden administration and all those who support this nomination have no credibility when it comes to protecting victims of sexual harassment.

I conducted a thorough investigation of the allegation irrespective of partisan politics. That is my reputation.