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November 8, 2019

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos:

I write in response to your November 7 letter laying out your position regarding your appearance before the House Education and Labor Committee on November 19. Contrary to your assertions, the Department of Education (Department) lacks the authority to dictate to Congress, a coequal branch of government, how and when oversight should be conducted. A hearing regarding your Department's public failure to appropriately implement the borrower defense rule and the more than 210,000 pending borrower defense claims is, without a doubt, an appropriate exercise of the Committee's constitutionally based oversight authority. In offering General Mark Brown, the Chief Operating Officer of Federal Student Aid (FSA), as an alternate witness, you have made clear that the Department does not dispute this assertion of our oversight authority, nor does it dispute that a hearing on this issue can go forward, regardless of the state of any lawsuit on the matter.

As I have previously and repeatedly indicated, the Committee agrees that it is critical that we hear from General Brown.¹ Indeed, Committee staff has unsuccessfully yet continuously sought to meet with him since March 25. Accordingly, in advance of your November 19, 2019 testimony, I request General Brown's appearance at a transcribed interview on November 13, 2019.

Notwithstanding an interview with General Brown, the Committee expects your attendance at our November 19 hearing on borrower defense. You are the Presidentially-appointed, Senate confirmed Secretary of Education who has been at the helm of the Department for the duration of

¹ See Letter from Robert C. "Bobby" Scott, Chairman, House Education and Labor Committee to Betsy DeVos, Secretary, United States Department of Education (Mar. 25, 2019) (on file with author); letter Robert C. "Bobby" Scott, Chairman, House Education and Labor Committee to Betsy DeVos, Secretary, United States Department of Education (June 21, 2019) (on file with author).

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this matter. Further, you are the only person with direct knowledge of all decisions and rationale in support of the Department's posture. As such, you are the only appropriate witness to testify on this matter. I am happy to discuss this issue with you over the phone or in person to finalize the details regarding your November 19 appearance before the Committee.

I will provide a fuller response to the Department's November 7 letters in the coming days. Please confirm by November 12, both that General Brown will appear for a transcribed interview with Committee staff on November 13 at 9:00 a.m. at Ford House Office Building, Room H2-230, and that you will appear for the November 19 Committee hearing.

Sincerely,



ROBERT C. "BOBBY" SCOTT

Chairman

cc: The Honorable Virginia Foxx, Ranking Member