

Congress of the United States
Washington, DC 20515

April 4, 2011

The Honorable Harold Rogers
Chairman
Committee on Appropriations
H-307, The Capitol
Washington, DC 20515

The Honorable Norm Dicks
Ranking Member
Committee on Appropriations
1016 Longworth House Office Building
Washington, DC 20515

The Honorable Denny Rehberg
Chairman
Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies
2358 – B Rayburn House Office Building
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairmen Rogers and Rehberg and Ranking Members Dicks and DeLauro:

We understand negotiations are ongoing on the fiscal year 2011 Continuing Resolution (CR), but important issues remain unresolved. As you finalize the CR, we urge you to include a bipartisan provision that prohibits the U.S. Department of Education's implementation of gainful employment regulations.

These troublesome regulations were developed by the Department of Education last year and predominately target one sector of higher education, the proprietary sector. Because two of the three regulations defining "gainful employment" go into effect this July, it is imperative that the final CR retain this important funding limitation.

The gainful employment regulations require the Department to approve every new program created at a proprietary institution of higher education prior to the start of the program. This provision alone eliminates the flexibility of these colleges to quickly address the workforce needs in their local communities. In defining what constitutes a quality education program, the regulations require the implementation of a complex matrix that compares the student loan debt-to-income ratio of graduates to the student loan repayment rate of graduates in every program offered by proprietary institutions. The regulations also increase the number of reporting requirements imposed on proprietary institutions. If an institution falls out of compliance with these new regulations, students attending the affected programs will be forced to discontinue their education. These burdensome and unnecessary regulations unfairly single out the private sector of postsecondary education and will negatively affect the landscape of our nation's higher

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education system. If allowed to go into effect, the gainful employment regulations will harm job creation and could prevent as many as 400,000 individuals per year from entering the workforce with new skills. By 2020, approximately 5.4 million students could be shut out of higher education.

Proprietary colleges predominately serve lower-income students from non-traditional backgrounds. The gainful employment regulations will severely limit these students' ability to select the institution that best suits their needs by restricting their ability to apply for federal student aid at certain schools. These regulations are a clear example of federal overreach into the affairs of American institutions of higher education.

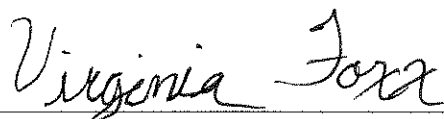
During the consideration and passage of H.R. 1, the Full-Year Continuing Appropriations Act of 2011, we offered an amendment that eliminated funding for the implementation of the gainful employment regulations. Our amendment passed the House by a vote of 289-136 with strong support from both sides of the aisle. Given this demonstration of bipartisan support for our amendment, we strongly urge you to retain this provision in the bill finalizing the fiscal year 2011 budget.

We appreciate your hard work in the appropriations process and look forward to working with you to stop these harmful regulations. If you have any questions, your staff should feel free to contact Amy Jones at amy.jones@mail.house.gov or (202) 225-6558.

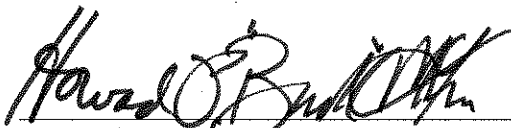
Sincerely,



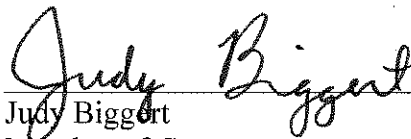
John Kline
Chairman
Committee on Education and the Workforce



Virginia Foxx
Chairwoman
Subcommittee on Higher Education and
Workforce Training



Howard P. McKeon
Member of Congress



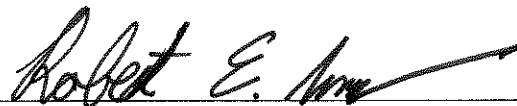
Judy Biggert
Member of Congress

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Donald M. Payne
Member of Congress



Robert E. Andrews
Member of Congress



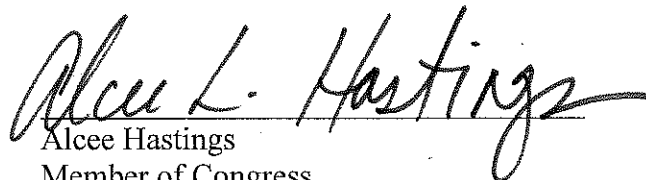
Carolyn McCarthy
Member of Congress



David "Phil" Roe
Member of Congress



Glenn Thompson
Member of Congress



Alcee Hastings
Member of Congress



Edolphus Towns
Member of Congress



Tim Holden
Member of Congress