Congress of the United States
Washington, DC 20515

April 27, 2011

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President,

We write to express our disappointment that language was not included in the final, compromise funding measure for fiscal year 2011 prohibiting the Department of Education from implementing its misguided regulation defining "gainful employment."

In your first State of the Union, you proclaimed the United States would once again lead the world in college graduates by 2020. However, contrary to this objective, the Department's arbitrary proposed rules on private sector colleges and universities will disproportionately affect the most disadvantaged of students and limit access to one of the few sectors of higher education that continually evolves to meet workforce needs.

While the regulations attempt to address real problems, they miss the target. Instead, the implementation of these new rules will be so burdensome and the projected impact so broad that many reputable schools, particularly those serving the most at-risk students, will be adversely impacted. These rules will limit student access to higher education while failing to effectively address problem schools and rising student debt.

Today, over 3 million students attend career colleges. Seventy-six percent of these students live independently, without parental support. Sixty-three percent are 24 years old or older. Fifty-four percent delayed postsecondary education after high school. Forty-seven percent have dependent children, and almost one-third of these students are single parents. The Department's suggested approach will harm these nontraditional and lower-income students who have no choice but to rely on student loans to pursue a postsecondary education and need the flexibility career colleges provide.

Given the significant impact of this proposed rule, the only responsible course of action is for the Department to completely withdraw this regulation and work with Congress to develop policies that truly protect taxpayer funds and measure and improve educational quality across all sectors of higher education.

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The House of Representatives passed by a wide, bipartisan vote of 289 to 136 an amendment to H.R. 1, the Full Year Continuing Appropriations Act of 2011, which would have done just that. Though we are disappointed this language was not included in the final legislation, we hope that as we move forward, you will encourage the Department to jettison its current rule and work with us to enact meaningful reforms to our higher education system that preserve access to postsecondary education and expand career choices for all Americans.

Sincerely,

Alcee L. Hastings
Member of Congress

John Kline
Member of Congress

Robert E. Andrews
Member of Congress

Virginia Foxx
Member of Congress

Donald M. Payne
Member of Congress

Carolyn McCarthy
Member of Congress

Sandy Adams
Member of Congress

Todd Akin
Member of Congress

Jason Altmire
Member of Congress

Steve Austria
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Michele Bachmann
Member of Congress

Spencer Bachus
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Lou Barletta
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John Barrow
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Marsha Blackburn
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Jo Bonner
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Larry Bucshon
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Dan Burton
Member of Congress

Francisco R. Canseco
Member of Congress

André Carson
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Jason Chaffetz
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Stephen Fincher
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Mike Fitzpatrick
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Jeff Flake
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Trent Franks
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Jim Gerlach
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Kay Granger
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Tim Griffin
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Brett Guthrie
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Richard Hanna
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Dean Heller
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Tim Holden
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Randy Hultgren
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Duncan Hunter
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Lynn Jenkins
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Patrick Meehan
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Member of Congress

Joe Wilson
Member of Congress

C.W. Bill Young
Member of Congress

Todd C. Young
Member of Congress

Cc:

The Honorable Arne Duncan
Secretary, U.S. Department of Education

The Honorable Jacob J. Lew
Director, Office of Management and Budget

The Honorable Harry Reid
Majority Leader, United States Senate

The Honorable Mitch McConnell
Minority Leader, United States Senate

The Honorable Tom Harkin
Chairman, U.S. Senate Committee on Health, Education, Labor and Pensions

The Honorable Mike Enzi
Ranking Member, U.S. Senate Committee on Health, Education, Labor and Pensions