

Congress of the United States
Washington, DC 20515

March 22, 2010

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

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EDUCATION DEPARTMENT

Dear Secretary Duncan:

We are writing to raise serious concerns with the U.S. Department of Education's suggested approach for defining "gainful employment" in a recognized occupation in the recently concluded negotiated rulemaking on the integrity of federal financial aid programs.

In its current form, the Department's suggested approach singles out students attending proprietary institutions of higher education and non-degree programs at non-profit institutions of higher education, including community colleges, despite the fact that workers with degrees from career, technical, and vocational colleges have highly marketable skills that are critical as our nation struggles to cope with the current economic crisis and the looming shortage of workers in key fields.

Today, 2.8 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 disproportionately 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.

Higher education needs more competition and more capacity to expand access, improve quality, and prepare the 21st century workforce, not less. The Department's suggested approach detracts from the ability of deserving Americans to compete in the global economy.

Additionally, the Department's approach will lead to educational capacity cutbacks in critically important fields such as nursing and education. Nine percent of nurses and fifty-four percent of allied health workers who graduated last year were educated at schools that will be impacted by the Department's proposal. It makes no sense to cut nursing program educational capacity at a time when the country faces a dramatic nursing shortage and tens of thousands of applicants are turned away every year from nursing programs.

Taking all of this into account, we urge you not to move forward with your suggested approach on gainful employment. As you consider our request, we would greatly appreciate an analysis about why your goals for this proposal cannot be met simply through expanding student disclosures, which would arm students with the tools necessary to make an informed decision about the best institution for their needs. Further, please provide information on how your suggested approach will address the concern of high debt burden incurred by students without limiting access to educational opportunities for students in need of the skills provided by the affected programs. Finally, we urge you to consider if there are other means to address over-borrowing that would not create additional barriers to services for at-risk students.

Thank you for your attention to this matter. We look forward to continuing our work with the Department of Education on responsible measures that preserve access to postsecondary education and expand career choices for all Americans.

Sincerely,

Donald M. Payne

Donald M. Payne
Member of Congress

John Kline

John Kline
Member of Congress

Alice L. Hastings

Alice L. Hastings
Member of Congress

Carolyn McCarthy

Carolyn McCarthy
Member of Congress

Jason Altmire

Jason Altmire
Member of Congress

Joe Courtney

Joe Courtney
Member of Congress

Brett Guthrie

Brett Guthrie
Member of Congress

Howard P. McKeon

Howard P. McKeon
Member of Congress

Baron P. Hill

Baron P. Hill
Member of Congress

Debbie Wasserman Schultz

Debbie Wasserman Schultz
Member of Congress

Mark E. Souder

Mark E. Souder
Member of Congress

Corrine Brown

Corrine Brown
Member of Congress

Judy Biggert

Judy Biggert
Member of Congress

Ron Klein

Ron Klein
Member of Congress

Suzanne M. Kosmas

Suzanne M. Kosmas
Member of Congress

David P Roe

Phil Roe
Member of Congress

Devin Nunes

Devin Nunes
Member of Congress

Brad Ellsworth

Brad Ellsworth
Member of Congress

DONALD M. PAYNE
 10TH DISTRICT, NEW JERSEY

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AT-LARGE WHIP



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Date: 3/22/10

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Pages 4

To: Secretary Arne Duncan
 From: Congressman Donald M. Payne (NJ-10th)

Comments: _____
 Attached _____

Urgent For Review Please Comment Please Reply

FROM 202-225-4160

- Congressman Donald M. Payne
- LaVerne Alexander
- Darlene Murray
- Noelle LuSane
- Nkechi Mbanu
- Stephanie Gidigbi
- Charles Makings
- Crystal Hypolite
- Tia Teabout

- Chief of Staff
- Scheduler/ Office Manager/ Intern Coordinator
- Staff Director, Subcommittee on Africa + Global Health
- Legislative Assistant
- Legislative Assistant
- Staff Assistant/ Legislative Correspondent
- Staff Assistant
- Congressional Fellow

Congress of the United States
Washington, DC 20515

April 30, 2010

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

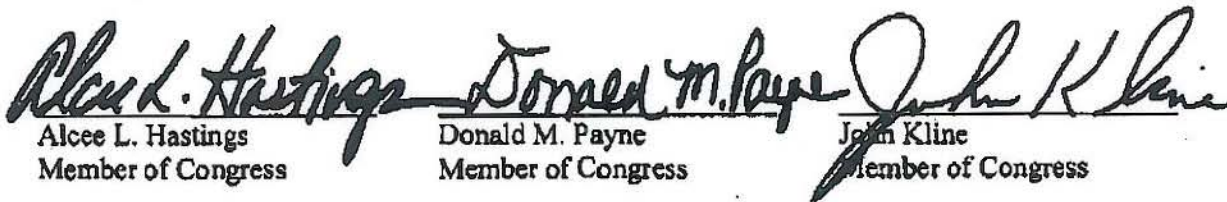
Dear Secretary Duncan,

On March 22, 2010, several of us sent a letter regarding the U.S. Department of Education's suggested approach for defining "gainful employment" in a recognized occupation in the recently concluded negotiated rulemaking on the integrity of federal financial aid programs. To date, we have not received a response and would like to arrange a meeting with you in advance of the anticipated public comment period of the rulemaking process.

As we currently understand it, the proposed "gainful employment" provision potentially stands to impact a great deal of our constituents and may result in significant educational capacity cutbacks. Though we are grateful for the willingness of representatives of the Department to meet with staff and Members, we would appreciate the opportunity to meet with you in person to discuss our concerns and share with you viable alternatives.

Please contact us with your availability the weeks of May 3rd and May 10th. Thank you for your consideration of this matter, and we look forward to your response.


Sincerely,


Alcee L. Hastings Donald M. Payne John Kline
Member of Congress Member of Congress Member of Congress

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Joe Courtney
Member of Congress


Brett Guthrie
Member of Congress


Jason Altmire
Member of Congress


Judy Biggert
Member of Congress

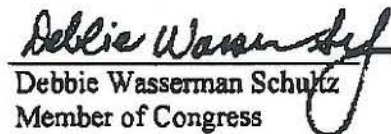

Carolyn McCarthy
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Ron Klein
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Debbie Wasserman Schultz
Member of Congress


Alan Grayson
Member of Congress


Suzanne Kosmas
Member of Congress


Theodore E. Deutch
Member of Congress


Robert E. Andrews
Member of Congress

Congress of the United States
Washington, DC 20515

July 19, 2010

The Honorable Arne Duncan
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary Duncan:

As you know, many, if not all, of the undersigned reached out to you through a March 22, 2010 letter, a follow up April 30, 2010 letter, and finally a May 18, 2010 meeting to express our concerns about the U.S. Department of Education's draft "gainful employment" debt-to-income metric. Our concern remains unchanged, as the Department appears to be going full steam ahead with a gainful employment notice of proposed rulemaking (NPRM) release. You are well-aware of our concern that the Department's plans to proceed with such a stringent proposal without the benefit of solid data derived over a significant period of time, would impact our constituents greatly and result in program capacity cutbacks in critical fields such as healthcare and education.

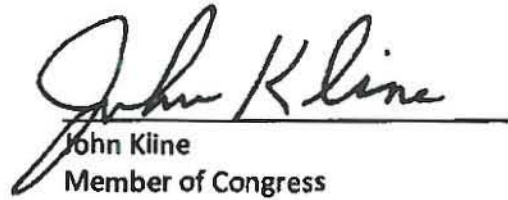
We were surprised, however, to hear that the "gainful employment" NPRM would continue as planned, in spite of the recent Government Accountability Office (GAO) review requested by House Education and Labor Committee Chairman George Miller (D-CA), Senate Health, Education, Labor, and Pensions Committee Chairman Tom Harkin (D-IA), Senate Assistant Majority Leader Richard Durbin (D-IA), and Representatives Timothy Bishop (D-NY) and Ruben Hinojosa (D-TX) of the for-profit ("proprietary") sector of postsecondary education. While we support expanding the scope of the study to examine all sectors of higher education, as well as how to measure the unique student demographic of the for-profit sector against other sectors, we urge a delay in releasing the NPRM until the GAO has concluded the review and published the findings in order that the Department's proposal have the best and most current data information available for this rulemaking. Additionally, such a delay would allow the Proposed Rules included in the June 18, 2010 NPRM, which directly impact for-profit and other postsecondary institutions, to have been in place for long enough that a thoughtful examination of the institutional changes made would undoubtedly provide valuable insight into some, or all, of the concerns raised by our Senate and House colleagues.

From our perspective, a delay would wisely accommodate both the completion of the GAO review and the evaluation of the first round of Final Rules before crafting any new Proposed Rules concerning "gainful employment" metric. We urge your serious consideration of a delay on behalf of our constituents, and the 2.8 million students nationwide who attend for-profit institutions. Please let us know if we can provide any additional information, as you consider our request.

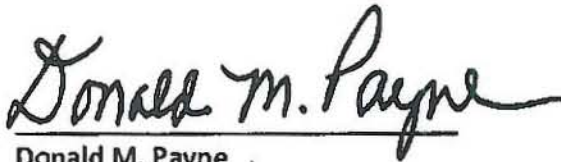
Sincerely,



Carolyn McCarthy
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John Kline
Member of Congress



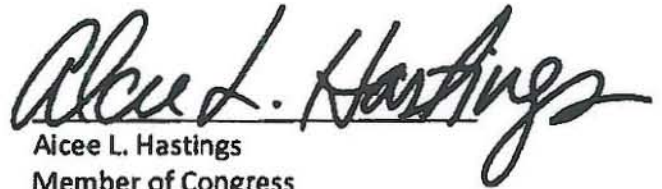
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Member of Congress



Robert C. "Bobby" Scott
Member of Congress



Joe Courtney
Member of Congress



Aicee L. Hastings
Member of Congress



Edolphus Towns
Member of Congress



Howard P. "Butt" McKeon
Member of Congress



Judy Biggers
Member of Congress



Brett Guthrie
Member of Congress



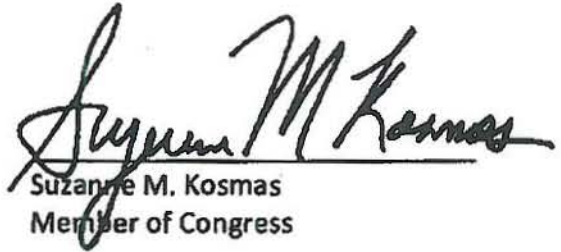
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Alan Grayson
Member of Congress



Theodore E. Deutch
Member of Congress



Ileana Ros-Lehtinen
Member of Congress