

**News**

## House Poised to Block 'Gainful'

February 18, 2011

WASHINGTON -- They'll have to wait until some time today for the actual vote, and the satisfaction that comes then may be fleeting, because the provision faces almost certain defeat in the Senate and would be unlikely to survive a veto from President Obama if it got through.

But based on last night's goings-on in the House of Representatives, supporters of for-profit colleges seem destined to enjoy at least a temporary legislative victory made possible by the reshaping of the political landscape in November's elections and by the sector's overpowering lobbying campaign.

Thursday evening, on the second full day of House debate over [a continuing resolution that would fund the government](#) for the 2011 fiscal year, lawmakers engaged in spirited exchanges regarding the wisdom of an amendment that would stop Education Secretary Arne Duncan from using any of his department's funds to carry out its proposal to require for-profit colleges and other vocational programs to prove that they prepare their graduates for "gainful employment."

Although a formal vote on the measure was delayed until today -- in large part because the next amendment taken up, which would restrict funding for Planned Parenthood, devolved into an intense three-hour debate over abortion -- it seemed evident from the contours of the discussion that the gainful employment measure is destined to pass. While the amendment is far from the wholly ["bipartisan" legislation that its sponsors suggest](#), enough Democrats expressed support for the measure that it should win a majority in the Republican-held chamber.

The measure would block the Education Department from using any of its appropriated funds for the rest of the 2011 fiscal year to implement, administer or enforce its controversial plan to assess the quality of vocational programs based largely on the ability of former students to repay their student loans. Department officials say the measure is necessary to protect students and taxpayers from "bad actors" that load students with debt and fail to prepare them well for their promised careers, while the colleges -- in an omnipresent lobbying effort and advertising blitz -- complain that the rule would unfairly target them and deny an education (or at least educational choice) to hundreds of thousands of students.

During Thursday's debate, supporters of the amendment -- overwhelmingly Republicans, though joined by some breakaway Democrats like Representative Alcee Hastings of Florida and one usual suspect, Robert Andrews of New Jersey -- spoke from a variety of perspectives (and with varying degrees of familiarity) about the problems with the department's approach.

Several lawmakers, especially those who seemed least familiar with the actual substance of the policy issues at play, lumped in the Education Department's scrutiny of for-profit colleges with what they characterized as the Obama administration's "culture of runaway regulation," as Illinois's Judy Biggert called it. Others characterized it as federal overreaching -- "another example of this big federal government run amok," said Representative Todd Rokita of Indiana.

Those lawmakers closer to the issue emphasized -- as they have all along in opposing the department's regulatory scrutiny of the corporate higher education sector -- potential job losses at the colleges and what they viewed as the department's unfair focus on high prices and heavy debt at one particular group of colleges.

"We should empower students with good information about all institutions so they can make the most informed choice about their education," said Representative John Kline, the Minnesota Republican who heads the House Committee on Education and the Workforce. "We should do our part to root out bad actors. We can do that while opposing an outright attack on the private sector."

Several black Democrats sided with Republicans in seeking to block the department's regulatory authority, citing the heavy enrollment of

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minority and low-income students at for-profit colleges and suggesting that those students would be denied access to higher education in a crackdown.

But in leading the Democratic opposition to the Republican amendment, Representative Danny Davis of Illinois said the GOP measure would "inappropriately and prematurely" interfere with the Education Department's authority to regulate higher education -- and directly challenged the idea that Republicans had the best interests of minority and low-income students at heart.

If the Republican majority was truly interested in protecting such students, Davis said, that aim "would have been expressed by not cutting the maximum Pell Grant by \$845," as the budget legislation would do. "If the goal was truly to protect low-income and minority students, the continuing resolution would not have cut \$200 million of institutional aid from" historically black and Hispanic-serving colleges, or \$44 million from Gear Up and TRIO programs that help low-income students prepare for college, Davis said.

The amendment on gainful employment, and the entire continuing resolution, are likely to voted on today. The Democratic-controlled Senate is expected to take up its version of the budget legislation -- which is certain to look much different -- as soon as next week.

— **Doug Lederman**

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