



Competitive Enterprise Institute
Free Markets and Limited Government



March 18, 2011

The Honorable John Boehner
Speaker of the House
H-232 The Capitol
Washington, DC 20515

Dear Speaker Boehner:

Last month, the House of Representatives passed an important amendment to H.R. 1. The amendment stated that no funds may be used to “implement, administer or enforce” the United States Department of Education’s proposed Gainful Employment rule, nor may the Department “promulgate or enforce any new regulation or rule” that would have the same effect as the Gainful Employment rule.

The amendment was bipartisan and introduced by Chairman of the House Education and the Workforce Committee John Kline (R-Minn.) and Rep. Virginia Foxx along with two Democrats, Reps. Alcee Hastings (D-Fla.) and Carolyn McCarthy (D-N.Y.). In total, the amendment gained support from 58 Democrats, nearly one third of the Democratic Caucus.

As the former Chairman of the House Education and the Workforce Committee, we know that you have followed this issue closely and understand that, as Rep. Foxx said, the proposed Gainful Employment rule constitutes an assault on private enterprise in higher education. As fiscal conservatives and ardent defenders of taxpayers’ dollars, we agree.

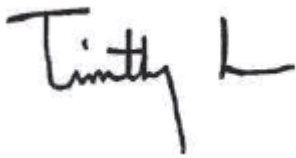
Accordingly, we the undersigned write to respectfully urge you to instruct your conferees – after the Senate has taken action and a conference is scheduled – to not allow this amendment to be used as “trade bait” for something Senate conferees seek to add to or eliminate from H.R. 1.

Your decision to allow the free flow of ideas during debate over H.R. 1 was a bold step, and allowing all Members a voice in this crucial legislation will serve the House well as other difficult legislation progresses. It would therefore be unfortunate if one of the shining examples of thoughtful bipartisanship – including Members who have rarely agreed in the past – were allowed to be surrendered in conference during what everyone expects to be spirited discussion.

From allegations of insider trading to defective Government Accountability Office reports, everything surrounding the Education Department’s handling of this issue has been appalling. This entire Obama Administration assault represents the worst in bureaucratic regulatory overreach, and the proposed rule would eliminate competition in the higher education arena where it is critically needed.

The undersigned groups have long fought to preserve free market principles against federal government assault. Chairman Kline's amendment to H.R. 1 provides exactly the right policy, so please prohibit its use as a mere "bargaining chip" in negotiations with the Senate.

Respectfully,



Timothy H. Lee
Center for Individual Freedom

Thomas A. Schatz
Citizens Against Government Waste



Ivan Osorio
Competitive Enterprise Institute



R. Clarke Cooper
Log Cabin Republicans



Karen Kerrigan
Small Business and Entrepreneurship Council



Mario H. Lopez
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John Palatiello
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Grover Norquist
Americans for Tax Reform

Andrew Langer
Institute for Liberty