

GAINFUL EMPLOYMENT DELAY AND IMPLEMENTATION

Question. On February 22, 2017, Illinois Attorney General Lisa Madigan and 19 other state Attorneys General wrote to you warning that rolling back key protections for students and taxpayers would lead to a return to "open season on students" for for-profit colleges. In their letter, the Attorneys General specifically mentioned the Gainful Employment Rule, Borrower Defense Rule, and vigorous oversight of accreditors as keys to preventing a return to "open season." Since your confirmation, you have shown signs that you will not heed the advice of these chief state law enforcement officers. In March, the Department delayed implementation and enforcement of the Gainful Employment Rule.

On March 13, I wrote to you along with 11 of my colleagues expressing concerns about the delay. We were concerned that this delay could be the beginning of a larger attempt to kill the rule a longtime goal of the for-profit college industry. They have spent years and millions of dollars fighting this effort to inject modest accountability into career training programs, as this rule does. But the Department's own Inspector General agreed in House testimony that Gainful Employment "is a good rule in terms of protecting kids and protecting taxpayers' dollars." Now reports suggest that the Department may be considering further delays to the rule or other avenues to change it.

Is further delay of the Gainful Employment Rule under active consideration at the Department?

If so, is Mr. Robert Eitel, your Senior Counselor, involved in those discussions?

Will you side with students and taxpayers and implement and enforce the rule without further delay or will you side with the for-profit industry and continue to delay or repeal the rule, an outcome which the Congressional Budget Office estimated last year would cost \$1.3 billion over 10 years?

Answer. Is further delay of the Gainful Employment Rule under active consideration at the Department?

On June 16, 2017 the Department announced its intent to convene a negotiated rulemaking for the purposes of reviewing the gainful employment provisions in the statute. On July 5, 2017, the Department announced that it will allow additional time until July 1, 2018, for institutions to comply with certain disclosure requirements in the gainful employment regulations and invited comment on this action. The document also extends the deadline for all programs to file alternate earnings appeals in light of a June 28, 2017, court decision in *American Association of Cosmetology v. DeVos* (D.D.C.). The July 5, 2017, announcement does not change the July 1, 2017, deadline for the institutions to provide a completed disclosure template, or a link thereto, on their gainful employment program web pages; however, it does allow until July 1, 2018, for institutions to include the disclosure template, or a link thereto, in their gainful employment promotional materials and directly to distribute the disclosure template to prospective students.

If so, is Mr. Robert Eitel, your Senior Counselor, involved in those discussions?

No. Mr. Eitel has voluntarily recused himself from matters concerning the Gainful Employment Rule.

Will you side with students and taxpayers and implement and enforce the rule without further delay or will you side with the for-profit industry and continue to delay or repeal the rule, an outcome which the Congressional Budget Office estimated last year would cost \$1.3 billion over 10 years?

The Department will ensure that all rules and requirements are implemented and enforced appropriately. Where change is needed, change will occur in a manner that complies with the Administrative Procedure Act (APA).

DRAFT COMPLETER LISTS

Question. On June 1, 2016, the Department sent draft completers lists to schools for review. This is the first step in generating Gainful Employment data. We're a few days past that timeline this year.

Has the Department provided draft completers lists to schools for 2017?

If not, when do you expect to do so?

Answer. The Department has not provided draft completers lists. We don't have currently have any timetable to send completers lists to schools for 2017.