

October 14, 2026

The Honorable Bill Cassidy
Chairman, Senate Health, Education, Labor, and Pensions Committee
455 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tim Walberg
Chairman, House Education and Workforce Committee
2266 Rayburn House Office Building
Washington, DC 20515

PARITY Act Will Restore Choice, Competition, and Regulatory Fairness in Higher Ed

Dear Chairman Cassidy and Chairman Walberg:

On behalf of Consumer Action for a Strong Economy (CASE) and the prominent center-right coalition groups noted below, we write to encourage your committees to advance the *Promoting Access and Revenue Integrity Through Institutional Transparency (PARITY) Act*, introduced by Senator Jim Banks and Congressman Mark Harris in their respective chambers.

This coalition letter represents the voices of leading national advocates for free-markets, fiscal responsibility, and reasonable consumer protections. We are in strong agreement that U.S. higher education policy should establish high, consistent performance standards and provide institutions the freedom to compete and innovate. We believe students should be able to access education options that best suit their learning and career goals. The research and analysis we have performed and distributed continues to inform higher education policy as we remain closely involved and active in current policy discussions.

"I'm grateful to CASE and the coalition of freedom-advocating organizations for their continued support and work to advance the PARITY Act in both chambers," said Congressman Mark Harris. "The 90/10 rule unfairly singles out career and vocational schools while allowing other institutions to operate under a different set of standards. Students deserve the freedom to choose the education and career path that best fits their goals, and the PARITY Act would end this outdated double standard and ensure workforce-focused institutions can continue preparing the skilled professionals our communities and local economies depend on."

As you know, the *PARITY Act* would permanently repeal the U.S. Department of Education's 90/10 Rule and restore fairness, transparency, and competition to higher education. A relic of the Obama and Biden administrations, which weaponized the federal rulebook, the 90/10 Rule was designed to stifle competition, limit school choice, and reinforce the cartel of traditional colleges and universities. It was never intended to advance student interests, but rather to consolidate even more control over education with unelected bureaucrats in Washington.

The 90/10 Rule's requirement that schools derive at least 10 percent of their revenue from non-federal student aid is an arbitrary and insufficient measure of program performance. It puts schools that serve low-income, minority and non-traditional students at a competitive disadvantage to larger, better endowed public and private universities.

Most telling is the regulation's selective application. If the Rule was truly meant to protect students from under-performing programs, lawmakers and regulators would have applied it uniformly to all types of post-secondary institutions. Instead, however, they leveraged it only against career colleges. As a result, wasteful and woke programs that saddle students with huge debt were allowed to continue to peddle worthless degrees, and, with fewer choices, students were pigeon-holed into these programs.

One study found that 80 percent of public two-year colleges and 40 percent of public four-year colleges would be out of compliance with the 90/10 Rule, if it were applied uniformly to all types of schools.

Under the Biden administration, the Department of Education took the 90/10 Rule a step further still. It revised the regulation to prevent schools from counting veterans' education benefits towards the 10-percent side of their ledgers. As the *Wall Street Journal* editorial board described it, the change was a poison pill meant to prop up the higher ed status quo and "shower [conventional universities] with more money while punishing vocational schools."

President Trump and Republicans in Congress have shown that they care about improving student outcomes, not advancing ideological dogma. The *One Big Beautiful Bill Act* passed by Congress and signed by the President last year requires the Department of Education to develop and implement rigorous, consistent performance standards for all post-secondary institutions. The Department's negotiated rulemakings this year reached consensus around those accountability measures, including an "earnings premium" test.

With new, meaningful guardrails in place, the 90/10 Rule is now outdated. All schools must now prove that they provide a valuable education. The 90/10 Rule's arbitrary revenue diktat was never relevant; now it is blatantly extraneous. Why should career colleges be required to meet selective, cherry-picked rules, when all schools must now meet high-performance standards?

For too long, higher education policy was focused on stifling competition, innovation and school choice—rather than improving student outcomes. Now, Congress and the Trump administration have an opportunity to reset the regulatory scales and restore competition, fairness, and value to the post-secondary space.

We commend Senator Banks and Congressman Harris for introducing the *PARITY Act*. We encourage the Senate HELP Committee and the House Education and Workforce Committee to move quickly to advance the legislation to a full vote in Congress.

Thank you for your consideration. We look forward to your response and would welcome the chance to discuss this issue with you more.

Sincerely,

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