

April 9, 2020

The Honorable Robert Wilkie  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

Dear Secretary Wilkie:

Thank you for enforcing 38 U.S.C. § 3696, which is critical in stopping harm to veterans and military-connected students, protecting the GI Bill from fraud, and sending a deterrent message to other potential violators of federal law. As you know, the harm to our nation's veterans and military-connected students is compounded by harm to taxpayers, in light of the VA Inspector General's finding that VA could waste \$2.3 billion over five years in improper GI Bill payments to ineligible colleges, especially those that should not be approved for GI Bill under § 3696.

As you decide whether one or more of the schools in violation of § 3696 have demonstrated sufficient "corrective action" to restore GI Bill eligibility, we respectfully recommend the following for your consideration:

- ***Has there been sufficient deterrence for future fraud against students and the GI Bill?*** Fraud against veterans must be met with a repercussion strong enough to send a deterrent message to these and other schools. It should be commensurate with the breadth and depth of the harm caused, measured, for example, by the number of students enrolled during that period of time, the dollar value of tuition paid during the time of the deceptive practices, or the severity of penalties imposed by law enforcement.
- ***Does the school have a history of deceptive recruiting?*** Some of the schools at issue have faced repeated punitive action by government for defrauding students. If prior government lawsuits and fines were not sufficient to deter repeat offenses, then any "corrective action" they claim now provides little assurance. 38 USC § 3696 provides a clear ban on such schools' re-entry into GI Bill eligibility.
- ***Can the school verify its recruiting?*** VA and the State Approving Agencies cannot be expected to bear the burden of verifying the school's future recruiting. Schools should pay for a well-respected, independent auditor to verify the schools' recruiting and advertising practices for some years going forward, as law enforcement and the Education Department often require. However, any school that has repeatedly verified its recruiting is clean but, at the same time, has been found in violation of federal and state consumer protection laws, cannot be trusted.

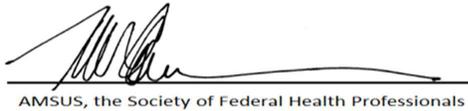
- **Has the school removed the offending executives?** Schools should repudiate the deceptive practices by requiring the executives who ran or approved the deceptive practices to leave the companies, as law enforcement often requires<sup>i</sup> and as Temple University already did. This sends a message to all employees that deceptions will not be tolerated and will help prevent a repeat offense.
- **Has the school removed the pressure on recruiters?** College recruiters deceive students because they are under boiler-room pressure to enroll new students. Schools should remove recruiters' enrollment quotas and incentives and voluntarily close the 90/10 loophole (as DeVry did in 2016 following its settlement with the Federal Trade Commission for deceptive advertising). The 90/10 loophole incentivizes proprietary colleges to see service members as nothing more than dollar signs in uniform, and to use aggressive marketing to draw them in.
- **Risk-based SAA review.** We recommend that, in addition to any corrective action, each school undergo a careful risk-based review by the relevant State Approving Agencies to ensure these schools are truly worthy of serving VA students. Does the school offer a quality education? Are students graduating and obtaining good jobs? Are the faculty qualified? Is the school engaging in price-gouging in billing VA for tuition that is more than twice what the school spends educating the veteran? The review should also explore any GI Bill student complaints against the school.

We as a community stand ready and willing to support your leadership and to ensure military-connected students are supported during this time and in the future.

Sincerely,



Air Force Association



AMSUS, the Society of Federal Health Professionals



AMVETS



Army Aviation Association of America



Association of the United States Navy



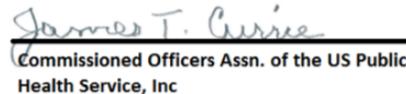
Air Force Sergeants Association



Blue Star Families



Code of Support Foundation



Commissioned Officers Assn. of the US Public Health Service, Inc



Fleet Reserve Association



High Ground Veterans Advocacy



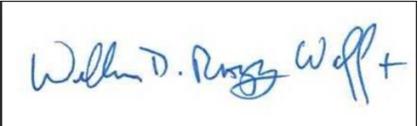
Iraq and Afghanistan Veterans of America



Ivy League Veterans Council



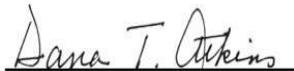
Herb Rosenbleeth  
Colonel, US Army(Ret)  
National Executive Director  
Jewish War Veterans of the USA



MGEN William D. R. Waff, USA, Retired  
Executive Director  
Military Chaplains Association



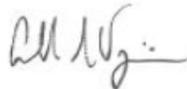
Rebecca I. Porter, PhD  
President and CEO  
Military Child Education Coalition



Military Officers Association of America



Military Order of the Purple Heart



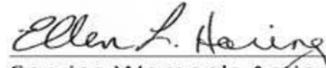
National Military Family Association



Non Commissioned Officers Assn.  
of the United States of America



Service to School



Service Women's Action Network



Student Veterans of America



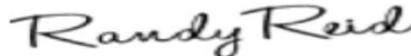
Swords to Plowshares



Kenneth Greenberg  
The Retired Enlisted Association



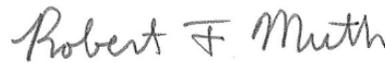
Tragedy Assistance Program for  
Survivors



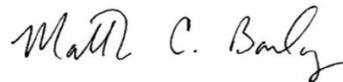
U.S. Coast Guard Chief Petty Officers  
Association & Enlisted Association



Veterans Education Success



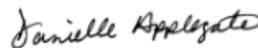
San Diego University Veterans Law Clinic



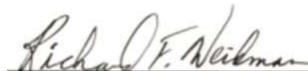
Veterans Student Loan Relief Fund



Veterans for Common Sense



VetsFirst



Vietnam Veterans of America

cc: Chairmen and Members of the House and Senate Veterans Affairs Committee