

May 16, 2016

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

Dear Secretary McDonald:

We appreciate your leadership for America's veterans. The undersigned veterans and military organizations write to bring to your attention some concerns about oversight of the nation's important Post-9/11 G.I. Bill by the Department of Veterans Affairs ("VA").

First, we were encouraged by your recent actions regarding DeVry University, adding a caution flag on the G.I. Bill Tool, removing it from the Principles of Excellence, and launching an investigation of every campus. We look forward to your investigation. We encourage you to act regarding the dozen or so other schools under federal and state action for deceiving students.

We hope your staff shared with you the attached report from Yale Law School's Veterans Legal Clinic regarding 38 U.S.C. 3696, which requires VA to disapprove G.I. Bill at schools that engage in deceptive and misleading advertising and recruiting. Failure to enforce your statutory obligations (as well as your approval criteria) harms veterans, their families, survivors, and taxpayers; leaves the G.I. Bill open to fraud; and sends the wrong message to other potential violators of federal law.

Given the concerns raised by Yale Law School, as well as those outlined in the attached white paper, we encourage you to appoint a 30-day task force to develop a roadmap for VA to protect the G.I. Bill. Questions your task force should consider include:

- What additional steps are needed for VA to implement 38 U.S.C. 3696, Public Law 112-249, and Executive Order 13607?
- What facts or findings from another agency are enough to trigger VA to suspend or withdraw G.I. Bill approval of a school?
- Should VA establish its own Enforcement Unit or assign VA staff to protect veterans through the Enforcement Unit at the U.S. Education Department?
- How should VA communicate to schools its expectations for the Principles of Excellence and monitor schools' compliance? Should VA further clarify the Principles of Excellence using the terms of the Defense Department's detailed MOU with schools for Tuition Assistance?

We would welcome the opportunity, as suggested by your General Counsel, to come together to discuss these issues.

We also respectfully recommend you sign the data-sharing MOU with the U.S. Department of Education, which Education Department staff have repeatedly brought to your Department's attention. It is imperative that the two agencies share data about student veterans, as required by Section 3(c) of Executive Order 13607.

Finally, we close by congratulating you on VA's protection of the "GI Bill" trademark and the excellent VA video, "Know Before You Go." Please ensure wide distribution of this video.

We appreciate your time and look forward to your prompt response to these concerns.
Thank you.

Sincerely,

Lt. Gen. Dana Atkins
President & CEO
Military Officers Association of America

Carl Blake
Associate Executive Director for Government Relations
Paralyzed Veterans of America

Matthew Boulay
Executive Director
Veterans Student Loan Relief Fund

Bonnie Carroll
President & Founder
Tragedy Assistance Program for Survivors

Ted Daywalt
President
VetJobs

John R. Davis
Director, Legislative Programs
Fleet Reserve Association

Robert Frank
CEO
Air Force Sergeants Association

Gary E. Hall
National Executive Director
Association of the United States Navy

Anthony Hardie
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Deirdre Parke Holleman, Esq.
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Mary M. Keller, Ed.D.
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Jared Lyon
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Student Veterans of America

Ross Meglathery
Director
VetsFirst, a program of United Spinal Association

Patricia Murphy, Col., USAF (Ret.)
President
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Robert Muth
Managing Attorney
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Jon Ostrowski
Director, Government Affairs
Non Commissioned Officers Association

Robert Puskar
National Commander
Military Order of the Purple Heart

Joyce Raezer
Executive Director
National Military Family Association

Randy Reid
Executive Director
U.S. Coast Guard Chief Petty Officers Association & Enlisted Association

Paul Rieckhoff
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Iraq & Afghanistan Veterans of America

Kathy Roth-Douquet
CEO & President
Blue Star Families

John Rowan
President
Vietnam Veterans of America

Carrie Wofford, Esq.
President
Veterans Education Success

Concerns about VA's Failure to Implement Executive Order 13607

- Failure to adhere to risk-based program reviews, as required by Section 4(d). If a state or federal agency or law enforcement office has found sufficient evidence to investigate or act, then VA needs to at least “look under the hood,” and rely on findings of fact by other government entities, to protect the G.I. Bill and veterans from waste, fraud, and abuse. Additionally, VA has failed to adopt a clear set of triggers for risk-based program reviews, like those used by both the U.S. Consumer Financial Protection Bureau and the Department of Education.
- Improperly handling student complaints under Section 4(a). Veterans report VA is rejecting legitimate cases as “invalid” (thereby also hindering law enforcement’s access via Consumer Sentinel) or incorrectly deferring cases to other agencies; incorrectly requiring veterans to complain against the school that refuses to accept transfer credits, not the school that misled the student about the transferability of its credits, which is the exact opposite of the President’s intent (“*They’ll say that if you transfer schools, you can transfer credits. But when you try to actually do that, you suddenly find out that you can’t*”); automatically closing cases after any school response, regardless of substance and despite evidence of deceptive recruiting from law enforcement; and failing to follow the CFPB model of marking cases as resolved to the student’s satisfaction or not and of making public redacted versions of student complaints to inform the public.
- Failing to arm veterans with all the information available to make an informed college choice, per Section 3(d) (“*consumer protection information*”). We reiterate the urgings you have received from Senators and state Attorneys General to add caution flags to your College Comparison Tool for all state and federal agency actions and investigations. Veterans are understandably angry when they are victimized by a deceptive school scheme that VA had reason to know about. VA staff concerns that “schools are innocent until proven guilty” is easily resolved with a simple caveat on the caution flag that specifies so.
- Failing to trademark any terms beyond “G.I. Bill” (such as “Yellow Ribbon” and “Veteran-Friendly”) despite the requirement in Section 4(f) to trademark not only “G.I. Bill,” but also “*other military or veterans-related terms.*”
- Failing to “*Take all appropriate steps to ensure that websites... are not deceptively and fraudulently marketing...*” to veterans per Section 4(f). VA must cease distributing at VA hospitals and VA centers the profit-seeking, “lead generator” websites that profiteer off veterans by capturing and selling their personal information, such as Victory Media’s deceptive “[Military Friendly Schools](#)” list (a “pay-to-play” list that highlights schools that pay according to a printed schedule of benefits) and “[School Matchmaker Tool](#),” that captures and sells veterans’ information, and produces illegitimate “search results” prioritizing the most low-quality, predatory schools, including more than 250 schools not approved for Tuition Assistance. (Victory Media claims Ernst & Young validation, but Ernst & Young reports it has no records of any dealings with either Victory Media or the “Military Friendly” list.) Of particular concern, the company pitches advertisers by [citing its access](#) to VA centers and hospitals.