

August 21, 2020

Dr. Paul Lawrence, Undersecretary for Benefits  
Veterans Benefits Administration  
Department of Veterans Affairs  
810 Vermont Avenue NW  
Washington, DC 20420  
*Via electronic submission*

Re: VBA's Collection of Conflicting Interests Certification for Proprietary Schools, OMB  
Control Number: 2900-0657

Dear Dr. Lawrence:

Thank you for the opportunity to comment on the collection of conflicting interests certifications for proprietary schools at the U.S. Department of Veterans Affairs (VA) through VA Form 22-1919.

We are concerned that VA's certifications are not sufficient to ensure compliance with 38 U.S.C. § 3683 because they are not required regularly, but, instead, only at initial program approval, change of school ownership, or change of the school's proprietary status. Compliance with 38 U.S.C. § 3683 is essential to the integrity and ethics of the implementation of the GI Bill, particularly in light of the long history of predatory colleges' targeting veterans. We urge VA to certify compliance with this law on a more regular basis such as twice-annual filings by proprietary schools to ensure these important ethics rules are not circumvented.

In 2017, when VA proposed to weaken these conflict-of-interest rules, it was strongly opposed by the nation's top ethics experts, veterans organizations, education organizations, and consumer organizations and by the VA employees' labor union.

Unfortunately, VA's current certification system could allow a school to entirely bypass the protections of 38 U.S.C. § 3683 by waiting merely a day after receiving program approval to engage in prohibited acts. So long as the school did not change ownership or proprietary status, none of the triggering events would occur, and the school's relationships with VA employees could escape VA's ethics oversight. An already-approved program could have a financial entanglement with a VA or SAA employee that remains unknown to VA because the school did not have to file a conflicting interest certification. For example, on August 19, 2020, the VA Office of Inspector General announced that it had investigated allegations that the chief of staff at a VA medical center had performed work for a private company that provides education services and had recruited VA physicians to work for that same company. Even "the provision of meals or *de minimis* gifts" can create conflicts of interest for employees, as the U.S. Senate Appropriations Committee wrote in its July 2017 Committee Report, addressing this very law and regulation. Even a highly ethical employee could engender the appearance of impropriety by receiving a tuition discount or favor.

A twice-annual certification process for all proprietary schools, not just those with an ownership change or proprietary status change, would help prevent conflicts of interest. We also ask that you ensure your regulations comport with the [consensus recommendations](#) on gifts and services to various classes of employees and ensure better training about 38 U.S.C. § 3683 for all VA and SAA employees, as the VA Inspector General [recommended](#). A review of VA [waiver requests](#) and [approved waivers](#) indicates VA employees with inappropriate conflicts of interest. Thank you.

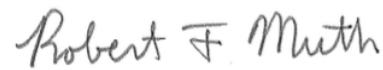
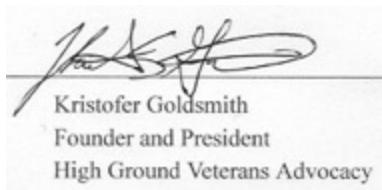
Sincerely,



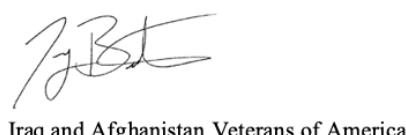
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Robert F. Muth  
Managing Attorney, University of  
San Diego Veterans Legal Clinic



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