



STATEMENT FOR THE RECORD

LEGISLATIVE PRIORITIES SUBMITTED TO THE
SENATE AND HOUSE COMMITTEES ON VETERANS AFFAIRS

FIRST SESSION

117TH CONGRESS

March 18, 2021

Chairmen Tester and Takano, Ranking Members Moran and Bost, and Members of the Committees on Veterans Affairs:

Veterans Education Success thanks you for the opportunity to share our legislative recommendations on veterans' issues for consideration in the first session of the 117th Congress. Veterans Education Success is a non-profit organization with a mission to advance higher education success for veterans, servicemembers, and military families, and to protect the integrity and promise of the GI Bill and other federal education programs. In addition to research, providing free legal assistance to students having trouble with the GI Bill or impacted by predatory schools, and elevating the voices of military-connected students to policy makers, we are focused on addressing ways to increase the continued academic success of military-connected students in the pursuit of their academic goals.

We offer the following recommendations for your consideration:

OVERSIGHT OF NEW LAWS

We are thankful to Congress for [closing](#) the 90/10 loophole, passing the “Protect the GI Bill Act” as part of the larger [Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020](#), and appropriating funds to Digitize the GI Bill.ⁱ We urge careful oversight of these, and the Career Ready Student Veterans Act,ⁱⁱ in light of inconsistent implementation identified in our report, [“Despite a 2016 Statute, The GI Bill Still Pays for Degrees that Do Not Lead to a Job.”](#)ⁱⁱⁱ

IMPROVE THE APPROVAL CRITERIA FOR GI BILL PROGRAMS

Veterans and taxpayers rely on VA's program approval as a “stamp of approval” on college programs. But there are too many programs that are not educating veterans, and some that are hurting veterans. Veterans are angry when VA puts its “stamp of approval” on obvious scams like FastTrain College^{iv} and

Retail Ready Career Center.^v The statutes governing program approval are outdated (referencing classes taught “by radio,” for example) and quite lax -- allowing many veterans to waste their hard-earned benefits. We provided specific recommendations in our December [testimony](#) to the House Committee on Veterans’ Affairs Economic Opportunity Subcommittee.

ENSURE QUALITY IN ONLINE LEARNING

During COVID, many colleges have moved their classes online. This necessitates stronger rules about quality in online education to ensure student veterans and taxpayers get a sufficient return on their investment. Students are not happy paying tuition to watch YouTube videos with little to no interaction with their teachers. We provide recommendations for quality control rules at VA in our December [testimony](#) to the House Committee on Veterans’ Affairs Economic Opportunity Subcommittee.

REQUIRE ORDERLY SCHOOL CLOSURES

Sudden school closures leave students in the lurch, and the recession is bound to lead to more. Committee members recall the closures of ITT Tech, Corinthian Colleges, and Argosy University. We recommend the Committees require all VA-approved programs to abide by an orderly closure process in which students are provided viable transfer options, have free access to their transcripts and records, and are properly notified with advanced warning. A [new law](#) in Maryland provides a useful model.^{vi}

AUTOMATE GI BILL RESTORATION FOR CLOSED SCHOOLS

VA has experienced [low uptake](#)^{vii} on its paperwork for GI Bill restoration for veterans who attended schools that closed between January 1, 2015 and August 16, 2017 -- including ITT Tech and Corinthian, which had a [high enrollment of GI Bill students](#).^{viii} These veterans are likely struggling. Given that the VBA has records on student enrollment and eligibility for the restoration, we urge the Committees to encourage VA to automate GI Bill restoration.

PROVIDE GI BILL RESTORATION IN CASES OF FRAUD

Veterans who have been cheated out of their GI Bill by a predatory college deserve to have their GI Bill restored if there exists government evidence of such fraud by the school. To cover the costs of GI Bill restoration, we recommend the Committees authorize VA to require schools to obtain a financial guarantee through a [“letter of credit”](#)^{ix} as the Education Department does and whenever the Education Department has done so. Alternatively, the Committees could require all schools or all at-risk schools (as defined by the Education Department) to contribute to a GI Bill recovery fund -- like the student tuition recovery funds operated by many states, and akin to Unemployment Insurance funds for employers -- which would be available for defrauded GI Bill restoration.

CHANGE VA’S DEBT COLLECTION PRACTICES

We urge the Committees to rein in VA’s debt collection practices, which are intentionally aggressive, but are not supported by the statute, as we [testified](#) before the House Subcommittee on Oversight and Investigations.^x We also urge the Committees to halt VA’s debt collection for “retroactive readjustments” of GI Bill benefits awarded to a veteran. A “retroactive readjustment” means that VA adjusts a veteran’s GI Bill eligibility after the veteran has used the benefit. If the problem was VA error and the veteran honorably relied on VA’s procedures, then it is not fair to subject the veteran to debt collection.

IMPROVE THE GI BILL COMPARISON TOOL

Countering the aggressive marketing by predatory colleges necessitates VA provide consumer protection warnings and dramatically improve the GI Bill Comparison Tool. We recommend the Committees require VA to educate students about what a “Master Promissory Note” is, because too many veterans wind up with student loans they didn’t want. Second, we recommend the Committees strengthen the GI Bill Comparison Tool. Specific recommendations are in our December [testimony](#) to the House Committee on Veterans’ Affairs Economic Opportunity Subcommittee.

GIBILL.COM

VBA recently [lost](#) ownership of the website domains “GIBill.Com” and “GI-Bill.Com.”^{xi} Ownership of these domains is critical because predatory colleges often hide behind third-party websites to trick veterans and servicemembers, as occurred before 2012 when the “GIBill.Com” domain was [secured by law enforcement](#) and delivered to VA. We urge the Committees to require VA to maintain ownership of all website domains containing “GIBill.”

STRENGTHEN VETERAN READINESS & EMPLOYMENT (VR&E)

We applaud both Committees’ commitment to the VR&E program and VA’s continued efforts to improve it. As we [testified](#) previously, we recommend the Committees further decrease the number of clients per counselor, increase training for VR&E counselors to ensure consistency in counseling, and establish a similar Monthly Housing Allowance (MHA) for VRE students as for Post-9/11 GI Bill.^{xii}

EDUCATION DEPARTMENT OVERSIGHT

We urge Congress’ attention to the Education Department’s Borrower Defense to Repayment [program](#), a vital tool for student veterans defrauded by schools. Students have endured a “Kafkaesque” process that likely caused “irreparable harm,” a federal court [ruled](#) in October. Army veteran Jarrod Thoma, who [testified](#) at a 2018 public hearing, recently wrote:

“The whole situation is a mess, from the initial fraud and targeting by DeVry, to how long I’ve had to wait for a decision on my claim, and then the blanket denial by the past Dept. of Education leadership of my claim. I made a solid case and submitted sufficient evidence, and then to have that dismissed by saying that there was a ‘failure to make a legal claim’ is a slap to the face.”

We also urge Congress’ attention to the Education Department’s implementation of former President Trump’s [Executive Order](#) to cancel all federal student loans for veterans who qualify for a total and permanent disability (TPD) discharge.

Conclusion

Veterans Education Success sincerely appreciates the opportunity to express our legislative priorities before the Committees and we look forward to the enactment of the priorities listed above. Pursuant to Rule XI2(g)(4) of the House of Representatives, Veterans Education Success has received no federal grants in Fiscal Year 2021, nor in the previous two years.

ⁱ House Committee on Veterans' Affairs Joint Subcommittee Hearing on the Future of Education Services IT, Veterans Education Success' Statement for the Record (Sept. 16, 2020), <https://vetsedsuccess.org/our-statement-for-the-record-september-16-house-veterans-affairs-joint-subcommittee-hearing-on-modernizing-vas-education-services-it/>.

ⁱⁱ Section 409 of P.L. 114-315, the Jeff Miller and Richard Blumenthal Veterans Healthcare and Benefits Improvement Act of 2016, <https://www.congress.gov/114/plaws/publ315/PLAW-114publ315.htm>.

ⁱⁱⁱ Walter Ochinko, *Despite a 2016 Statute, The GI Bill Still Pays for Degrees that Do Not Lead to a Job*, Veterans Education Success (April 2018), <https://vetsedsuccess.org/ves-report-despite-a-2016-statute-the-gi-bill-still-pays-for-degrees-that-do-not-lead-to-a-job/>.

^{iv} Carli Teproff, *Now defunct for-profit college must pay the government \$20 million, a court rules*, Miami Herald (Feb. 21, 2017), <https://www.miamiherald.com/news/local/education/article134161714.html>.

^v Department of Justice Press Release, *For-Profit Trade School Owner Charged with Defrauding VA, Student Veterans* (Nov. 23, 2020), <https://www.justice.gov/usao-ndtx/pr/profit-trade-school-owner-charged-defrauding-va-student-veterans>.

^{vi} MD orderly school closure law: SB 446 (enacted May 7, 2020), <http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0446?ys=2020RS>.

^{vii} Natalie Gross, *Why aren't more vets applying to get GI Bill restored?* Military Times Reboot Camp (May 7, 2018), <https://rebootcamp.militarytimes.com/news/education/2018/05/07/why-arent-more-vets-applying-to-get-gi-bill-restored/>.

^{viii} Alex Horton, *Troubled for-profit ITT Tech Institute closes its doors on thousands of student veterans*, Stars and Stripes (Sept. 6, 2016), <https://www.stripes.com/news/us/troubled-for-profit-itt-tech-institute-closes-its-doors-on-thousands-of-student-veterans-1.427381>.

^{ix} U.S. Department of Education, Financial Responsibility Standards Requiring a Letter of Credit, <https://studentaid.gov/data-center/school/loc>.

^x Legislative Hearing before the House Committee on Veterans' Affairs Subcommittee on Oversight and Investigations, Written Testimony of Mike Saunders, Director of Military and Consumer Policy for Veterans Education Success (Sept. 19, 2019), <https://vetsedsuccess.org/our-written-testimony-for-house-veterans-affairs-hearing-on-va-debt-collection-practices/>.

^{xi} Steve Beynon, *VA has lost GIBill.com rights, and some worry it could prompt scammers to target student vets*, Stars and Stripes (Oct. 15, 2020), <https://www.stripes.com/news/veterans/va-has-lost-gibill-com-rights-and-some-worry-it-could-prompt-scammers-to-target-student-vets-1.648642>.

^{xii} House Committee on Veterans' Affairs Economic Opportunity Subcommittee Hearing on Getting Veterans to Work after COVID-19, Veterans Education Success' Statement for the Record (July 21, 2020), <https://vetsedsuccess.org/our-sfr-for-july-21-hvac-economic-opportunity-subcommittee-hearing-getting-veterans-to-work-after-covid-19/>.