

MEMORANDUM

TO: The Honorable Susan Rice, Director, Domestic Policy Council
The Honorable Thomas J. Murphy, Acting Under Secretary for Benefits, Department of Veterans Affairs
The Honorable Gilbert Cisneros, Under Secretary of Defense for Personnel and Readiness
The Honorable James Kvaal, Under Secretary of Education
The Honorable Jason Miller, Deputy Director for Management, Office of Management and Budget

FROM: Veterans Education Success

DATE: September 30, 2021

RE: Executive Order Ideas to Protect Service Members and Veterans in Higher Education

Service members, veterans, and their families deserve the highest quality education, and should not be subjected to aggressive and predatory recruitment and marketing from low-quality programs. This memorandum outlines three areas for consideration in the creation of a new Executive Order: preventing deceptive recruiting, accountability and enforcement, and interagency collaboration. These are easily doable action items for the Administration and will go a long way in protecting veterans, service members, and their families.

Prevent Deceptive Recruiting

Military-connected students are understandably angry when they learn that a school that cheated them is one the government already knew about. Schools under law enforcement action have no place on military bases or receiving the government's stamp of approval for the GI Bill. This is something the nation's leading veterans and military service organizations called for in [2019](#) and [2016](#), as did [VA's Inspector General](#).

- **Base Access:** Base access by colleges continues to pose a significant risk to service members, especially after the recent loss of the 20-student rule for base access (pushed through by the Trump Administration and inadvertently finalized under Biden). DoD's MOU with schools has proved insufficient (and unenforced); the Navy eliminated all base education offices; and the Army has insufficient resources to monitor bases. It is also a security risk. Job fairs and education fairs are dominated by for-profit colleges with outsized military marketing efforts (and poor educational outcomes). Whistleblowers tell us they are on base, giving presentations to entire units during *mandatory* duty hours. DoD has significant leeway in statute to oversee bases and voluntary education programs. DoD should immediately ban from military installations any college that has been the subject of federal, state, or local law enforcement action or punitive regulatory action within the past 5 years.
- **Stop deceptive websites and trademark key phrases.** Predatory websites fronting for-profit schools continue to trick veterans and service members. Section 4(f) of EO 13607 was never fully implemented.¹ ED should crack down on predatory lead generators and the institutions using them through its rule overseeing college subcontractors; VA should adopt rules to enforce the new statutory requirement that it hold schools accountable for lead generator websites² and forbid schools from paying incentive compensation to lead generators³; DoD, which has wide

¹ Section 4(f) of Executive Order 13607 states, "take all appropriate steps to ensure that websites and programs are not deceptively and fraudulently marketing educational services and benefits to program beneficiaries, including initiating a process to protect the term "GI Bill" and other military or veterans-related terms as trademarks, as appropriate."

² "Protect the GI Bill Act," enacted within the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, section [1020](#) ("Substantial misrepresentation described in this paragraph is substantial misrepresentation by an educational institution, a representative of the institution, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services, concerning any of the following...")

³ [Sec. 1018\(a\)\(2\)\(B\)](#) of Isakson-Roe expands the "incentive compensation ban" to cover a school that "pays inducements, including any gratuity, favor, discount, entertainment, hospitality, loan transportation, lodging, meals, or other item having a monetary value of

latitude in statute, should hold schools accountable for the deceptive practices by lead generator websites they finance and hide behind, as FTC [has done](#); both VA and DoD should trademark terms that can be abused (e.g., “Army,” “Air Force,” and “Yellow Ribbon”) and scour the internet for websites that should be owned by the government (e.g., Army.com); and VA must [reclaim](#) the [GIBill.com domain](#). The “American Military University” name must be stripped as it confuses service members.

- **Counter the highly aggressive and deceptive advertising and marketing by predatory colleges toward veterans, service members, and military families.** VA and DoD should help veterans and service members recognize and avoid fraud. VA’s [“Know Before You Go” video](#) should be prominently used by DoD and VA and in Transition Assistance Program’s (TAP) classes and supplemented by a free, public-domain [video](#) created by the USAA Educational Foundation; the TAP Accessing Higher Education Curriculum needs improved consumer protection warnings; and service members should be warned from the beginning of their service to avoid “too good to be true” colleges and to realize the scams behind “Best Colleges for Vets” and predatory lead generators.
- **Arm students with the information they need to make an informed college choice.** VA’s GI Bill Comparison Tool and DoD’s “TA DECIDE” must be dramatically improved so that military-connected students have better information to make an informed college choice. These tools should add a [“risk-index,”](#) wider use of [caution flags](#), consumer protection warnings, and student outcome data from the Education Department’s College Scorecard (which was removed), and should allow side-by-side comparisons of schools and searches based on field of study and geographic location. All student complaints should be reported on the GI Bill Comparison Tool and TA DECIDE, including redacted narrative portions. VA needs to restore older complaints and open complaints, which it hid during the Trump Administration, as well as historical data about schools that closed, like ITT Tech, on the GI Bill Comparison Tool data dashboard.
- **Educate students about loan debt and rename the [“Master Promissory Note”](#)** as “Student Loan Agreement” because too many veterans wind up with student loans they didn’t understand or need, given the generous GI Bill and most Americans have no idea what a “Master Promissory Note” means. Additional loan debt education should incorporate awareness of the Consumer Financial Protection Bureau’s [“Paying for College”](#) tool.
- **Provide service members with high quality counseling.** Many of the Armed Services are not hiring qualified counselors. Without the appropriate guidance, service members will continue to elect easier, low-quality programs at unacceptable rates and pseudo-counselors are subject to the bias of industry and the entity that trains them/hires them. DoD should require all counselors to meet OMB standards for grade GS-1740-09, Guidance Counselors.

Accountability and Enforcement

- **Program Approval:** DoD has wide statutory authority to establish stricter program approval requirements for TA and MyCAA, as well as for [credentialing](#) programs (including [COOL](#)) which have almost no standards and a mere provider’s [attestation](#). VA has leeway to define key terms in 38 USC 3676, including “quality,” teacher “qualifications,” “financially sound,” deceptive advertising, and “good character.” And the Education Department needs to hold accreditors to higher standards and not rubber-stamp Program Participation Agreement renewals for bad actor schools.
- **Oversight and Risk-Based Reviews:** Create stronger enforcement and oversight teams at ED, VA, and DoD. Restore the budget for DoD’s oversight of voluntary education programs, which was slashed under Trump. VA has largely failed to [enforce 38 USC 3696](#), which should cut off GI Bill to any school engaged in deceptive college recruiting. Risk-based reviews of colleges is now [statutorily-required](#) at VA, but the specifics should be carefully developed so that predatory schools are caught and stopped, including schools sanctioned by law enforcement, regulators, or accreditors; [covert for-profits](#); schools with student complaints; or those that spend less than half of tuition on education. DoD also should adopt a risk-based review process and has broad leeway to do so. ED needs to start enforcing PPA rules and restore strict “gainful employment” rules.

- **Actively root out fraud and encourage student complaints as an early warning alert.** DoD, VA, ED, CFPB, and FTC should search out tips about fraud in news stories, social media, from school officials and whistleblowers, and should encourage and make it easier for students to file complaints -- and must take those complaints seriously. Closing cases based on the school's response and deeming complaints "invalid" (including those submitted by pro bono attorneys), as VA does, leaves veterans feeling unsupported. VA and DoD should follow the CFPB's lead in marking cases as "closed to the student's satisfaction" or "not," and upload all complaints to the FTC's interagency Consumer Sentinel, so law enforcement can gain access. FTC needs to increase Sentinel's storage time from 5 years to 10 for student complaints, given the average completion time of 6 years for first-time, full-time students.⁴

Interagency Collaboration

- **Establish a centralized list of law enforcement actions against colleges so agencies like VA and DOD are aware of which colleges are under law enforcement action.** Agencies consistently say they need a reliable, government repository of Federal, state, and local actions against colleges so they don't have to rely on non-governmental sources.
- **Create common definitions of what constitutes fraud, deception, and misrepresentation.** For example, agencies are not aligned on colleges' use of military insignia and images of service members in uniform. Also order the agencies to share all enforcement actions and rulings, as agencies currently don't alert each other.
- **Establish interagency data-sharing for student outcomes.** Section 3(c) of Executive Order 13607 was never completed, even though metrics were developed by an [interagency task force](#).⁵ Student metrics are not cross-walked between the agencies. ED is still unable to identify veteran and service members in its databases. Students pursuing education with resources from multiple departments are impossible to track effectively, and the ROI of specific fields (e.g., STEM) are not understood. Direct all agencies (including Labor, IRS, and Census Bureau) to share data on student outcomes and ROI. Data sharing agreements should also automate identification and processing of service members qualified for the Public Service Loan Forgiveness.

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⁴ U.S. Department of Education, National Center for Education Statistics. (2020). The Condition of Education 2020 (NCES 2020-144), Undergraduate Retention and Graduation Rates, <https://nces.ed.gov/programs/coe/indicator/ctr> (last accessed July 9, 2021).

⁵ Section 3(c) of Executive Order 13607 states, "The Secretaries of Defense, Veterans Affairs, and Education shall develop a comprehensive strategy for developing service member and veteran student outcome measures that are comparable, to the maximum extent practicable, across Federal military and veterans educational benefit programs, including, but not limited to, the Post-9/11 GI Bill and the Tuition Assistance Program. To the extent practicable, the student outcome measures should rely on existing administrative data to minimize the reporting burden on institutions participating in these benefit programs. The student outcome measures should permit comparisons across Federal educational programs and across institutions and types of institutions. The Secretary of Education, in consultation with the Secretaries of Defense and Veterans Affairs, shall also collect from educational institutions, as part of the Integrated Postsecondary Education Data System and other data collection systems, information on the amount of funding received pursuant to the Post-9/11 GI Bill and the Tuition Assistance Program. The Secretary of Education shall make this information publicly available on the College Navigator Website."