



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

Joseph P. Flynn
National Secretary-Treasurer

J. David Cox, Sr.
National President

Augusta Y. Thomas
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Dear VA Ethics Office:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents 700,000 federal and D.C. government employees including 250,000 VA employees, I am writing to express our views regarding proposed changes to federal ethics statute 38 USC 3683. We understand that you plan to rescind your proposal to waive this ethics statute to specifically allow “all VA employees” to “receive any wages, salary, dividends, profits, gratuities, or services from, or own any interest in, a for-profit educational institution” that participate in the GI Bill. We thank you. AFGE opposes any type of preemptive, blanket waiver. Common sense suggests veterans would not be served by allowing inappropriate financial entanglements between VA employees and for-profit colleges that want GI Bill benefits.

If you undertake any revisions of this proposal, we urge you to consult AFGE and other key stakeholders to ensure VA employees who take or teach classes are protected from any possible manipulation by for-profit colleges in pursuit of veterans with GI Bill benefits. AFGE is the exclusive representative of Veterans Benefits Administration employees who process claims for GI Bill benefits and over one-third of the VA employees we represent are veterans themselves.

Any weakening of the ethics safeguards that are currently in 38 USC 3683 would be a fundamental threat to veterans’ ability to access critical educational benefits that they earned so honorably with their service to our nation. Veterans have been targeted for fraud and abuse by for-profit colleges since World War Two. Undoing 38 USC 3683 would allow for-profit colleges to subject VA employees to undue pressure from managers engaged in abuse of their new authority, which in turn would increase the likelihood of harm to veterans, including large numbers of veterans in the VA workforce. VA employees’ mission is to serve veterans and as dedicated public servants they refuse to allow for-profit colleges to undermine this mission by preying on veterans. In addition, the changes in the Department’s original proposal are unnecessary since VA already has a waiver authority that allows, for example, a VA lab tech to take a class or a VA doctor to teach a class at a for-profit college when no conflict of interest exists. Undoing these ethical safeguards would constitute an assault against veterans who have dedicated their lives to the service of our country. For-profit colleges are financially incentivized to target veterans because of the 90/10 loophole in the Higher Education Act, which allows for-profit colleges to count the GI Bill to offset the cap on federal funds the colleges otherwise face.

Again, we urge you to consult with AFGE and other stakeholders in the drafting of future rule changes to ensure that VA employees are fully protected from possible manipulation by for-profit colleges in pursuit of veterans and the GI Bill. Thank you for your consideration.

Sincerely,

J. David Cox, Sr.
National President

