

United States Senate

WASHINGTON, DC 20510-0803

October 6, 2017

The Honorable David J. Shulkin
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary Shulkin,

I write today to urge you to immediately rescind a proposed action in the Federal Register to waive the ethics requirements prohibiting U.S. Department of Veterans Affairs (VA) employees from receiving financial benefits from for-profit educational institutions. It would be a step in the wrong direction, as well as legally dubious, to waive the statute without input or approval from Congress. Instead, I strongly urge you to work with Congress and Veterans Service Organizations (VSOs) to ensure that any effort to protect VA employees from unintended consequences does not come at the expense of protecting veterans.

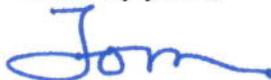
This important bipartisan ethics law (38 U.S.C. §3683) has existed for decades to protect both our veterans and VA employees from conflicts of interest. In the Federal Register notification, VA claims the statute has “illogical and unintended consequences” for the VA employees who enroll or teach at for-profit colleges. While I agree that these situations often likely pose no detriment to our veterans, the statute already includes a waiver provision for these VA employees. VA employees should continue to utilize the currently available waiver provision and publicly disclose these affiliations. This ensures all VA employees are held to the high ethical standard that Congress established decades ago. Allowing all VA employees to accept “wages, salary, dividends, profits, gratuities,” and even ownership interests from for-profit colleges is a drastic departure from the intent of Congress and weakens important ethics standards. I urge you to withdraw this proposal from the Federal Register as soon as possible.

The VA Office of Inspector General (VA OIG) recently recommended that the Department provide better training and notification to VA employees regarding conflicts of interest requirements under current law. VA agreed to include these requirements in its annual Ethics Training “as soon as possible.” VA also agreed to inform employees about the waiver provision in the law. Moreover, in July, the Senate Appropriations Committee recommended that this very statute be strengthened, not weakened. I urge you to examine these recommendations as you work with Congress and VSOs to make sure these longstanding, bipartisan ethics reforms continue to protect VA employees and our veterans from conflicts of interest.

Thank you for your leadership and your work on behalf of our nation’s veterans. I look forward to working with you on a path forward in Congress.

With best personal regards, I am

Sincerely yours,



Tom Carper
U.S. Senator