March 20, 2020

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

Dear Governor Hogan:

On behalf of the congressionally chartered Reserve Organization of America (ROA), I offer our appreciation of Maryland’s intent to support the educational needs of its veterans and reserve component servicemembers. However, we respectfully offer our concerns over Senate Bill 294, Higher Education - Annual Revenues of For-Profit Institutions - Limitation on Enrollment (Veterans’ Education Protection Act) and ask that you veto this bill.

The Supremacy Clause of the Constitution of the United States (Article VI, Clause 2), establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the “supreme Law of the Land,” and thus take priority over any conflicting state laws. Currently educational money granted at the federal level, including GI Bill money, is regulated at the federal level. For that reason, ROA believes any attempt to regulate federal funding at a state level may violate the Constitution – and thus the rights of Maryland’s 310,000 veterans.

Further, as ROA has argued elsewhere, we do not agree with the underlying rationale that for-profit “proprietary” schools are more likely than others to offer poor quality education; in fact, I am enrolled in a culinary arts degree “night school” program at a Washington-area proprietary college and am finding it to be of high quality.

In my case, no nearby “public” institution offers the education I want, not an unusual situation for someone who seeks training in a field other than that offered by the traditional degree curricula. (And I was never pressured or harassed by school administrators once I disclosed that I had GI Bill benefits.)

On the contrary, a member of our staff, who disclosed his GI Bill benefits to a prestigious Indiana state university’s admission representative, got so many calls that he ultimately blocked them – and tells me that he still receives more than five emails per day.

Shifting federal funds from the 10 percent of the ratio to the 90 percent will cause many of these schools to cut programs or raise tuition, or both. These schools help GI Bill beneficiaries get good jobs in areas such as aviation, HVAC, commercial truck driving, IT, and culinary arts. If a school must raise tuition to compensate for the 90/10 “loophole closing,” which students may be least able to come up with the extra money, or travel farther to attend a different school?

Veterans have the right to use their earned GI Bill benefits at the school of their choice, within law and policy.
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The argument that it’s the government’s responsibility to ensure “its” money is being used correctly by a GI Bill beneficiary is tricky business: once earned, it’s no longer Uncle Sam’s, just as a government employee’s or a military retiree’s or a VA benefit beneficiary’s compensation is not the government’s; it’s the beneficiary’s to use freely within the law. And it seems reasonable to assert that any school that has earned state approving agency approval has earned “legal” status.

ROA represents serving and separated members of the Reserve and National Guard. Many are using or will use their GI Bill money – or will transfer their benefits to family – to get good jobs. Applying arbitrary “ratios” that appear devised to punish an entire sector for the transgressions of a few, and “protect” beneficiaries whose interests would be better served by quality information, legitimate options, and consistent standards, will have one predictable effect: the limitation of choice for those who have earned it.

ROA recognizes that institutions of higher learning have not always behaved well. Yet, the for-profit sector has been policing itself, and these problems are growing far fewer. The flaws of a few are no reason to hobble an entire sector and create government-chosen “winners” in the education market. The military education consumer needs and deserves choices and information with which he or she can make informed choices.

We thank you for your continued support of our great reserve component servicemembers in Maryland and your support for enhancing the utility of education benefits for those who earned them, as they continue to serve their nation.

Respectfully,

Jeffrey E. Phillips
Maj. Gen., U.S. Army (Ret.)
Executive Director