



TESTIMONY OF
STUDENT VETERANS OF AMERICA

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

OF THE

COMMITTEE ON VETERANS' AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

HEARING ON THE TOPICS OF:

“PENDING LEGISLATION”

MARCH 10, 2020



Chairman Levin, Ranking Member Bilirakis, and Members of the Subcommittee:

Thank you for allowing Student Veterans of America (SVA) to submit our testimony on pending legislation before the Subcommittee.

Established in 2008, SVA is a national nonprofit founded to empower student veterans as they transition to civilian life by providing them with the resources, network support, and advocacy needed to succeed in higher education and beyond. With over 1,500 Campus Chapters across the U.S. and in four countries overseas, serving 750,000 student veterans and military-connected students, SVA establishes a lifelong commitment to each student's success, from campus life to employment, through local leadership workshops, national conferences, and top-tier employer relations. As the largest chapter-based student organization in America, we are a force and voice for the interests of veterans in higher education, and SVA places the student veteran at the top of our organizational pyramid.

Edward Everett, our nation's 20th Secretary of State, and the former President of Harvard University was famously quoted as stating, "Education is a better safeguard of liberty than a standing army." While we have the finest military that the world has ever known, the sentiment remains; the importance of education to our nation's national security continues to be critical.

We appreciate the opportunity to share our views on many of the bills which will directly impact student veterans, their families, and survivors. Many of the proposed bills would require IT changes to Department of Veterans Affairs' (VA) existing IT infrastructure, a topic which we continue to address as a critical priority. In addition to considering the substance of these bills, we strongly encourage consideration of the requisite funding needs to ensure successful implementation.

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Draft legislation, amendment to H.R. 5687

This draft legislation would extend the period VA can pay housing allowances to students attending a school closed due to a natural disaster from 4 weeks to 8 weeks. SVA supports this draft legislation.

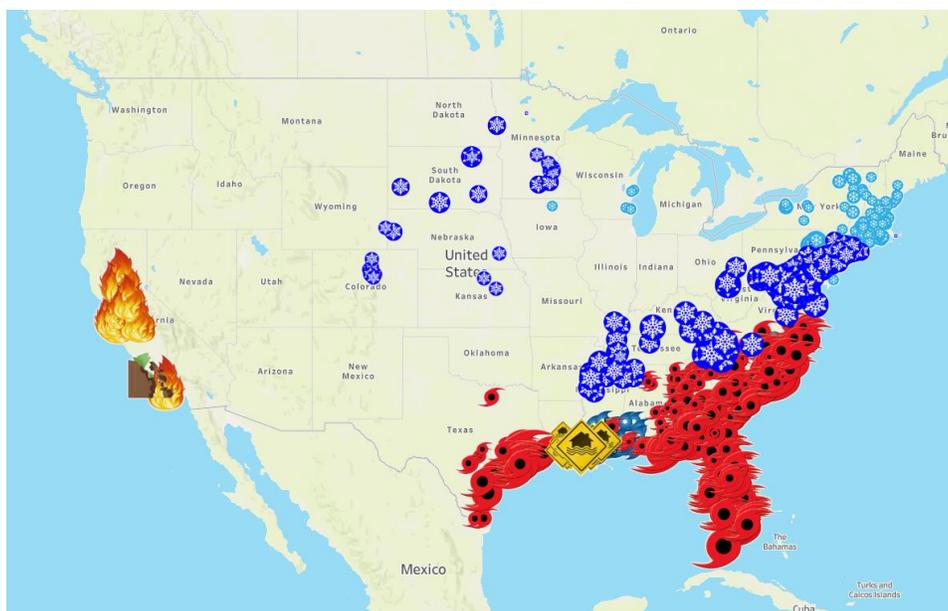
Currently, VA may pay housing allowances to military-connected students for up to four weeks after a school closes due to a natural disaster.¹ However, SVA believes VA should have the authority to extend that timeframe when natural disasters are so severe an institution needs more than a month to reopen campus. We believe this is a common-sense, proactive policy change that will provide student veterans with housing security during and immediately following natural disasters.

While dealing with the aftermath of Hurricane Florence in 2018, the SVA Chapter at University of North Carolina Wilmington brought to our attention the housing limitations for student veterans affected by temporary school closures caused by natural disasters. SVA analyzed how prevalent this issue was, and the results demonstrate just how widespread natural disaster school closures are.² Our research shows several school closures came perilously close to the current one-month limit.³ As such, we believe it necessary to expand the period VA can pay housing allowances for up to an additional four weeks to ensure that military-connected students are not struggling to pay for housing during times of crisis. We support this bill for addressing these important issues.

¹ 38 U.S.C. § 3680(a)(2)(A).

² *Natural Disaster Map*, STUDENT VETERANS OF AMERICA, <https://studentveterans.org/aboutus/government-affairs/natural-disaster-map> (last visited March 4, 2020).

³ *Id.* (filtered for closures between 27-31 days showing Lone Star College – Kingwood, TX closed for 31 days, Gulf Coast State College, FL closed for 28 days, and University of North Carolina at Wilmington, NC closed for 28 days).



⁴**SVA research** showing the wide-scale impact of natural disasters and associated temporary school closures at GI Bill eligible schools across the U.S.

Draft legislation, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to conduct consumer testing to improve the internet website of the Department of Veterans Affairs that provides individuals with postsecondary education information

This bill would require VA to conduct consumer testing on the GI Bill Comparison Tool every five years. SVA supports this draft legislation and encourages VA to conduct similar testing for all consumer-facing products including other portions of the VA website and relevant applications.

We do acknowledge VA may not necessarily have the resources or technical expertise to conduct consumer testing. Accordingly, we would be supportive of VA contracting with reputable third parties in the private marketplace to meet this bill's requirements.

We strongly believe improving the quantity and quality of information available to veterans allows them to make more informed decisions about how to use their education benefits.⁵ Beyond this bill, there are additional steps that can be taken to improve the GI Bill Comparison Tool and assist students in making these decisions. SVA fully acknowledges proposed improvements will require dedicated IT funds and reasonable time for VA to implement. We hope to see dedicated funds included for these projects in future budgets and proper consideration of reasonable timelines for VA to efficiently and effectively implement such policies.

The GI Bill College Comparison Tool can be invaluable to veterans considering their educational options. However, there are important changes which can make substantial improvements. As it stands, the lack of coordination between the College Navigator, College Scorecard, and GI Bill Comparison Tool reduces the overall

⁴ *Natural Disaster Map*, STUDENT VETERANS OF AMERICA, <https://studentveterans.org/aboutus/government-affairs/natural-disaster-map> (last visited March 4, 2020).

⁵ *Hearing on the Topic of: "Legislative Priorities of 2019" Before the House and Senate Veterans Affairs Committees*, 116th Cong. 8 (2019) (testimony of Student Veterans of America) available at <https://www.veterans.senate.gov/imo/media/doc/5%20-%20SVA%20Testimony%2003.07.19.pdf>.

delivery of powerful data to veterans.^{6, 7, 8} The Comparison Tool has unique data, necessitating a separate tool from ED's options but the underlying data is not being shared effectively, leaving prospective students an incomplete view of their options.

The tool currently lacks an effective side-by-side comparison function. Students primarily use the tool for its "lookup" function for familiar institutions as that is effectively the best option the tool currently offers. Student veterans should also be able to rate their schools, giving future student veterans direct consumer feedback like Amazon's verified user rating system.

Finally, we encourage VA to maintain closed schools within the tool, versus having them merely disappear. This disappearance of schools from the tool also applies to the associated data, leaving significant gaps in the overall picture.

Draft legislation, To amend title 38, United States Code, to clarify the location of an educational institution conducting programs of education exclusively by distance learning for purposes of the Department of Veterans Affairs approval process

This bill defines the location of online education programs for purposes of VA approval. Simply stated, this draft legislation ties schools offering exclusively online education programs to either: (1) the location the institution registered with ED or (2) the state where most of the school's leadership, staff, and records are located. SVA supports this bill with the addition of the clarifying language detailed below.

It can be difficult to determine the location of an institution that provides entirely online education. VA decides school location based on several factors, including but not limited to the address registered with ED and the address on file with its accreditor. However, that information does not always tell the whole story, particularly for schools offering online classes across state lines. Current VA regulations attempt to clarify school location by defining an institution's main campus as "the location where the primary teaching facilities of an educational institution are located."⁹ When it is unclear where a main campus is located, then "the main campus is the location of the primary office of its Chief Executive Officer."¹⁰ This draft legislation improves this regulation by allowing VA to consider more factors when trying to pinpoint an institution's location.

SVA supports this bill but believes the current version lacks necessary guidance on when VA should use one standard over the other. The first standard in the bill is relatively cursory, simply tying a school's location to what is registered with ED, while the second standard requires VA to conduct a more in-depth investigation about the school's operations. SVA recommends the bill clearly dictate when VA should make a determination based on the location of the majority of an institution's leadership, staff, and records instead of the address registered with ED. Specifically, SVA believes VA should be required to use the majority leadership, staff, and records standard whenever a school's location is not immediately clear or when other factors undermine the accuracy of the address registered with ED or the accreditor.

⁶ College Navigator, National Center for Education Statistics, US Department of Education, <https://nces.ed.gov/collegenavigator/>, Accessed 01 March 2020

⁷ College Scorecard, US Department of Education, <https://collegescorecard.ed.gov/>, Accessed 01 March 2020

⁸ GI Bill Comparison Tool, US Department of Veterans Affairs, <https://collegescorecard.ed.gov/>, Accessed 03 February 2020

⁹ 38 C.F.R § 21.4266 (a)(3).

¹⁰ *Id.*

Draft legislation, To amend title 38, United States Code, to make a technical correction to clarify that colleges and universities located outside the United States may participate in the Yellow Ribbon Program of the Department of Veterans Affairs

This bill seeks to remove barriers that prevent foreign schools from participating in the Yellow Ribbon Program. SVA supports the intent of this draft legislation. However, we have concerns about whether it solves the problem and hope to work with this Subcommittee to ensure the bill fully addresses the issues.

The Yellow Ribbon program allows institutions of higher learning to enter into an agreement with VA to cover the cost of tuition and fees exceeding the annual maximum program cap for eligible Post-9/11 GI Bill recipients. The institution may pay up to 50 percent of those costs exceeding the cap, and VA will match that amount. This is a valuable benefit for military-connected students. Unfortunately, the nearly 3,000 GI Bill beneficiaries studying overseas do not have access to this benefit.¹¹ This issue was brought to SVA's attention at our 2020 National Conference (NatCon) in January thanks to SVA chapter members from Australia.

Eligible Post-9/11 GI Bill recipients studying at foreign schools should have the same ability as those studying at domestic institutions to access VA education benefits, including the Yellow Ribbon Program. The intent of this bill is to bring us closer to that goal. That said, after speaking with VA about the program, SVA has concerns about whether this bill fully removes the barriers to foreign schools participating in the Yellow Ribbon Program. This draft legislation substitutes the phrase "full cost of tuition and fees for a program of education" for "established charges (as specified in section 3313)." VA regulations specifically prohibit foreign schools from participating in the program.¹² It is unclear how the language change proposed in the draft legislation will remedy VA's current regulatory ban on foreign school participation.¹³ Moreover, it is unclear to SVA that VA's prohibition on foreign school participation has any basis in statute.

In addition to eliminating obstacles to Yellow Ribbon funds, SVA also believes this Committee should act to provide overseas GI Bill beneficiaries with a Monthly Housing Allowance (MHA) matching the actual cost of living near their campus. Post-9/11 students studying in the United States receive housing stipends based on the zip code of the campus where they attend most of their classes.¹⁴ Those studying in U.S. territories receive the E-5 Overseas Housing Allowance (OHA) rate based on the location of their campus. Students studying at foreign schools, however, receive the current national average MHA rate of \$1,789.00. This amount is often wildly insufficient when compared to the actual cost of living near overseas campuses. GI Bill beneficiaries studying abroad, like those at schools in U.S. territories, are entitled to a livable housing stipend. They should be paid the appropriate OHA rate based on the location of their school.

H.R. 5056, the Modern GI Bill Act

This bill would allow beneficiaries to use the Forever GI Bill to repay some or all of their outstanding federal student loans. Student loans are a significant burden on many student veterans. The average debt for those graduating with a bachelor's degree ranges between \$25,000 – \$31,000.¹⁵ SVA supports exploring ways to help

¹¹ See George Altman, *How to use your GI Bill benefits at a foreign university*, MILITARY TIMES (November 13, 2019), <https://www.militarytimes.com/education-transition/2019/11/13/how-to-use-your-gi-bill-benefits-at-a-foreign-university> (explaining that "[b]ureaucratic problems are likely a big part of the reason" why more military-connected students do not study internationally while also highlighting foreign schools' "serious frustration and confusion over VA rules...").

¹² 38 C.F.R. § 21.9700.

¹³ See 38 U.S.C § 3317 (providing no basis for how the term "established charges" excludes schools outside the United States from participating in the Yellow Ribbon Program); see also 38 U.S.C. 3313(h) (defining the term "established charges," but providing no basis for how that definition is not inclusive of foreign institutions).

¹⁴ *Education and Training – Post-9/11 GI Bill (Chapter 33) Payment Rates*, U.S. DEPARTMENT OF VETERANS AFFAIRS, https://www.benefits.va.gov/GIBILL/resources/benefits_resources/rates/ch33/ch33rates080119.asp (last visited March 4, 2020).

¹⁵ WALTER OCHINKO AND KATHY PAYEA, VETERAN STUDENT LOAN DEBT 7 YEARS AFTER IMPLEMENTATION OF THE POST-9/11 GI BILL 2 (2019) available at

military-connected students repay their student loans, but we believe there are more appropriate methods to accomplish that goal than those proposed in this bill.

The Post-9/11 GI Bill programmatic approval requirement would result in a higher bar to repayment than required for other federal loan repayment and forgiveness programs. This begs the question whether it is the proper vehicle to implement loan repayment for military-connected students. This is particularly true since there are existing programs that could be built upon and expanded to provide student loan repayment for these students. For example, DoD already has authority to repay student loans through programs like the Army's Loan Repayment Program (LRP).¹⁶

Student loan repayment through the Post-9/11 GI Bill would be a notably diminished version of student loan repayment options that exist elsewhere in the federal government, including those administered by DoD. This is because student loan repayment through the Post-9/11 GI Bill would create an imperfect marriage between very different regulatory schemes at ED and VA. VA restricts payments made under the Post-9/11 GI Bill to only those programs approved by VA.¹⁷ Federal student loans are not subject to individual programmatic approval requirements. For student loans to be repaid through the Post-9/11 GI Bill, VA would have to determine, for each applicant, whether the loan paid for courses taken through a VA approved program. In many cases, this would require VA to make retroactive programmatic approval determinations. It is possible that only some, and perhaps even none, of an applicant's federal student loans would be eligible for repayment depending on VA programmatic approval determinations.

The Army LRP and other federal student loan programs offer loan repayment that is more consistent with student expectations. These expectations are informed by other relatively well-known federal loan programs like the Federal Student Loan Repayment program and Public Student Loan Forgiveness (PSLF). These programs do not require individual programmatic approval, yet repay or forgive loans in a similar or, in the case of PSLF, potentially greater amount than that which is proposed in this bill.¹⁸ A loan repayment program under the Post-9/11 GI Bill is liable to run afoul of student expectations because of the higher bar to eligibility created by VA individual programmatic approval.

Of course, Congress could remove or waive the programmatic approval requirement for student loan repayment through the GI Bill, but that would create different regulatory standards for the same pot of federal money. That means some programs not approved by VA could receive Post 9/11 GI Bill funds via loan repayment, but not direct payment of tuition and fees. This would result in a double standard with fewer protections for VA taxpayer dollars used for loan repayment than currently exist for direct payment of tuition and fees. All of this suggests the programs are sufficiently different to justify them being separate.

Instead of trying to fit a loan repayment program into the GI Bill, SVA recommends Congress study the effectiveness of, improve upon, and expand existing programs like the Army LRP. Alternatively, Congress could create a loan repayment option for military-connected students that VA administers separate from the Post-9/11 GI Bill that is modeled off other, existing federal programs. Regardless of how a repayment program might be structured, Congress should commission a study, prior to rollout, on the potential impacts. Congress would also need to provide VA with the necessary time and additional resources to implement this type of program which represents a vast departure from how they currently administer GI Bill benefits.

<https://static1.squarespace.com/static/556718b2e4b02e470eb1b186/t/5c3a70874d7a9c278175ea37/1547333768595/Issue+Brief+%238+-+NPSAS+data+loan+debt.FINAL.pdf>.

¹⁶ 10 U.S.C. § 2171; see also *College Loan Repayment Program (LRP)*, MYARMYBENEFITS, [https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/College-Loan-Repayment-Program-\(LRP\)](https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/College-Loan-Repayment-Program-(LRP)).

¹⁷ 38 U.S.C. §§ 3672, 3675.

¹⁸ See generally *College Loan Repayment Program (LRP)*, *supra* note 16; *Pay & Leave – Student Loan Repayment*, U.S. OFFICE OF PERSONNEL MANAGEMENT, <https://www.opm.gov/policy-data-oversight/pay-leave/student-loan-repayment> (last visited March 4, 2020); *Public Service Loan Forgiveness – Qualifying for PSLF*, FEDERAL STUDENT AID, <https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service#qualify> (last visited March 4, 2020).

Draft legislation, To amend titles 38 and 10, United States Code, to make certain improvements to educational assistance administered by the Secretary of Veterans Affairs and to the Transition Assistance Program and Skillbridge program of the Department of Defense

This draft legislation would expand National Guard (Guard) and Reserve eligibility for the Post-9/11 GI Bill. The bill also makes several changes to the title 10 Transition Assistance Program (TAP). It would add a requirement that VA provide healthcare counseling to veterans and service members who experience sexual assault, sexual or gender harassment, or violence at the hands of an intimate partner. The legislation also makes changes to the medical and administrative discharge counseling pathways and would add several new factors for family dynamics. Finally, the bill seeks to expand SkillBridge access to members of the Reserve and spouses of service members. It also allows service members to finish the program if they are discharged prior to completion. SVA supports this draft legislation.

SVA especially supports the provisions in this bill that expand Guard and Reserve eligibility for the Post-9/11 GI Bill. In these last decades, it has become increasingly clear that contributions of Guard and Reserve components are as important to our national security as those of active duty units. These service members often serve alongside and perform the same work as their active duty counterparts. Despite doing the same work to execute the same mission, members of the Guard and Reserve are not automatically entitled to the same benefits as active duty service members.¹⁹ This is generally the product of bureaucratic nuances between VA and DoD that involve specific DoD mobilization codes. The Forever GI Bill added additional mobilization codes for purposes of calculating Post-9/11 GI Bill benefit eligibility in order to close some of these gaps in benefit administration. We believe this draft legislation builds on those efforts and will help prevent future inequities.

SVA also supports the TAP counseling additions and pathways changes included in this bill. TAP underwent major changes beginning in October of last year.²⁰ SVA would like to see reasonable time afforded to DoD to implement these new changes, and for results to be analyzed before applying additional changes onto the program. However, the proposed changes in this draft legislation are relatively minor in scope and could be instrumental in assisting service members and their families as they transition to civilian life. Consistent with past testimony, we continue to emphasize the importance of providing transition information to service members as early as recruitment.

Lastly, the bill appears to expand the SkillBridge program to members of the Reserve and spouses of service members by codifying existing DoD practices. According to DoD, SkillBridge is already available to members of the Guard and Reserve with the caveat that “each Service may implement its own rules and guidelines regarding eligibility of Guard and Reserve members.”²¹ SVA supports this change as the bill seeks to cement current program availability for Reserve members regardless of individual branch rules and guidelines.

The legislation would also expand access to SkillBridge for spouses of service members if space is available. DoD already allows spouses to “participate in opportunities made available by industry partners to Service members through SkillBridge on a space available basis.”²² SVA generally supports these changes to the extent they codify existing DoD practices that serve service members and their families well in their transition to civilian life. SVA also supports the bill’s common-sense provision that would allow service members to finish SkillBridge programming if discharged prior to completion.

¹⁹ Leo Shane III, *Should Mexico border deployments count towards Guard and reserve GI Bill benefits?*, MILITARYTIMES (Oct. 23, 2019), <https://www.militarytimes.com/news/pentagon-congress/2019/10/23/should-mexico-border-deployments-count-towards-guard-and-reserve-gi-bill-benefits>.

²⁰ *Changes Roll Out for Transition Assistance Program*, DEFENSE.GOV (Sept. 30, 2019),

<https://www.defense.gov/Explore/News/Article/Article/1975250/changes-roll-out-for-transition-assistance-program>.

²¹ *Frequently Asked Questions (FAQ)*, DOD SKILLBRIDGE, <https://dodskillbridge.usalearning.gov/faq.htm> (last visited March 4, 2020).

²² *Id.*

Draft legislation, To amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance

This draft legislation would eliminate current requirements that Montgomery GI Bill (MGIB) reimbursements be paid only with the last Post-9/11 GI Bill Monthly Housing Allowance stipend. This is a common-sense legislative fix that ensures active duty service members can receive MGIB reimbursement. SVA supports this legislation.

Veterans may be eligible for a refund of some or all of their \$1,200 MGIB buy-in if they meet certain requirements. One of those requirements is that “[i]ndividuals must be receiving a housing allowance at the time [Post 9/11 GI Bill] entitlement exhausts.”²³ Refunds are sent with the last housing stipend payment.²⁴ However, active duty service members who exhaust the Post-9/11 GI Bill are denied refunds because they do not collect MHA from the VA.

This bill would allow service members who exhaust the Post-9/11 GI bill while on active duty to receive MGIB refunds by removing the requirement that the refund be issued with the last MHA payment. This is a small, but important fix that ensures all eligible veterans and service members have access to the MGIB refund. The importance of this bill is underscored by the overwhelming majority of veterans that choose to use the Forever GI Bill instead of MGIB.²⁵

SVA supports this bill and other ongoing efforts to reassess the mechanics of MGIB to ensure service members are informed, treated fairly, and receive the best education available to them.

Additional Legislation

In addition to the legislation above, SVA supports the draft legislation renaming the Vocational Rehabilitation and Employment Program (VR&E) to the Vocational Readiness and Employment Program. To the extent that negative connotations around the word ‘rehabilitation’ discourage otherwise eligible veterans from utilizing the program, we support this bill’s goal of clarifying the program’s purpose through a name change. This change is not a solution for every issue within VR&E, but it is an incremental step that can be taken to improve the program.

SVA also supports H.R. 5324, the Sergeant Daniel Somers Veterans Network of Support Act of 2019. We see this as a positive change that fits with the larger effort to increase awareness within a veteran’s community about programs and resources available to recently separated service members. We do recommend keeping an individual’s information security top-of-mind as this idea is discussed. Structures such as the opt-in model proposed in the bill are critical to ensuring that the people receiving information about available resources are willing participants and understand the purpose and scope of the program. We encourage Congress to continue working with VA and others to better understand how the transition process can be improved for separating service members.

Finally, we also support the draft legislation, Native VetSuccess on Tribal Colleges and Universities Pilot Program, which establishes a pilot program for a VetSuccess On Campus (VSOC) counselor at three Tribal Colleges and Universities. We routinely hear positive feedback about VSOC throughout the year from our chapters. It is a wildly popular program on campuses nationwide, and we support its expansion. Native Americans

²³ *Refund of the Montgomery GI Bill*, U.S. DEPARTMENT OF VETERANS AFFAIRS, https://gibill.custhelp.va.gov/app/answers/detail/a_id/949/~/-refund-of-the-montgomery-gi-bill-%241%2C200.00-buy-in-for-post-9%2F11-gi-bill (last visited March 4, 2020).

²⁴ *Id.*

²⁵ U.S. DEPARTMENT OF VETERANS AFFAIRS – VETERANS BENEFITS ADMINISTRATION, VBA ANNUAL BENEFITS REPORT – FISCAL YEAR 2018 – EDUCATION 150 (2018) *available at* <https://www.benefits.va.gov/REPORTS/abr/docs/2018-abr.pdf>.

serve our country at a higher rate per capita than any other ethnic group.²⁶ This pilot project will help ensure these individuals have what they need to succeed in higher education. Of course, as with many of these proposals, we encourage Congress to provide VA with the necessary resources to implement this pilot project.

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The success of veterans in higher education is no mistake or coincidence. Research consistently demonstrates this unique population of non-traditional students is far outpacing their peers in many measures of academic performance.²⁷ Further, this success in higher education begets success in careers, in communities, and promotes family financial stability, holistic well-being, and provides the all-volunteer force with powerful tools for recruitment and retention.

SVA thanks the Chairman, Ranking Member, and Subcommittee members for their time, attention, and devotion to the cause of veterans in higher education. As always, we welcome your feedback and questions, and we look forward to continuing to work with this Subcommittee and the entire Congress to ensure the success of all generations of veterans through education.

²⁶ *Our Heroes – Native American Soldiers in Our Midst*, NATIONAL NATIVE AMERICAN VETERANS MEMORIAL – SMITHSONIAN INSTITUTION, <https://americanindian.si.edu/nnavm/heroes> (last visited March 4, 2020).

²⁷ See generally CATE, C.A., LYON, J.S., SCHMELING, J., & BOGUE, B.Y., NATIONAL VETERAN EDUCATION SUCCESS TRACKER: A REPORT ON THE ACADEMIC SUCCESS OF STUDENT VETERANS USING THE POST-9/11 GI BILL (2017), available at http://nvest.studentveterans.org/wp-content/uploads/2017/03/NVEST-Report_FINAL.pdf; INSTITUTE FOR VETERANS AND MILITARY FAMILIES AND STUDENT VETERANS OF AMERICA, STUDENT VETERANS: A VALUABLE ASSET TO HIGHER EDUCATION (2019), available at https://ivmf.syracuse.edu/wp-content/uploads/2019/12/Student-Vets_Valuable-AssetFINAL-11.6.19.pdf.