



**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 TOPIC OF:
“PENDING LEGISLATION”**

SEPTEMBER 21, 2021

Chairman Levin, Ranking Member Moore, and Members of the Subcommittee: Thank you for inviting Student Veterans of America (SVA) to submit testimony on the pending legislation. With a mission focused on empowering student veterans, SVA is committed to providing an educational experience that goes beyond the classroom.

Through a dedicated network of more than 1,500 on-campus chapters in all 50 states and four countries overseas representing more than 750,000 student veterans, SVA aims to inspire yesterday's warriors by connecting student veterans with a community of like-minded chapter leaders. Every day these passionate leaders work to provide the necessary resources, network support, and advocacy to ensure student veterans can effectively connect, expand their skills, and ultimately achieve their greatest potential.

As shared in our annual policy priorities testimony before the Senate and House Veterans Affairs Committees in March, SVA is committed to viewing and advocating for the GI Bill as the front door to the Department of Veterans Affairs (VA).¹ Many of the bills being considered today directly impact student veterans, their families, and survivors, and address several of our recommended priorities. We appreciate your swift attention to these issues and appreciate the opportunity to share our views on many of these bills that improve VA's front door, the GI Bill.

Continued Impact of COVID-19

Last year, SVA led the push to establish emergency protections for student veterans, service members, their families, and survivors who were at risk of being negatively impacted by the abrupt education changes caused by the pandemic. Thanks to Congress, especially those on this Subcommittee, a host of protections were rapidly passed into law to protect millions of students from nightmare scenarios that would have negatively impacted their education benefits.² The ongoing surge in COVID-19 cases and hospitalizations is bringing to light the need to continue previous efforts to codify the protections and flexibilities this Subcommittee worked so hard to create.

For years, student veterans have encountered challenges with education benefits during times of unexpected hardship—often due to natural disasters.³ The pandemic exposed the true scale of these challenges and the numerous gaps in VA authority that prevent the agency from protecting students and their benefits in emergency situations. VA simply lacks the legal authority to administer benefits with the flexibility necessary to protect students in emergency circumstances.

Earlier this year, the House passed the *GI Bill NEED Act*, which would pause delimiting dates to ensure veterans' benefits do not expire if a school closes due to an emergency.⁴ We appreciate the Subcommittee's work on that bill and the bill sponsors' leadership on the issue, but it is important to note that the bills only represent a fraction of the protections passed last year for a portion of the overall student veteran population.

We hope to see Congress continue to codify the remaining emergency protections and flexibilities created over the last 18 months. The peace-of-mind flexibilities created should be available without major acts of Congress in the future. This Subcommittee has an opportunity to build on its incredible work last year in stewarding these landmark protections into law by ensuring VA has the authority to call on them when future emergencies and

¹ STUDENT VETERANS OF AMERICA, TESTIMONY BEFORE THE H. AND S. COMMS. ON VETERANS' AFFAIRS ON LEGISLATIVE PRIORITIES OF 2021 117th Cong., 6-7 (March 3, 2021), available at <https://www.veterans.senate.gov/download/sva-testimony>.

² Leo Shane III, *Lawmakers pass second emergency package to protect student veterans from coronavirus losses*, MILITARY TIMES (April 21, 2020), <https://www.militarytimes.com/education-transition/2020/04/21/lawmakers-pass-second-emergency-package-to-protect-student-veterans-from-coronavirus-losses/>.

³ See generally *Natural Disaster Map*, STUDENT VETERANS OF AMERICA, <https://studentveterans.org/government-affairs/natural-disaster-map/>.

⁴ *Rep. Sherrill sponsored GI Bill need act passes house*. (2021, May 18). Representative Mikie Sherrill. <https://sherrill.house.gov/media/press-releases/rep-sherrill-sponsored-gi-bill-need-act-passes-house>.

disasters impact student veterans.

Additionally, the existing temporary COVID-19 protections will expire in December. The ongoing surge of COVID-19 cases and hospitalizations is causing the stability of yet another school year to come into question. We also ask this Subcommittee to consider extending the existing protections in the immediate future so students and schools can adequately prepare for the upcoming terms and semesters while work on more permanent solutions continues.

Draft to amend the Servicemembers Civil Relief Act to establish protections under that Act for a member of the Armed Forces who leaves a course of education, paid for with certain educational assistance, to perform certain service.

SVA supports this draft legislation, which would establish specific universal protections for service members using VA education benefits impacted by military service obligations.

As U.S. defense plans change from utilizing the National Guard and Reserve Components as a ‘strategic reserve’ to an ‘operational reserve’, we have seen an increased operational tempo for members of reserve component, especially the National Guard.⁵ This concern has been especially evident recently as we saw members of the National Guard tasked with responding to a steady stream of unprecedented challenges including multiple natural disasters, COVID-19, and the violent insurrection in our nation’s capital.⁶

SVA has heard from student service members who face challenges in completing coursework or exams due to conflicts with short-term military training or deployments. Administrative issues such as withdrawal and reimbursement can also contribute to uncertainty for service members as they manage concurrent military service and school obligations. SVA believes most institutions sincerely want to help these students balance their military duties with their studies, but students nevertheless lack a basic safety net in many instances.

Federal law requires institutions to offer student service members readmission in certain circumstances associated with long-term and short-term duty obligations.⁷ These are important protections, but they only address the initial barrier of readmission, while service members often encounter many other challenges when balancing military duty and their studies. Recent legislation also requires that institutions provide a policy that “otherwise accommodates” service members during short service-related absences.⁸ This is a significant first step toward protecting student service members, especially for those in the many states that have no laws requiring institutions to provide such accommodations.⁹ Nevertheless, this language is unlikely to cure any confusion and the fundamental inequities created by the current patchwork of different state laws in this area.¹⁰

Student service members using VA benefits and managing military obligations deserve the certainty of standard protections at the federal level. This legislation fills these gaps by establishing a baseline set of safeguards for these students while still allowing schools and states the freedom to offer more generous protections, should they so choose.

While SVA supports this bill, we believe it can be improved by ensuring students are allowed the option to

⁵ Myers, M. (2021, January 29). *State National Guard chiefs call for more troops, more benefits for federal missions*. Military Times. <https://www.militarytimes.com/news/your-military/2021/01/29/state-national-guard-chiefs-call-for-more-troops-more-benefits-for-federal-missions/>

⁶ Steve Beynon, *National Guard will be Used ‘More, Not Less’ as Military Preps for Future War, General Says*, MILITARY.COM, June 18, 2021, <https://www.military.com/daily-news/2021/06/18/national-guard-will-be-used-more-not-less-military-preps-future-war-general-says.html>.

⁷ See 20 U.S.C. 1091c; 38 U.S.C. § 3679(f)(1)(G).

⁸ 38 U.S.C. § 3679(f)(1)(G).

⁹ See generally Internal SVA Working-compilation of State Student Service Member Protection Laws. (available on file with organization).

¹⁰ See generally *id.*

continue their classes for credit while excusing absences during service obligations. Without this option service members may not be entitled to continue their studies during a short-term activation. The current language would force service members to take an incomplete and resume their courses only after their service obligation concluded. SVA is aware of instances where National Guard units have provided leeway for student service members to continue studies during recent state-side deployments, but students may still be prevented from doing so unless their institutions provide reciprocal flexibility.

We also encourage the addition of language expanding the definition of “covered education” in this bill to include that which is being paid for by Defense (DoD) benefits such as Tuition Assistance. Current language may exclude the largest cohort of students naturally situated to benefit from these protections in favor of the smaller percentage of service members who choose to use a VA education benefit before they separate from service.

We appreciate Congresswoman Underwood’s leadership on this issue, and we look forward to working together on the issue and ask the Subcommittee to prioritize this bill for swift action.

Draft 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.

SVA supports this draft legislation, which 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.

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.”¹¹ VA typically sends refunds with the last housing stipend payment.¹² However, active-duty service members who exhaust the Post-9/11 GI Bill do not receive refunds because they do not collect MHA from 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 ties the refund with the last VA MHA payment. This is a small, but important fix that ensures all eligible veterans and service members can access their MGIB refund. The importance of this bill is underscored by the overwhelming majority of students that choose to use the Post-9/11 GI Bill instead of MGIB.¹³

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.

H.R. 4874, Fly Vets Act

SVA supports the intent of this legislation, which would make improvements to flight training programs under VA’s educational assistance programs.

The bill would allow students to use an accelerated payment schedule to help cover the high costs of flight school. SVA has concerns that using benefits at an accelerated pace would cause students to exhaust their benefits before finishing a degree program, may discourage schools from participating in the Yellow Ribbon program, and could be a challenge to implement. While we believe this proposal may be too generous, we understand the intent

¹¹ *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.

¹² *Id.*

¹³ 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>.

and will support the Subcommittee's efforts to strike a reasonable balance if this bill moves forward.

Historically, concerns with the costs of flights training programs have called into question the sustainability of covering such programs under the GI Bill. Veterans who desire a career in aviation should be able to achieve those goals, but not at the expense of the sustainability of the overall program. VA currently affords an annual maximum of approximately \$14,000 for vocational flight training programs.¹⁴ Yet, many programs continue to exploit the loophole of operating through public and private programs, thereby undercutting the intent of the law for these programs.

This legislation closes the flight loophole by redesignating flight training from public institutions, and SVA supports this change. We believe the standard cap of approximately \$14,000 should be applied as the limit, in compliance with the intent of Congress and the spirit of the law.

We thank this Subcommittee and its members for once again addressing the long-overdue challenges of the flight schools.

Draft bill to direct the Secretary of Veterans Affairs to pay to certain veterans, who receive certain educational assistance furnished by the Secretary, a weekly stipend for childcare services.

SVA supports the intent of this legislation, which would create a stipend program for student veterans to help cover the cost of childcare while using VA education benefits.

This legislative idea was initially proposed by El'ona Kearney, of The Evergreen State College, as part of the VFW-SVA Legislative Fellowship. The Fellowship is a joint program run by VFW and SVA that brings policy proposals from student veterans and VFW members directly to Capitol Hill. In El'ona's proposal and subsequent work, she pointed out the lack of assistance for non-traditional childcare options, such as care from relatives and neighbors who are more likely to offer childcare during off-peak times like evenings and weekends. Concern over non-traditional childcare options, particularly care during off-peak hours, is also one of the top concerns shared with SVA by Chapter Leaders across the country. This stipend proposal would provide at least some flexibility and assistance to student veterans, many of whom are student parents, in need of alternative childcare options.¹⁵

As proposed for the hearing, there are several areas in the draft that need greater specificity around word choice. We hope to work with this Subcommittee and VA to identify which words would create the most inclusive program possible.

Draft bill to extend eligibility for a certain work-study allowance paid by the Secretary of Veterans Affairs to certain individuals who pursue programs of rehabilitation, education, or training on at least a half-time basis.

SVA supports this legislation, which would expand work-study eligibility for student veterans by reducing the enrollment requirement from three-quarters to at least half-time basis.

Work-study provides a critical income option for student veterans, many of whom are student parents supporting a family while pursuing degrees.¹⁶ Expansion of access to and options within the VA work-study program remains one of the top issues SVA Chapter Leaders bring to our attention. In fact, work-study issues were another issue highlighted by a 2020 VFW-SVA Legislative Fellow. This legislation is a positive step in the right direction and

¹⁴ Department of Veterans Affairs, https://www.benefits.va.gov/GIBILL/resources/benefits_resources/rates/ch33/ch33rates080120.asp

¹⁵ Student Veterans of America Research Department. (2021). *The Student Veterans of America Census Survey: General Student Breakdowns*. Student Veterans of America. <https://studentveterans.org/wp-content/uploads/2021/04/SVA-Census-2020-Report.pdf> Census link

¹⁶ Id.

responds to the requests of student veterans seeking to support VA efforts through the work-study program.

Additional Legislation

In addition to the legislation detailed above, SVA supports the following bills before the Subcommittee: Draft bill to extend the delimiting period for certain individuals to use educational assistance benefits administered by the Department of Veterans Affairs, Draft bill to direct the Secretary of Veterans Affairs to report on the Warrior Training Advancement Course of the Veterans Benefit Administration, Col. James Floyd Turner IV U.S.M.C. GI Bill Transfer Act of 2021, Fry Scholarship Enhancement Act of 2021, and Draft bill to prohibit the use of entitlement to educational assistance under the Survivors' and Dependents' Educational Assistance Program for secondary school education.

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The continued success of veterans in higher education in the Post-9/11 era is no mistake or coincidence. At SVA we use the term "the best of a generation." In our nation's history, educated veterans have always been the best of a generation and the key to solving whatever problems our nation faces, this is the legacy we know today's student veterans carry.

We thank the Chairman, Ranking Member, and the Subcommittee Members for your time, attention, and devotion to the cause of veterans in higher education. As always, we welcome your feedback and questions.