



NATIONAL ASSOCIATION OF VETERANS PROGRAM ADMINISTRATORS

2020 Pennsylvania Avenue N.W • Suite 1975 • Washington, D.C. 20006-1846

July 1, 2018

NAVPA's Executive Board and Legislative Committee have been extremely active since the beginning of the year, continuing to push our agenda and advocating on behalf of our membership. The Committee receives daily reports and monitors all the active legislative discussions and actions in both the House and Senate. The Committee is often contacted by Congressional staff and government agencies requesting NAVPA's input on issues related to our mission. We also continue to work with leadership teams from fellow veterans service organizations and participate in roundtable discussions and panels to represent the membership.

There are a number of ongoing legislative efforts, but we wanted to highlight a few:

Department of Defense Issues New Policy on Forever GI Bill

Key Points:

- The option to transfer GI Bill benefits to dependents still requires at least six years of service and an additional four year enlistment. However, the new policy states that failure to meet the requirement for any reason, including "mandatory retirement date, high-year tenure, retention control points, or medical disqualification," eliminates the option to transfer benefits. Each branch of service is expected to implement the change during the 4th quarter of the FY.
- Beginning July 12, 2019, only those with less than 16 years of total service will be eligible to transfer their post-9/11 GI Bill benefits to a dependent.
- Servicemembers on limited duty or involved in a medical, physical or disability evaluation process, must complete that process before applying to transfer benefits. Those who applied to transfer, but were initially denied for medical, physical, or disability reasons, can resubmit a request when their condition improves, as long as they also commit to the additional four years of service.

S. 3130 (HR 4380) Servicemembers Improved Transition through Reforms for Ensuring Progress (SIT-REP) Act

Senators Elizabeth Warren (D-Mass.) and John Boozman (R-Ark.) introduced the Servicemembers Improved Transition through Reforms for Ensuring Progress (SIT-



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REP) Act on June 25, 2018 and it was referred to the Committee on Veterans' Affairs. Earlier in the year, Representatives Gus Bilirakis (R-Fla.) and Ann Kuster (D-N.H.) introduced the original legislation in the House of Representatives, where it passed unanimously.

Officials believe expanded benefits in the Forever GI Bill may result in a higher volume of claims the VA and schools will have to process. The new Bill would ensure beneficiaries have access to the educational resources they need, regardless of payment delays that may occur due to the increase in claims. The SIT-REP Act will:

- Prohibit an institution or training program from adopting a policy in which it imposes a late fee on eligible student veterans, denies them access to school facilities (classrooms and libraries), or requires them to take out additional loans due to a delayed G.I. Bill benefit payment from the VA to the school.
- In the event of a delay by the VA in issuing a payment directly to a school, prohibit the school from imposing late fees on student veterans and denying them access to school facilities for up to 90 days after the school certifies tuition and fees. This provision only applies to benefits paid directly to the school.
- Allow the Secretary to waive the two aforementioned rules when appropriate.
- Require the VA to distribute G.I. Bill payments to the school within 60 days from when the school certifies tuition and fees for the student.
- Mandate a report from the VA to Congress twice a year summarizing cases in which delayed G.I. Bill disbursements occurred and an explanation for the delay.

The Bill in Committee includes language requiring institutions to have a policy that permits any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31 or 33 of this title and ending on the earlier of the following dates:

“(i) The date on which the Secretary provides payment for such course of education to such institution.

“(ii) The date that is 90 days after the date on which the educational institution certifies for tuition and fees following receipt from the student such certificate of eligibility.



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NAVPA supports the SIT-REP Act, but recommends a revision during the Senate Committee on Veterans Affairs markup hearing to clarify the roles and responsibilities of both the institution and the beneficiary to ensure the timely processing of benefits.

The current draft does not account for institutional policies that require a beneficiary to notify the School Certifying Official (SCO) of their intent to be certified for a particular term or semester.

If a beneficiary submits a Certificate of Eligibility (COE) and does nothing else to meet the requirements outlined in the Institution of Higher Learning's (IHL) certification policy, who is responsible for the student not being certified? If a request for certification is not filed, the SCO cannot predict who will or will not want to use their benefit for courses taken during a particular term.

Example: A beneficiary registers for 18 semester hours in the Fall - they will likely want to use their benefit to cover tuition and fees, and receive 100% BAH. In the spring, the student's work or family obligations limit him to taking two classes, or six semester hours. He decides to pay out of pocket for Spring because he will lose four months of his entitlement and limit his BAH to 50% just to cover two classes. Depending on the location, tuition and fees, he could be losing upwards of \$10,000 in benefits.

In this instance, the beneficiary has a COE on file, but the SCO would have no way of knowing he did not want to use the GI Bill. If something changes and he is able to add two classes, he'll probably change his mind and want to use benefits. The student contacts the SCO's office a few days before the semester begins and expects certification to happen in a timely manner because he has a COE on file.

The most concerning scenario would be if he elects not to use benefits during the Fall, or takes the semester off, but assumes he'll automatically be certified when he registers for classes in the spring. The SCO would not know his intent until he notifies the office, which would likely not happen until he received a message from the Bursar saying he was going to be dropped for nonpayment.

The IHL has to have a policy in place requiring the SCO to be notified in some manner that the student wants to be certified for any given semester. The concern is that without this clearly defined in the final draft of the Bill, too much opportunity exists for



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interpretation by the student, IHL and State Approving Agency, which will only create more obstacles for Student Veterans to pursue their academic goals.

Position:

While we support the overarching goal of the SIT-REP Act, NAVPA strongly recommends S. 3130 be amended during the Senate Committee on Veterans Affairs markup hearing to clarify the roles and responsibilities of both the institution and the eligible beneficiary to ensure the timely processing of benefits.

VA's Plan to Waive Ethics Laws for For-Profit Educational Institutions (FPEI)

October 13, 2017, NAVPA joined 20 other organizations to challenge the VA's proposal to give a blanket waiver of Ethics Rules to allow for-profit colleges to give gifts, dividends, profits, ownership interests, salaries, and wages to VA employees. During the months that followed, other organizations joined the effort and the group continued to oppose the waiver, engaging the VA at all levels on a number of platforms.

June 20, 2018, NAVPA and 41 veterans and military service organizations, top federal ethics experts, the VA employees' union (AFGE), and consumer protection and education experts drafted a letter outlining the problems with a revised plan. The letter was sent to Tammy L. Kennedy, Designated Agency Ethics Official, and Christopher Britt, Staff Attorney, Office of the General Counsel. In response to the group's concerns, the VA issued the following new instructions to its employees.

- VA is coming into compliance with a more than 60-year-old statute requiring employees to have an approved waiver for any relationship with a for-profit educational institution (FPEI)
- Employees who answer "yes" to the following questions must request a waiver
 - Do I, have I, or will I have a connection with a for-profit education institution?
 - Did this connection, or will this connection, exist during my VA employment?
 - Does the for-profit educational institution have GI Bill students?
- Examples of "prohibited" relationships with FPEI:
 - Receiving services (such as taking classes)
 - Receiving salary or wages (including serving as teachers or faculty or advisors or preceptors)



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- Receiving gifts (free tuition, access to resources, parking)
- Having ownership interest (such as stock or board membership)

Harry W. Colmery Veterans Educational Assistance Act of 2017

In 2017, NAVPA joined nearly 40 other veterans service organizations to form a Coalition focused on drafting legislation that would improve the GI Bill. 18 different Bills, many that NAVPA initiated and advocated for, were combined to form the “Forever GI Bill.” On August 1, 2017 the coalition’s vision came to fruition when President Trump signed the “Harry W. Colmery Veterans Educational Assistance Act of 2017,” making the most comprehensive changes to the GI Bill since the Post-9/11 version was passed.

While some changes have already been implemented, a number of others will take effect August 1, 2018.

- Entitlement charges for national testing, licensing, and certifications will be prorated to reflect the actual amount of the fee charged for the test.
- Veterans who transferred benefits to a dependent can designate a new dependent if the original designee dies.
- VA must provide institutions access to information about the amount of educational assistance a beneficiary is entitled.
- VA will prorate the monthly housing allowance under the Post-9/11 GI Bill to allow students to receive housing payments effective the day of discharge.
- Monthly Housing Allowance is calculated based on the zip code of the campus where the student attends most of their classes.
- Fry Scholarship and Purple Heart Recipients may use Yellow Ribbon.
- Members of the Guard and Reserve serving under 10 U.S.C 12304a and 12304b are authorized to receive Post-9/11 GI Bill benefits.
- The time that a Reservist was ordered to active duty to receive medical care, be evaluated for disability, or to complete a health care study on or after 9/11/2001 counts as active duty toward eligibility for the Post-9/11 GI Bill.
- Servicemembers that have received the Purple Heart on or after 9/11/2001 are entitled to Post-9/11 GI Bill benefits at the 100% level for up to 36 months.
- The Survivors’ and Dependents’ Educational Assistance (DEA) program has reduced benefits for eligible individuals from 45 to 36 months.



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NAVPA is proud to be a member of the Coalition that made these historical changes to education benefits for servicemen and women, veterans, and their family members. The groundbreaking work done with the House and Senate Veterans Affairs Committees, members of Congress, Committee Chairs, and our colleagues, to gain bipartisan, bicameral support for the new GI Bill is a great example of what can be accomplished when groups with similar interests collaborate to accomplish an overarching goal.

The same model for success will be used at NAVPA's Annual Conference in Orlando October 15-18. Representatives from institutions around the country will come together to share ideas, learn best practices, hear about research findings, and develop the organization's strategic plan to continue improving veterans programs. The annual conference is where you help decide how NAVPA will use its voice and leverage its position to support new training, research, policy development, and legislative actions. Register for the conference at navpa.org, then bring your ideas, questions from institutional leaders, and resolution proposals so we can continue to change the paradigm for ensuring veteran success in higher education.

Phil Gore
Legislative Director
National Association of Veterans Program Administrators
(240) 855-9403

The National Association of Veterans' Program Administrators (NAVPA) has served as the voice of advocacy for veterans in higher education since its founding in 1975. NAVPA's membership now includes 344 Institutions of Higher Learning across 47 states that represent 431,032 veterans. As a leading service organization focused on the veteran, service member, and military family member experience in higher education, NAVPA is involved in training, research, policy development and proposed legislation.