



STATEMENT FOR THE RECORD

MILITARY OFFICERS ASSOCIATION OF AMERICA

on

Pending Legislation

1st Session, 114th Congress

SENATE COMMITTEE on VETERANS AFFAIRS

September 16, 2015

CHAIRMAN ISAKSON, RANKING MEMBER BLUMENTHAL, the Military Officers Association of America (MOAA) is pleased to present its views on the following legislative measures under consideration at the legislative hearing of September 16, 2015.

MOAA does not receive any grants or contracts from the federal government.

S. 1938. Career-Ready Student Veterans Act of 2015 (Senator Blumenthal, D-CT and Senator Tillis, R-NC). S. 1938 is a much needed bi-partisan bill that would:

- Modify the requirements for approval of courses for enrolled veterans using Department of Veterans Affairs (VA) educational assistance by requiring that educational programs meet instructional curriculum licensure or certification requirements of the state.
- Require that programs are approved by the appropriate board or agency in a state if an occupation requires approval or licensure.
- Authorize the VA Secretary to waive this requirement only under limited, clearly defined circumstances.

Under the legislation the VA would be required to disapprove a course of education unless the educational institution providing the course publicly discloses any conditions or additional requirements, including training, experience, or exams, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation.

Institutions of higher learning (IHLs) may meet regional or national accreditation standards. But some IHLs do not meet programmatic requirements that enable graduating veterans to meet state criteria for licensing or certification in a specific field of study.

Degree programs that require state-level approval include, for example, teaching, nursing, criminal justice and dental assistant. Specialized or programmatic accrediting is required for professional qualification in fields such as law and psychology.

S. 1938 closes a gap that has left some veterans “holding the bag” – veterans who believed they were studying towards proficiency in a field of study and who graduated or completed the required coursework only to learn they could not sit for the licensure exam or meet the certification requirement because the program failed to meet state, regional or programmatic requirements.

S. 1938 Builds on the National Defense Authorization Act (NDAA) for FY 2014.

The Fiscal Year 2014 NDAA, P.L. 113-66, established new requirements for colleges and universities that wished to continue participation in certain Defense Department (DoD)

educational assistance programs including military tuition assistance (TA) and My Career Advancement Account (MyCAA) for military spouses.

In reporting out the NDAA, the Senate Armed Services Committee recommended a provision that became Section 541 of the final bill noting that schools that wished to continue to participate in TA or MyCAA must “comply with program participation agreements under Title IV of the Higher Education Act, and to meet certain other standards.” The Secretary of Defense could waive these requirements in certain cases.

Section 541 was intended to address the growing concern in DoD that some IHLs were promising civilian credentials to military members when in some cases, the program of study being offered was not approved by an appropriate accrediting body.

The result was a wasted investment in professional development for the military member and an adverse impact on morale and promotion potential.

MOAA strongly supported the NDAA provision. Since enactment MOAA has met with officials in the Defense Department who oversee policy for DoD tuition assistance programs to receive updates on the implementation of the statute. (In our view, DoD has done a commendable job in developing and promulgating policy for Section 541 of the NDAA for FY 2014).

The Career-Ready Student Veterans Act of 2015 addresses the same need for transparency and accuracy regarding the actual outcomes that IHLs propose to deliver for students using VA GI Bill programs after separating from military service. The proposed provisions in S. 1938 are similar to those contained in Section 541 of P.L. 113-66.

DoD and the VA have a common objective in ensuring that military and veteran students become “career ready” in a wide variety of civilian disciplines that require a license or certification.

Some military members begin the journey towards civilian licensure while still in uniform and complete the requirements when they separate or retire using GI Bill eligibility.

Numerous lawsuits brought by states’ Attorneys General and the Federal Trade Commission against certain proprietary IHLs point to the need for common sense, practical rules that simply say schools must deliver on what they promise.

For example, in May, the Federal Trade Commission (FTC) announced a settlement with Ashworth College for misleading students about programs that "failed to meet the basic educational requirements set by state licensing boards for careers or jobs" in numerous states because they lacked the proper accreditation. FTC noted that Ashworth's programs were eligible for GI Bill dollars, but not for federal student loans, and that Ashworth targeted veterans and service members for recruiting, including through recruiters posing as "military advisors."

At a press conference announcing the introduction of the Career-Veterans Student Veterans Act of 2015 on August 5, 2015 Senators Blumenthal and Tillis emphasized that their bi-partisan bill is intended to protect the investment made by our nation in the future employment of our veterans.

Senator Blumenthal said, “Only accredited school programs should receive GI benefits, because our nation’s heroes deserve the best, not the dregs, of American education. Federal funding for substandard programs is a disservice to veterans as well as taxpayers – and this safeguard is long overdue. Valid, approved education and training are necessary for veterans to have the right credentials required by employers.”

MOAA strongly supports S. 1938, the Career-Ready Student Veterans Act of 2015.

S. 1460, the Fry Scholarship Enhancement Act of 2015 (Senators Sherrod Brown, D-OH and Tillis, R-NC). S. 1460 would ensure that surviving spouses and children of service women and men who have died in the line of duty receive the same educational benefits as the family members of service members who elect to transfer their benefits.

Private colleges and universities who volunteer to participate in the Post-9/11 GI Bill “yellow ribbon” matching program may elect to offset some or all of the difference in tuition and fees between their schools and public colleges and universities in the same state. The VA matches up to half of any delta in cost that a private college agrees to match.

Unfortunately, however, Yellow Ribbon matching is not authorized for dependent children who lost a parent in the line of duty since Sept. 10, 2001 and who thereby become eligible for the Gunnery Sergeant John D. Fry Scholarship program.

MOAA worked very closely with lawmakers in the Senate and House to advance enactment of the Fry Scholarship program for surviving spouses and their children.

MOAA is very pleased to extend our full support for enactment of S. 1460, the Fry Scholarship Enhancement Act of 2015.

S. 1451, Veterans’ Survivors Claims Processing Automation Act of 2015 (Senator Hirono, D-HI). S. 1451 would authorize the Secretary of Veterans Affairs to expedite the payment of benefits to a survivor of a veteran who has not filed a formal claim if the Secretary determines there is sufficient evidence to establish the survivor’s entitlement to such benefits.

The intent of this legislation as we understand it is to permit the VA to process and pay survivor benefits to survivors of military members who die in the line-of-duty. In such cases, the official announcement of the death of the service member by the military service department should be sufficient prima facie evidence that survivor benefits should be processed promptly. Requiring such survivors to apply to the VA for their survivor benefits is burdensome, time-consuming and unnecessary.

MOAA supports S. 1451 the Veterans' Survivors Claims Processing Automation Act of 2015.