



National Association of
Independent Colleges and
Universities

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July 12, 2022

Honorable Jon Tester, Chair
Senate Veterans' Affairs Committee
United States Senate
Washington, DC 20510

Honorable Jerry Moran, Ranking Member
Senate Veterans' Affairs Committee
United States Senate
Washington, DC 20510

Dear Chairman Tester and Ranking Member Moran:

On behalf of the members of the National Association of Independent Colleges and Universities (NAICU), and the associations signed below, I write to ask you to support the *Ensuring the Best Schools for Veterans Act of 2022*, ([H. R. 8198](#) /[S. 4458](#)).

NAICU serves as the unified voice for the nation's 1,700 private, nonprofit colleges and universities and has a membership that reflects the diversity of independent higher education across the U.S. Our member institutions include major research universities, faith-based colleges, Historically Black Colleges and Universities, Minority-Serving Institutions and Tribal Colleges and Universities, art and design colleges, traditional liberal arts and science institutions, women's colleges, work colleges, two-year colleges and schools of law, medicine, engineering, business and other professions. Each year, private, nonprofit colleges and universities graduate more than 1.1 million students.

Throughout their history, private, nonprofit colleges have been serving our nation's veteran students. Currently, our institutions provide a broad array of support services to veteran students, including programs focused on academics, counseling, transition to career and civilian life, and other areas to ensure their success. In addition to providing dedicated staff and central veteran services offices, 89% of respondents in a recent [NAICU membership survey](#) participate in the Yellow Ribbon Program, providing institutional matching dollars to GI Bill benefits to help students pay for tuition.

This bipartisan, bicameral bill will fix the regulatory problems institutions have had with the recent policy changes to the 85/15 rule from the Department of Veterans Affairs (VA) by creating a true 35% waiver. Without this bill, new veteran students will be ineligible to enroll in many majors at colleges and universities.

Specifically, the bill reverses the VA's "reset" of the 35% waiver and eliminates the need for institutions with less than 35% veteran student enrollment to calculate, maintain or submit 85/15 reports. Institutions would be required to report veteran student enrollment percentages every two years to maintain the 35% waiver, ensuring only qualifying institutions continue to receive the waiver.

The 85/15 rule has been in law for decades and serves its purpose as a quality metric by ensuring that at least 15% of students in a major pay for the program using benefits other than the GI Bill. However, the new policy from the VA has institutions counting many students who are not veterans but are receiving institutional financial aid on the GI Bill benefit side of the equation.



Honorable Jon Tester
Honorable Jerry Moran
July 12, 2022

As a result, a multitude of programs have been deemed ineligible for veteran enrollment, including some programs without any current veteran students. This was borne out in NAICU's membership survey.

If this rule is not changed before the fall semester, institutions will have to tell many new veteran students they cannot enroll in the majors they prefer.

The unintended consequence of the new regulation is that it is blocking access to the very programs veterans are interested in, such as cybersecurity, IT, business management, criminal justice or health care fields, and is a disservice to them and our communities.

The 35% waiver has also been in law for decades, with the congressional intent that if an institution serves veteran students that represent fewer than 35% of its total enrollment, then the 85/15 programmatic calculation is unnecessary. This bill makes clear that the 35% waiver is a true exemption from calculating and reporting on program-level 85/15 ratios.

I encourage you to support this bill and pass it as quickly as possible so new veteran students can enroll in their preferred courses this fall.

Sincerely,

A handwritten signature in cursive script, reading "Barbara K. Mitchell".

President,
National Association of Independent Colleges and Universities

On behalf of the following organizations and associations:

Alabama Association of Independent Colleges and Universities
Asociación de Colegios y Universidades Privadas de Puerto Rico (ACUP) [Association of Private Colleges and Universities of Puerto Rico]
Association for Biblical Higher Education
Association of Catholic Colleges and Universities
Association of Independent California Colleges and Universities
Association of Independent Colleges and Universities in Pennsylvania
Association of Independent Colleges and Universities of Ohio
Association of Independent Colleges and Universities of Rhode Island
Association of Independent Colleges of Art & Design
Association of Jesuit Colleges and Universities
Association of Vermont Independent Colleges
CCCU - Council for Christian Colleges & Universities



Honorable Jon Tester
Honorable Jerry Moran
July 12, 2022

Conference for Mercy Higher Education
Connecticut Conference of Independent Colleges
Consortium of Hospital-Affiliated Colleges and Universities (CHACU)
Consortium of Universities of the Washington Metropolitan Area
Council of Independent Colleges in Virginia
Federation of Independent Illinois Colleges and Universities
Georgia Independent College Association
Independent Colleges & Universities of Florida (ICUF)
Independent Colleges and Universities of Missouri
Independent Colleges and Universities of Texas
Independent Colleges of Washington
International Association of Baptist Colleges and Universities
Iowa Association of Independent Colleges and Universities
Kansas Independent College Association
Louisiana Association of Independent Colleges and Universities
Michigan Independent Colleges & Universities
Minnesota Private College Council
New American Colleges and Universities
North Carolina Independent Colleges and Universities
Oklahoma Independent Colleges and Universities-OICU
Oregon Alliance of Independent Colleges and Universities
South Carolina Independent Colleges & Universities
Tennessee Independent Colleges and Universities
Transnational Assoc. of Christian Colleges and Schools - TRACS
Wisconsin Association of Independent Colleges and Universities