



July 29, 2020

The Honorable James Inhofe
Chairman
U.S. Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Jack Reed
Ranking Member
U.S. Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Inhofe and Ranking Member Reed,

On behalf of the members of the Enlisted Association of the National Guard of the U.S. (EANGUS), which represents the interests and concerns of well over one million members of the Army and Air National Guard, their family members, veterans, and survivors, we thank the committee for your bipartisan efforts in passing S.4049, the National Defense Authorization Act of Fiscal Year 2021, and for your careful consideration of amendments to improve the lives of servicemembers.

We thank the committee for not including language that would change the nature of veterans' and service Members' education benefits under the 90-10 rule, and for protecting the ability of service members and veterans to freely choose their educational pathways with the benefits they've earned. Such a change would redefine the very nature of veterans benefits by considering them equivalent to federal subsidies alongside Title IV loans and grants. Doing so would be an insult to veterans everywhere who earned their benefits with their *actual* "skin in the game." On principle, we cannot support legislation that affirms the notion that veterans' benefits are subsidies from the federal government. They are earned through service, and should not be used as a political bargaining chip.

As the committee conferences with your colleagues in the House on the final passage of FY2021 NDAA, we respectfully urge you not to consider adopting language to change the 90-10 rule, which we believe ought to be considered by the Senate Committee on Health, Education, Labor and Pensions and House Committee on Education and Labor in their reauthorization of the Higher Education Act.

Further, we are concerned about the possible adverse effects on service members and student veterans by changing the 90-10 rule and moving military education benefits to the numerator. Researchers and financial aid experts have published studies on the 90-10 rule with contradictory findings in almost every respect: how the ratio would change if military education benefits were applied to the numerator; how the 90-10 rule would affect public and nonprofit institutions of higher education if applied to all; and, whether it is an effective measure of institutional quality at all.^{1,2}

Of special concern, one aforementioned study concludes that the 90-10 rule causes institutions to raise their tuition in order to remain compliant, while limiting access to Pell-eligible students. Some veteran service organizations are calling for the 90-10 rule to be applied agnostically across higher education, but without Congress verifying the efficacy and effects of the 90-10 rule on public, nonprofit, and primarily minority-serving institutions, all sectors of higher education might increase in cost and become more

¹ Kantrowitz, M. (2013). Available at: <https://www.edvisors.com/media/files/student-aid-policy/20130819-90-10-rule.pdf>

² Looney, A. (2019). Available at: https://www.brookings.edu/wp-content/uploads/2019/01/ES_20190116_Looney-90-10.pdf

limited in accessibility for service members and student veterans.

At present, there is no official Government data regarding what will happen to service members and student veterans if there is a change to the 90-10 rule. We believe it would be risky and potentially harmful to service members and student veterans to legislate changes to the 90-10 rule without official data and examination into the possibility of adverse effects. An NDP Analytics study commissioned by Career Education Colleges and Universities reports that “over 260 institutions serving military or Veteran education beneficiaries that currently pass the existing 90/10 ratio would fail an 85/15 ratio. This would result in over 158,000 Veterans and Service Members currently enrolled in a career education college or university losing access to their selected institution.”³

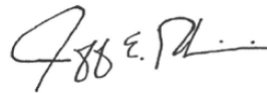
We believe in strong oversight and empowering service members and student veterans to attend quality programs. If there is any chance that over 100,000 military students will be displaced from quality programs, it is vital for Congress to perform a comprehensive examination into the efficacy of this accountability metric and any proposed changes. The service members and student veterans we aim to protect deserve nothing less.

It is important to note that there are strong proponents of extending the 90-10 rule agnostically to all institutions of higher education. In testimony before the Committees on Veterans Affairs, Student Veterans of America (SVA) recently stated that, “to ensure the [90-10] rule meets the intent of providing a true market test and is applied in a fair and equitable manner, the 90-10 rule should apply to all sectors of higher education, regardless of tax status.” While we agree with SVA that, if the 90-10 rule safeguards military students, then it should be applied to all sectors regardless of tax status, we also believe that accurate data from independent government sources should inform policy and we are unaware of any data that is available to measure the impact on service members and student veterans.

The Enlisted Association of the National Guard of the United States thanks the committee for all your efforts, and respectfully urges you not to consider the risky adoption of language that would change current application of the 90-10 rule.



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³ Available at: <https://www.career.org/news/proposals-in-congress-would-risk-college-access-for-over-158000-veterans-and-servicemembers>