

May 18, 2011

The Honorable Richard Burr
United States Senate
Washington, DC 20510

Dear Senator Burr:

We write to bring your attention to an important and urgent matter for a select group of Veterans using the Post 9/11 GI Bill benefit in North Carolina.

On January 4, 2011, the President signed S. 3447, *The Post-9/11 Veterans Educational Assistance Improvements Act of 2010* into law. The Act makes several improvements to the original program and we are grateful for all that you did personally to strengthen it. Regrettably, the bill also has unintended consequences and we hope that we can work together to fix one specific issue as expeditiously as practicable.

Under Section 102 of the Act, Congress provides financial assistance to service members for a higher education at public, private and foreign institutions. The Act provides for a \$17,500 upper limit for tuition and fees for qualified service members on an annual basis. The United States Department of Veterans Affairs (VA) interprets the Act to limit tuition and fees at public institutions to the applicable institution's in-state tuition rate for both in-state and out-of-state Veterans. This is certainly reasonable for Veterans who are residents of the state of North Carolina. However, because North Carolina's in-state tuition rate is sharply lower than the out-of-state tuition rate, this change unintentionally disadvantages out-of-state Veterans who wish to attend public institutions in North Carolina. The out-of-state Veteran seeking a public higher education in North Carolina must pay the difference between the in-state and out-of-state rate from other sources of funds, select another college, or delay a higher education. This is not what was intended.

We strongly urge Congress to correct this oversight quickly by permitting the \$17,500 upper limit without deference to an in-state tuition rate for out-of-state Veterans seeking a higher education at public institutions. We estimate that as many as 1000 students in North Carolina are affected for the 2011-2012 academic year. What makes this situation particularly troubling is that the VA notified colleges and universities in late March of their interpretation - long after students have applied for and received notice of their favorable admission. This group of students gained admission under one set of rules but will enroll under new rules that require a substantial out of pocket expense through no fault of the student. Again, this cannot be what you intended.

It is in North Carolina's best interest to educate service members. Service members are our best students - they graduate on time and they continue to grow North Carolina's economy - so long as they remain here. Many of the affected students have lived in North Carolina as active duty service members for quite some time regardless of their official residency. And, many of them do not make the decision to get their degree until it is too late to establish residency for tuition

purposes in North Carolina. Not only do we owe them the education that they seek but we need them to help us build North Carolina's future.

We are aware of other efforts to make "technical corrections" to the *The Post-9/11 Veterans Educational Assistance Improvements Act of 2010*. Thus far none of the existing bills include a solution for our issue in North Carolina. We respectfully request your help as we try to resolve this issue as soon as practicable. Please feel free to call us or our staff, Kimrey Rhinehardt (UNC) at 919-943-0381 or Jennifer Willis (NCCCS) at 919-807-6957, to discuss this issue further.

Sincerely,



Thomas W. Ross
President
The University of North Carolina



Scott Ralls
President
The North Carolina Community College System