TESTIMONY

OF

RICARDO GOMEZ
EMPLOYMENT & EDUCATION POLICY ASSOCIATE
VETERANS EMPLOYMENT AND EDUCATION DIVISION
THE AMERICAN LEGION

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

ON

"PENDING AND DRAFT LEGISLATION"

JUNE 14, 2023

EXECUTIVE SUMMARY

LEGISLATION	POSITION
H.R. 491 – Return Home to Housing Act, *page 1*	**Support**
H.R. 3848 – Housing our Military Veterans Effectively Act of 2023, *page 2*	
Section 2. Grant Per Diem Program Adjustment, *page 2*	**Support**
Section 3. Proposed Amendments to West Los Angeles Leasing Act of 2016, *page 3*	**Oppose**
Section 4. Temporary Authorization for VA to Use Funds for Flexibilities, *page 4*	**Support**
H.R. 3874 – Veterans Education Assistance Improvement Act, *page 4*	**Support**
H.R. 3898 – Transcript Assurance for Heroes Act, *page 6*	**Support**
H.R. 3933 – TAP Promotion Act, *page 6*	**Support**
H.R. 3943 – To amend title 38, United States Code, to improve the reemployment rights of members of the Armed Forces, and for other purposes, *page 7*	**No Position**
H.R. 3981 – Isakson-Roe Education Oversight Expansion Act, *page 7*	**Support**
Draft Legislation – Native American Direct Loan Improvement Act of 2023, *page 8*	**No Position**
Draft Legislation – To amend title 38, to establish certain employment and reemployment rights for spouses of members of the uniformed services, *page 8*	**No Position**

TESTIMONY OF
RICARDO GOMEZ, EMPLOYMENT & EDUCATION POLICY ASSOCIATE
NATIONAL VETERANS EMPLOYMENT AND EDUCATION DIVISION
THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
"PENDING AND DRAFT LEGISLATION"

June 14, 2023

Chairman Van Orden, Ranking Member Levin, and distinguished subcommittee members, on behalf of National Commander Vincent J. "Jim" Troiola and more than 1.6 million dues-paying members of The American Legion, we thank you for the opportunity to testify on pending legislation considered before this Subcommittee.

The American Legion is directed by active Legionnaires who dedicate their time and resources to serve veterans and their families. As a resolution-based organization, our positions are guided by more than 104 years of advocacy and resolutions that originate at the grassroots level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

H.R. 491 – Return Home to Housing Act

To amend title 38, United States Code, to adjust the rate of per diem payments provided by the Secretary of Veterans Affairs to grantees that provide services to homeless veterans.

The Department of Veterans Affairs' (VA) Grant and Per Diem (GPD) Program funds community organizations that provide services to homeless veterans or those who are at risk of becoming homeless. The program promotes the development of supportive housing and services necessary for homeless veterans to achieve residential stability and increase their income potential.

Operational costs, including GDP recipient employee salaries, are funded by the program. The maximum hourly per diem rate for a service center not connected with supportive housing is one-eighth of the daily cost of care and may not exceed $8.06 per hour, eight hours per day.[1] Under current law, GPD payments are limited to 115 percent of the rate authorized for state homes of domiciliary care, allowing for a maximum reimbursement rate of $64.52 per day per veteran housed.

[1] U.S. Department of Veterans Affairs, "VA Homeless Programs", VA.gov, May 11, 2023, https://www.va.gov/homeless/gpd.asp.

During the Covid-19 pandemic, the maximum GPD rate was elevated to 300 percent of the rate authorized for state homes for domiciliary care, allowing for a maximum reimbursement rate of $152.73. This increase in the GPD rate directly resulted in an increase in the quantity of service providers able to participate in the program. In addition, it provided GPD participants with the economic ability to provide veterans with heightened services, including overnight housing, meals, and support for homeless veterans.

The GPD Program is instrumental in providing veterans with the necessary resources and tools to achieve residential stability and increase their skill levels and income while also providing a greater sense of security. This program provides the type of urgent care homeless veterans desperately need.

Through, Resolution No. 24: *Support Funding and Changes to the Department of Veterans Affairs Grand and Per Diem Program*, The American Legion urges Congress to adjust the rate of per diem payments provided by the VA to grantees that provide services to homeless veterans.[2]

The American Legion supports H.R. 491 *as currently written.*

H.R. 3848 – Housing our Military Veterans Effectively Act of 2023

To make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to homelessness, and for other purposes.

Re: Section 2. Grant Per Diem Program Adjustment

Under current law, GPD payments are limited to 115 percent of the rate authorized for state homes for domiciliary care, allowing for a maximum reimbursement rate of $64.52 per day per veteran housed.[3] During the public health emergency, the maximum rate GPD providers received was elevated to 300 percent of the rate authorized for state homes for domiciliary care, allowing for a maximum reimbursement rate of $152.73. Since the public health emergency ended, the maximum rates for GPD providers dropped back to 115 percent.

Section 2 of the *Housing our Military Veterans Effectively Act* would increase the maximum GPD rate to 140 percent of the rate authorized for state homes for domiciliary care. This will directly lead to an increase in service providers able to participate in the program and improve services offered to veterans.

The American Legion Resolution No. 24: *Support Funding and Changes to the Department of Veterans Affairs Grant and Per Diem Program* urges Congress to adjust the rate of per diem payments provided by the VA to grantees that provide services to homeless veterans.[4]

---

[2] The American Legion Resolution No. 24 (2018): *Support Funding and Changes to the Department of Veterans Affairs Grant and Per Diem Program*, https://archive.legion.org/node/3436.
[3] U.S. Department of Veterans Affairs, "VA Homeless Programs," VA.gov, May 11, 2023, https://www.va.gov/homeless/gpd.asp.
[4] The American Legion Resolution No. 24 (2018): *Support Funding and Changes to the Department of Veterans Affairs Grant and Per Diem Program*, https://archive.legion.org/node/3436.

The American Legion supports this section as *currently written.*

Re: Section 3. Proposed Amendments to West Los Angeles Leasing Act of 2016

This section will give the Secretary of the VA discretion to decline an Office of Inspectors General's (OIG's) recommendation that he considers factually or legally unfounded or inappropriate to implement. It would eliminate the requirement of certifying to Congress that the VA has implemented all the OIG's recommendations before the VA can enter into a new lease under the Act.

The American Legion opposes this section. While this language may accelerate the VA's ability to expand the West Los Angeles (WLA) Campus for veterans, the VA has a history of breaching its duty of using the campus to primarily help veterans. On multiple occasions, the VA entered into leases and land use agreements with entities that used the land for purposes other than for the primary purpose of providing veteran and their families with healthcare benefits, services, or direct resources. This is evidenced by the various inspections and reports conducted by the VA's OIG.

In 2016, Congress passed the WLA Leasing Act. Under the Act, the VA is required to ensure all real property leases and land sharing agreements on the WLA Campus principally benefit veterans and their families.[5] Section 2(h)(1) of the WLA Leasing Act mandates an added barrier for the VA's ability to enter leases or land use agreements on the WLA Campus, should a finding by the OIG determine the agreement is unlawful per the terms of the legislation. Specifically, in such scenario, the VA must first certify that all recommendations included in the IG's audit report or evaluation have been implemented.

To carry out this mandate, the OIG reviewed land use agreements in September 2018. The OIG reviewed 40 land use agreements on the WLA campus and determined that 25 did not comply with the WLA Leasing Act many were simply not veteran focused.[6] For example, the OIG found that land use agreements were being used towards shopping center parking, K-12 athletic facilities, and a parrot sanctuary.[7] In 2021, the OIG published its most recent report on the VA's management of land use under the WLA Leasing Act. The OIG reviewed 41 land-use agreements; of which seven did not comply with the Act.

The VA claims that this process is delaying their ability to fully revitalize the WLA Campus, and that complying with the OIG's recommendations may trigger lengthy litigative challenges. The American Legion is sympathetic to the VA's concerns; however, as evidenced by the various OIG reports, the VA has an inadequate record of signing leases and land share agreements with organizations that use the land for purposes that are not veterans focused do not suggest that removing OIG safeguards is not in the best interests of primarily help veterans or their families. The WLA Leasing Act, as currently written, creates a mechanism that prevents the VA from

[5] West Los Angeles Leasing Act of 2016, Pub. L. No. 114–226.
[6] U.S. Department of Veterans Affairs, Office of Inspector General, "VA's Management of Land Use Under the West Los Angeles Leasing Act of 2016," Report # 18-00474-300, September 28, 2018, ii.
[7] U.S. Department of Veterans Affairs, Office of Inspector General, "VA's Management of Land Use Under the West Los Angeles Leasing Act of 2016," Report # 18-00474-300, September 28, 2018, iv-v.

entering into agreements that are not in the best interest of veterans. This mechanism is still necessary to hold the VA accountable for its decisions involving the WLA Campus on behalf of veterans.

The American Legion Resolution No. 25: Additional Affordable Housing Funding for Homeless and At-Risk Veterans, urges Congress to ensure the West Los Angeles Campus is utilized to provide vulnerable veterans with housing and resources.[8]

The American Legion opposes this section as *currently written.*

Re: Section 4. Temporary Authorization for VA to Use Funds for Flexibilities

The *Isakson and Roe Act* granted VA the flexibility to redirect funds to provide homeless veterans shelter, food, clothing, blankets, hygiene items, transportation, and communication devices. In addition, it allowed the VA to collaborate with organizations to use its property to shelter veterans.

Unfortunately, the VA lost its ability to redirect funds to provide these vital resources when the public health emergency ended on May 11, 2023.[9]

This section addresses this issue by authorizing the VA to redirect funds to improve flexibility in the provision of assistance to homeless veterans for over one year. Making emergency flexibilities available to the VA will ensure veterans are equipped with the necessities needed to transition into permanent housing and a stable livelihood.

Through, Resolution No. 15*: Supportive Services Funding for Homeless and At-Risk Veterans*, The American Legion supports the efforts of public and private sector agencies and organizations to provide resources to aid homeless veterans and their families.[10]

The American Legion supports this section as *currently written.*

H.R. 3874 – Veterans Education Assistance Improvement Act

To amend title 38, United States Code, to make certain improvements in the administration of the educational assistance programs of the Department of Veterans Affairs, and for other purposes.

GI Bill students not enrolled full-time are not afforded the full monthly housing stipend; this includes those in their final semester who are not required to attend full-time to complete their program of study. In such cases, the monthly housing stipend is pro-rated, and the number of credits taken determines the amount received. This means that veterans who received the full

[8] The American Legion Resolution No. 25 (2022): *Additional Affordable Housing Funding for Homeless and At-Risk Veterans*, https://archive.legion.org/node/14063.
[9] Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, Pub. L. No. 116–315, Title IV, §4201, 134 Stat. 5008 (2021).
[10] The American Legion Resolution No. 24 (2018): *Support Funding and Changes to the Department of Veterans Affairs Grant and Per Diem Program*, https://archive.legion.org/node/3436.

monthly housing stipend, up until their last semester, can find it financially burdensome to continue paying for housing while completing their respective program. This legislation would ensure that veterans in their final semester receive the full monthly housing stipend, despite less than full-time attendance.

Through Resolution No. 318: Ensuring the Quality of Servicemembers and Veteran Students' Education at Institutions of Higher Education, The American Legion supports any legislative or administrative proposal that improves the GI Bill. [11]

Additionally, this draft legislation seeks to grant educational institutions an additional day to provide all information necessary for conducting a risk-based survey.

Title 38 requires the Secretary of Veterans Affairs, in conjunction with the State Approving Agencies (SAAs), to "establish a searchable database or use an existing system, as the Secretary considers appropriate, to serve as a central repository for information required for or collected during site visits for the risk-based survey." This database would allow for increased oversight of educational institutions, to include factors such as the rapid increase of veteran enrollment, the rapid increase in tuition and fees, student complaints, financial stability, and veteran completion rates. These indicators are critical in determining not only the honesty and stability of an institution but veterans' success rates; thus, the database is necessary to ensure that veterans are both protected from predatory institutions and able to maximize their GI Bill benefits. Barring a central database, the implementation of risk-based surveys has been an ongoing, unnecessarily painful process for schools, and has greatly limited the efficacy of the risk-based survey.

In many cases, one day is not sufficient for an institution to assemble the information required for the RBS. In other cases, the institution may not have the administrative capacity to comply with the surveyor's requests. Two business days allows the institution more time to provide the information necessary for conducting risk-based surveys, which provides for a more accurate assessment of the institution's overall health. Having more accurate assessments of educational institutions increases the likelihood of veterans' success within these institutions.

Through Resolution No. 327: Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices, The American Legion supports oversight and legislation evaluating post-secondary education institutions on quality factors, such as but not limited to, accreditation, transferability, cost, graduation rates, and acceptance in the job market.[12]

The American Legion supports this draft legislation as *currently written.*

H.R. 3898 – Transcript Assurance for Heroes Act

[11] The American Legion Resolution No. 318 (2016): *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education*, https://archive.legion.org/node/470.

[12] The American Legion Resolution No. 327 (2016): *Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices,* https://archive.legion.org/node/475

To amend title 38, United States Code, to require, as a condition of approval under the educational assistance programs of the Department of Veterans Affairs, that educational institutions make available to eligible persons and veterans digital copies of official transcripts.

The American Legion recently became troubled upon hearing of a student's predicament regarding her inability to access her academic transcripts due to the sudden closure of her educational institution. Unfortunately, with the abrupt shutting down of the school, not only were her future studies thrown into uncertainty, but also her past academic achievements were put into jeopardy, as she found herself unable to obtain her transcripts. This left her facing the possibility of her completed semesters not being acknowledged or credited by other institutions.

This situation brought to light the critical need for safeguards and systems to protect students from the far-reaching impacts of school closures.

Veterans who are unable to access their official transcripts find themselves unable to transfer schools; thus, they cannot continue to receive GI Bill benefits. In the event of a school closure, the student-veteran must reenroll in a program of study to be eligible for continued benefits. Without access to transcripts, veterans find themselves in precarious situations in terms of both continuing their education and receiving the monthly housing stipend – which many receive prior to the schools' closure. Mandating that educational institutions provide veterans with digital copies of official transcripts will ensure that veterans can both continue their education and receive their hard-earned benefits.

Through Resolution No. 318: *Ensuring the Quality of Servicemembers and Veteran Students' Education at Institutions of Higher Education*, The American Legion supports any legislative or administrative proposal that improves the GI Bill.[13]

The American Legion supports this draft legislation as *currently written*.

H.R. 3933 – TAP Promotion Act

To amend title 10, United States Code, to authorize representatives of veterans' service organizations to promote membership in such organizations in the course of preseparation counseling under the Transition Assistance program of the Department of Defense, and for other purposes.

The Transition Assistance Program (TAP) is a program that aims to provide service members with the resources, benefits, services, and tools necessary for a successful transition from active-duty service to veteran status.

However, while the American Legion believes TAP represents an essential step towards providing transitioning servicemembers and their families with the information necessary to transition back to civilian life successfully; transitioning from a military career and lifestyle to a civilian one can be overwhelming; and more can be done to optimize the program.

[13] The American Legion Resolution No. 318 (2016): *Ensuring the Quality of Servicemember and Veteran Student's Education at Institutions of Higher Education*, https://archive.legion.org/node/470.

This draft bill permits Veterans Service Organizations (VSOs) to assist transitioning servicemembers in understanding their earned benefits and their new life as veterans. Having VSOs present during pre-separation counseling allows transitioning servicemembers to learn about the various assistance programs available to them, including benefits, peer support groups, and other support services available after the completion of their military service.

Veterans who served this country should be given access to every available resource as they transition from military to civilian life. Exiting the military is not an easy task, and the American Legion believes that access to VSO support and services is critical to ensuring servicemembers' successful transition out of the military.

Through Resolution No. 70: *Improve Transition Assistance Program,* The American Legion supports efforts to expand and standardize the DoD's existing pre-separation counseling policies to ensure separating servicemembers receive information regarding employment and education opportunities through increased cooperation and inclusion of nationally accredited service organizations.[14]

The American Legion supports this draft legislation as *currently written*.

H.R. 3943

To amend title 38, United States Code, to improve the reemployment rights of members of the Armed Forces, and for other purposes.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. With no resolutions addressing the provisions of the legislation, The American Legion is researching the subject and working with our membership to determine the course of action which best serves veterans.

H.R. 3981 – Isakson-Roe Education Oversight Expansion Act

To amend title 38, United States Code, to improve the methods by which the Secretary of Veterans Affairs conducts oversight of certain educational institutions, and for other purposes.

Historically, GI Bill eligible schools have been regulated by State Approving Agencies (SAAs), which focus on financial compliance rather than the quality of education and/or veterans' success. By increasing and improving oversight, veterans are less likely to be victims of deception, and more likely to receive a quality education, providing them with the best chance of post-graduation success.

[14] The American Legion Resolution No. 201 (2014): *Service Officers Participation in the Transition Goals, Plans and Success Program*, https://archive.legion.org/node/269.

This draft legislation would place greater accountability on institutions to report wrongdoings in a timely manner, so that Risk-Based Surveys (RBSs) can be conducted by the respective SAA or the VA. The 30-day deadline to report an adverse action or event allows for timelier identification of potentially nefarious activities by academic institutions. Improving the methods by which the VA conducts oversight only serves to further protect veterans from predatory practices.

Through Resolution No. 327: *Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices,* The American Legion supports oversight and legislation that combats the targeting of veterans by academic institutions.[15]

The American Legion supports this draft legislation *as currently written.*

Draft Legislation – Native American Direct Loan Improvement Act of 2023

To amend title 38, United States Code, to improve the program for direct housing loans made to Native American veterans, and for other purposes.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. With no resolutions addressing the provisions of the legislation, The American Legion is researching the subject and working with our membership to determine the course of action which best serves veterans.

The American Legion has no position on this draft legislation.

Draft Legislation

To amend title 38, to establish certain employment and reemployment rights for spouses of members of the uniformed services.

The provisions of this bill fall outside the scope of established resolutions of The American Legion. As a large grassroots organization, The American Legion takes positions on legislation based on resolutions passed by the membership or in meetings of the National Executive Committee. With no resolutions addressing the provisions of the legislation, The American Legion is researching the subject and working with our membership to determine the course of action which best serves veterans.

The American Legion has no position on this draft legislation.

Conclusion

[15] The American Legion Resolution No. 327 (2016): *Support Further Assessment and Evaluation of Institutions of Higher Learning to Enable Veterans to Make Informed Education Choices,* https://archive.legion.org/node/475

Chairman Van Orden, Ranking Member Levin, and distinguished members of the Subcommittee, The American Legion thanks you for your leadership and for allowing us the opportunity to explain the positions of our members on the importance of these pieces of proposed legislation. Questions concerning this testimony can be directed to Mr. Matt Brennan, Legislative Associate at (202) 221-8105 or mbrennan@legion.org.