

**STATEMENT OF
HOWARD TRACE, DIRECTOR NATIONAL LIBRARY AND MUSEUM DIVISION OF
THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON HEALTH
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
ON
PENDING LEGISLATION**

December 8, 2015

Chairman Benishek, Ranking Member Brownley, and distinguished members of the subcommittee, on behalf of our National Commander, Dale Barnett, and the over 2 million members of The American Legion, we thank you for this opportunity to testify regarding The American Legion's positions on the following pending legislation.

H.R. 3484: Los Angeles Homeless Veterans Leasing Act of 2015

To authorize the Secretary of Veterans Affairs to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California, and for other purposes.

This bill would allow veterans who are currently living on the streets to relocate to a more secure space on the campus of the West Los Angeles Healthcare System for the purpose of receiving housing, health care, education, family support, vocational training, and other needed services. For nearly 80 years, the VA West Los Angeles Campus has been providing disabled veterans a place to live and receive needed services. For over 35 years, The American Legion has been actively protesting the Department of Veterans Affairs misuse of the property. Since that time the VA has been leasing the land to private businesses in the area directly contrary to the explicitly stated original intent when the land was donated by Senator John P. Jones and a prominent Los Angeles family intending to serve the homeless veteran community in Los Angeles.¹

While The American Legion supports H.R. 3484, we want to ensure that the revenues generated by these leases are benefitting the veteran community, as well as enhancing the West Los Angeles VA facility itself. We also want those revenues well documented and tracked and continue to urge VA to report what had happened to the original funds as The American Legion asked earlier this year. VA has continued to fail to provide answers regarding accounting of funds collected from commercial tenants of the West Los Angeles VA facility when the organization violated land-use agreements. To date, the money collected in exchange for use of campus assets has not been accounted for.

¹ [HVAC O&I Hearing: An Examination of Waste and Abuse Associated with VA's Management of Land-Use Agreements: Feb 2015](#)

The American Legion opposes any Enhanced-Used-Lease that does not specifically provide any obvious and permanent benefits, resources or services to the veterans' community.² This legislation can provide tangible benefits to the veterans in the West Los Angeles area, but there *must* be a complete and transparent accounting of the activities on the property, past and present, to restore trust in the veterans' community.

The American Legion supports H.R. 3484

H. R. 4129: Jumpstart VA Construction Act

To direct the Secretary of Veterans Affairs to carry out a program under which the Secretary enters into partnership agreements with non-Federal entities for the construction of major construction projects authorized by law, and for other purposes.

This legislation aims to help manage the task of addressing VA's building infrastructure problems. Despite voiced concerns from The American Legion over many years, construction budgets have often been unable to keep up with the demands of modernizing VA's buildings. As the legislation notes, VA buildings have an average age of 60 years, and some estimates place the costs to modernizing all of these facilities at over \$55-65 billion. Furthermore, VA has struggled with the management of major construction projects, including major projects over budget and overdue in recent years in Florida, Nevada, Colorado and Louisiana.

This legislation would enable VA to enter into partnerships for major construction projects with non-Federal entities to share the management and financial burdens and, it is hoped, improve the construction process by leveraging the partnerships to ensure better management.

The American Legion believes strongly in improving VA's construction programs and specifically encourages VA "to consider all available options, both within the agency and externally...to ensure major construction programs are completed on time and within budget."³

Updating VA's major medical centers will require better management and better results than what has been seen in recent years. This legislation hopefully represents a step in that direction.

The American Legion supports H.R. 4129

Draft Bill:

To amend the Veterans' Benefits Programs Improvement Act of 1991 to authorize the sale of Pershing Hall, and for other purposes

Nearly 100 years ago, members of the Allied Expeditionary Force in World War I came together to, among reason reasons "preserve the memories and incidents of our associations [in] the Great

² [Resolution No. 154: Department of Veterans Affairs Enhanced-Used-Leasing: Aug 2014](#)

³ [Resolution No. 24: Department of Veterans Affairs Construction Programs](#)

War[s];” and in 2015 approaching the 2019 anniversary of our founding, The American Legion is still dedicated to that mission. Part and parcel of the service the members of The American Legion devote to this country is to ensure the service and sacrifice of America’s military is not forgotten.

The American Legion fought for the dedication of a memorial building in Paris, France to recognize the service and sacrifices of the members of the Allied Expeditionary Forces and General of the Armies John J. Pershing in 1927. The memorial building was a townhouse in the heart of Paris that would become known as Pershing Hall. This memorial was authorized by resolution passed in the 1927 national convention. Eight years later, in 1935, Congress authorized funds to perpetuate the memorial and transfer the building to the United States Government.⁴ In 1991, the building was transferred to the Department of Veterans Affairs (VA).⁵

Through all these actions it was the hope and wish of The American Legion that Pershing Hall retain its original purpose, as a memorial and focal point to honor the memories and sacrifices of the men who had fought in World War I.

Currently, the Pershing Hall building, in the prime Paris neighborhood of the Champs Élysées, contains a luxury hotel and spa, where guests can stay for upwards of \$450-900 a night. The focus and purpose as a place of remembrance seems gone by the wayside. When The American Legion asked the government to pay off and assume control of the building it was never imagined that the building would be used for any purpose other than as a memorial and space in Paris for those who had served in the first world war and subsequent wars.

This legislation, proposed by Representative Coffman, would authorize VA to divest themselves of the property and transfer the monies resulting from the sale into their construction funds, badly needed to help VA deal with their aging infrastructure. The legislation would also provide for the transfer of the artifacts and items associated with the building to be transferred to the original owners for preservation.

The preservation of these artifacts and the history they represent is a major concern of The American Legion. The building and material deserve to be kept together for their original purpose, to honor and remember General Pershing and those who fought in World War I. The American Legion wants to work with VA to “establish permanent American Legion custodianship of the Pershing Hall art, artifacts, furnishings, memorabilia and other items so that they can be interpreted for public display, and protected from damage or disappearance.”⁶

This would require several steps. To begin with, all of the materials would need to be reassembled. The VA provided The American Legion with a 1991 inventory⁷ however it is

⁴ 38 USC §2400 (a) – (e)

⁵ Pub. L. 102–86, title IV, §403, Aug. 14, 1991, 105 Stat. 422 , as amended by Pub. L. 103–79, §4, Aug. 13, 1993, 107 Stat. 772 ; Pub. L. 103–446, title XII, §1202(c), Nov. 2, 1994, 108 Stat. 4689 ; Pub. L. 107–217, §3(o), Aug. 21, 2002, 116 Stat. 1303 ; Pub. L. 107–330, title III, §308(i), Dec. 6, 2002, 116 Stat. 2829 ,

⁶ [Resolution No. 24: Pershing Hall Artifacts and Memorabilia – OCT 2013](#)

⁷ Appendix A

unclear whether this even represents the complete collection. At the very least, this includes artifacts and items scattered over several continents including material on display or being stored in:

- Pershing Hall, Paris, France
- Compeigne, France
- VA Central Office, Washington DC
- James H. Quillen VA Medical Center, Mountain Home, TN
- VA New York Regional Office

These represent the collections we are sure of at this time, but there may be more. All of these historical artifacts would need to be collected, collated, appraised and prepared and preserved. There is a Pershing Hall Revolving Fund of investments dedicated to providing for the needs of Pershing Hall with VA authorized to utilize the funds under certain prescribed circumstances.⁸ The American Legion recognizes that with the sale of Pershing Hall this fund and the monies contained therein will transfer to the construction accounts as dictated in the legislation, however it is wholly appropriate that some portion of such funds as needed to provide for the preservation and proper treatment of the artifacts and materials should be allotted to the transfer process. These monies were initially intended to provide for this preservation of history, and while they have been doled out for many other purposes since that time, that does not remove the original intent. If there are costs associated with transferring, shipping, storing, appraising and conserving the artifacts through the transfer process, these costs should be borne by the Revolving Fund.

The extensive list of artifacts and materials associated with Pershing Hall represent critical insight into American struggle and sacrifice in the first world war. It is a sacred duty to preserve and protect this history.

The American Legion has been very grateful to Representative Coffman for his continued communication with The American Legion and recognition of our role in the history of this landmark. Through every step of the process he and his staff have striven to ensure history is protected and preserved in the transfer of this property. It is disconcerting and troubling that this site could have drifted so far from its initial intended disposition as a place of remembrance and history, but if it is to have productive purpose in the future, at least there is some merit in finally ensuring that the history it represents is put in the hands of those who will be careful custodians of the past.

As stated previously, our own preamble to the Constitution of The American Legion avers to “preserve the memories and incidents of our associations in the Great War[s]”, but also commits our organization to the importance of “safeguard[ing] and transmit[ing] to posterity the principles of justice, freedom and democracy.”⁹

⁸ 36 USC Ch. 22 § 493 (d)

⁹ [Preamble to the Constitution – The American Legion](#)

This legislation has the potential to help VA meet the infrastructure challenges of the 21st century, however it must also serve to help preserve the memory of what was fought for and sacrificed for at the dawn of the 20th century.

The American Legion supports this draft legislation.

Conclusion

As always, The American Legion thanks this subcommittee for the opportunity to explain the position of the over 2 million veteran members of this organization. For additional information regarding this testimony, please contact Mr. Warren J. Goldstein at The American Legion's Legislative Division at (202) 861-2700 or wgoldstein@legion.org.

APPENDIX A: 1991 INVENTORY