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**AMERICAN VETERANS
AMVETS
Department of California**

July 30, 2020

TO:

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United States Congress

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Michael Missal, Inspector General
Department of Veterans Affairs



VIA-MAIL

RE: AMVETS California's Comments for the Record about substantial concerns with the U.S. Department of Veterans Affairs July 23, 2020 Public Hearing and Underlying Proposal(s) for Enhanced Use Leases of Twenty-One (21) Buildings and Six (6) Parking Lots at the West Los Angeles VA to Private Third-Party Developers for a Term of 75-Years, free of rent and tax exempt.

Secretary Wilkie, Executive Director McKenrick; Directors Simms and Braverman, Chiefs Ruh and Merchant, Chairman Takano, Craddock Group Managing Director Rice and Inspector General Missal:

American Veterans (AMVETS) is an over 250,000-member, non-partisan and volunteer-led Veterans Service Organization, Federally Chartered by Chapter 227 under Title 36 of the United States Code.

The West Los Angeles VA is Federal land Deeded in Public Trust to our U.S. Government, to permanently maintain as a National Home for disabled Veterans. That Home provides housing, shelter, food, healthcare and related services to disabled Veterans, without lapse for over 133 years. We substantially believe WLA VA's capacity to continue servicing disabled Veterans in accordance with the U.S. Department of Veterans Affairs Core Mission, will soon fail in continued absence of effective Federal Law Enforcement at WLA VA... Because private third parties and public-private partnerships are rapidly succeeding to occupy, privatize, transfer and / or otherwise control WLA VA land for commercial purposes.

Despite recent Federal Court Orders voiding many private interests occupying WLA VA, Federal injunctions against their prior developments, Federal criminal convictions of one of those interests for WLA VA land-use related fraud, conspiracy and bribery; and VA Office of Inspector General Findings that over 60% of third-party land use agreements at WLA VA don't comply with our Public Laws - commercial interests continue lobbying Congress and campaigning local media to, somehow successfully, entrench and protect their occupation of the WLA VA.



Inversely proportionate to the growth of commercial interests occupying WLA, VA, is the decline of its disabled Veteran resident / inpatient population from a peak of approximately 5,000 to less than 200... A decline having no impact on taxpayers' increased expense supporting disabled Veterans access and use of the WLA VA; nor occupying commercial interests' apparent lack of interest in the causes of Los Angeles' reign, as Our Nation's capital of Veteran Homelessness.

Considering the foregoing facts, AMVETS unanimously voted to enact National Resolution 20-23, against non-Veteran special interests occupying and controlling the WLA VA; which AMVETS believes is required for disabled Veterans, the Stakeholders of WLA VA, to develop with the U.S. Department of Veterans Affairs - a Veterans Master Plan complying with our Public Laws and the Public Trust, for Our U.S. Government to permanently maintain WLA VA as Home for disabled Veterans.

Advocating for the immediate construction of shelter and establishment of mental health services exclusively benefiting disabled Veterans at WLA VA, as Resolved by AMVETS Resolution 20-23, is a primary motivation for AMVETS Comments on Record herein - about proposed Enhanced Use Leases to third parties for twenty-one (21) Buildings and six (6) parking lots at WLA VA; and the virtual Public Hearing U.S. Department of Veterans Affairs Officials and a Managing Director of the Craddock Group hosted on July 23, 2020, with Intent to enter into those proposed Enhanced Use Leases.

U.S. Code Title 38, §8163 mandates "Hearing and notice requirements regarding proposed leases" as excerpted (with added emphasis):

*(a) If the Secretary proposes to enter into an enhanced-use lease with respect to certain property, the Secretary shall conduct a public hearing before entering into the lease. The hearing shall be conducted in the community in which the property is located. **At the hearing, the Secretary shall receive the views of veterans service organizations** and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated.*



(b) **Before conducting such a hearing, the Secretary shall provide reasonable notice to the congressional veterans' affairs committees** and to the public of the proposed lease and of the hearing.

AMVETS was not Reasonably Notified about the July 23, 2020 hearing by any U.S. Government Agency. In fact, we learned about the hearing a few days before it occurred, from a non-Veteran Los Angeles resident who e-mailed us a copy of its Notice, which he claimed to unexpectedly find during a Google search for unrelated information. Upon receiving the Notice from that local resident, we inquired throughout AMVETS National and California leadership; none of whom stated they had any prior knowledge about the Hearing and Notice. Subsequent inquiries to National and California leaders within the Vietnam Veterans of America Veterans Service Organization turned up responses of either having no prior knowledge about the hearing or its Notice; and one who had just heard about it from another source.

Amid U.S. Code Title 38, §8163 mandating "At the hearing, the Secretary shall receive the views of the Veterans Services Organizations" - the Notice expressly states the only means by which VA would receive, consider and answer the input of anyone participating in the hearing, is by e-mailing, mailing and / or electronically messaging them to VA by July 31, 2020; to be answered in late Summer 2020.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why the U.S. Department of Veterans Affairs did not properly notify AMVETS of the July 23, 2020 Public Hearing.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - specifically how, via written evidence, the U.S. Department of Veterans Affairs notified the Congressional Veterans Affairs Committees about the July 23, 2020 Public Hearing and if the Department did not, why?



Only after AMVETS and local residents e-mailed complaints to the U.S. Department of Veterans Affairs, did the Agency directly Notify several Veteran Service Organizations about the hearing via e-mail; and revise the hearing agenda to provide answers to Veterans' and Public questions during the meeting; as opposed to the late Summer, after the proposed EUL's would break ground... Yet such notice and revised agenda were not provided until less than 24-hours before the hearing.

All of the Hearing's participants that we know were only able to attend the hearing by listening to it on a one-way conference call phone line. Several tried to install the unpopular software application VA required for participants to view a purported 508 slides of visual material. Technical difficulties prevented those installs, possibly because the application requires Adobe Flash technology that all major web browsers, and even developer Adobe, are permanently ceasing to support throughout this year.

Amid many requests, the U.S. Department of Veterans Affairs did not provide copies of any audiovisual materials presented in the hearing until 2:17 PM Pacific time on July 30, 2020... One day before the Notice's final deadline to submit any comments. Unfortunately, the audiovisual materials only include 51 of the purported 508 slides presenting in the hearing. We must receive all of the remaining audiovisual materials still missing from the hearing, at least 45 days before any attempt to enter into any of the proposed enhanced use leases.

In review of the 51 slides we received the night before this deadline to submit comments, we notice among other things, a map of the West Los Angeles VA whereupon most of its land North of Wilshire Boulevard is omitted or shaded out; and appears outside graphic borderlines claiming to be what was once called land subject to a Draft Master Plan, but now called a Community Plan.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why West Los Angeles VA land currently occupied by private third party land users is omitted or shaded out from any maps of the West Los Angeles VA presented to us by the U.S. Department of Veterans Affairs during the July 23, 2020 hearing



and afterward on July 30, 2020.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - a detailed and accurate definition of and intent behind "Community Plan"; and similar terms mentioned throughout visual materials presented by the U.S. Department of Veterans in context of the July 23, 2020 hearing about proposed enhanced use leases.

Since around July 28, 2020 and continuing through today, July 31, 2020 – we are experiencing persistent rejections of comments e-mailed to the Noticed contacts for submitting comments. We're also receiving reports from many Veterans and local residents, including California and National leaders of the Vietnam Veterans of America Veterans Service Organization, they're submissions are being rejected. We've been documenting these problems via emails, digital snapshots and formal complaints to VA Staff, including the Secretary and Inspector General.

On two occasions during the hearing, as documented by several personal recordings of the hearing by Veterans and non-Veterans, the hosts state technical difficulties were preventing them from viewing comments; and even deleting them. Many of us resubmitted comments to ensure they would be answered. Many of those were not answered and no presenter at the hearing ever requested us to resubmit our comments.

Of the two Noticed contacts for submitting comments regarding the July 23, 2020, hearing, both of whom are rejecting submitted comments and amid both having Department of Veterans Affairs e-mail addresses; one is not employed by the U.S. Department of Veterans Affairs. Contrarily, Janet Rice, is the managing director of The Craddock Group - a firm specializing in disposing of property managed by the U.S. Department of Veterans Affairs. Ms. Rice was never presented as a private consultant in the hearing or its' notice. We learned of this information on July 30, 2020 by our own investigation, inquired with the U.S. Department of Veterans Affairs about it and was told in response by Greater Los Angeles Healthcare System Director Steven Braverman at 6:38 PM Pacific time on July 30, 2020 that Janet Rice "is a contractor working on behalf of the VA Office of Asset Enterprise Management (OAEM) which was the hosting agency for last week's hearing."



We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why the VA Office of Asset Enterprise Management hosted a hearing that above all else, must pertain to what principally benefits Veterans and their families; and why that Office delegated the hearing's operation to a private firm in the practice of disposing of Federal property... A practice reasonably biasing the firm to hold the profits of facilitating such disposals over Laws governing disabled Veterans' civil rights and service benefits.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why the Craddock Group is entrusted with all public comments regarding the July 23, 2020 hearing; including those of Veterans Service Organizations.

The Secretary of Veterans Affairs did not attend the Hearing to receive the views of Veteran Service Organizations at the hearing. Furthermore, we are unaware of any Veterans Service Organizations attending the hearing beyond AMVETS California Leaders and members; and two members of Vietnam Veterans of America.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why the Secretary did not receive the views of Veterans Service Organizations at the hearing.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - by what specific and cited authorities at prevailing Law, was the U.S. Department of Veterans Affairs authorized to hold the July 23, 2020 hearing.

It's evident to us that the U.S. Department of Veterans Affairs was not authorized to hold the July 23, 2020 hearing and that it was improperly Noticed; to the detriment of Veterans participation required by Law and for the sake of disabled Veterans earned benefits, rights and entitlements.



Failing to Notify Veterans and censor their participation in matters of land-use at the West Los Angeles VA is of no surprise to AMVETS. For example, on November 21 st , 2019 - many of the same Los Angeles Department of Veterans Affairs staff and the same proposed developers presenting at the July 23, 2020 hearing (that we know of), in conjunction with Congressman Ted Lieu; held an "Open Public Meeting" for the purpose of providing and receiving information about third-party land use deals planned for WLA VA. That November 2019 hearing was held at Congressman Ted Lieu's Los Angeles Offices in a Public Building. Ted Lieu and the Department of Veterans Affairs never notified any Veterans Service Organization leaders about the meeting and many local residents complained about the same.

AMVETS, other Veterans Service Organization leaders and homeless Veterans seeking shelter and services they are entitled to at WLA VA attended the meeting, much to its hosts' apparent surprise. Upon entering the meeting; Lieu's staff instructed us to sit in back of the room, told us that we were not permitted to comment during the meeting and provided us with short pencils and flash cards to write any comments we could submit for response at an unidentified, later date. Sitting in the front rows of the meeting room, after a space of several rows between us; were private developers including Thomas Safran & Associates, Century Housing Corporation, U.S. Vets, private lobbyists and the Boards of several unrecognized neighborhood Councils and nonprofits promoting commercial use of WLA VA land; including the Brentwood Community Council, Brentwood Homeowners Association and Village for Vets.

After the hosts announced a question and answer session, we raised our hands and kept them so for upwards of 30 minutes; while Los Angeles Veterans Affairs Staff, Thomas Safran & Associates, Century Housing Corporation, U.S. Vets and Ted Lieu answered all the private commercial interest representatives questions but none of ours... About land and services that must principally benefit Veterans and their families.

During this censorship, Ted Lieu's Deputy Janet Turner assertively approached a local resident with his hand raised and repeatedly asked him to lower it and not attempt asking questions during the meeting. The resident responded that Veterans have a right to speak at a Public Meeting about them, that taxpayers Funded the hearing and Veterans fought for



it to recognize free speech. Several minutes later, Ted Lieu stood up to inform the room he didn't realize Veterans were at the hearing, that he is a Veteran, that he supports Veterans; and that he was going to then open the hearing to include their comments... Right after taking one more question from a private non-profit board member who donates thousands of dollars to his Congressional Campaigns.

We have video recordings of the aforementioned November 21 st , 2019 "Open Public Hearing" available for review upon request.

The July 23, 2020 virtual public hearing, which was held about the U.S. Department of Veterans Affairs proposing enhanced use leases it intends to enter into for twenty-one (21) buildings and six (6) parking lots at the West Los Angeles VA; for a term of 75-years, free of charge and exempt of tax. The only properties the Department of Veterans Affairs has provided us any specific information about beyond the name of a particular building or lot; are three of those 21 buildings and 6 lots... Buildings 207, 205 and 208. Of those three buildings, the only information we have been provided are company names of the proposed developers for Building 207 and a potentially proposed developer for Buildings 205 and 208. The proposed developers for Building 207 are the same who we met at the November 21, 2019, "Open Public Hearing". Those developers and U.S. Department of Veterans Affairs Staff promise us in pamphlets and website copy that the housing they develop will be for Veterans.

What we were never reasonably informed of by the U.S. Department of Veterans Affairs or any developer about every building and lot proposed for the enhanced use leases, includes but is not limited to the following missing information for each building and lot: a) documented covenants by the developers to only use the proposed housing for Veterans, b) how any developer was competitively selected, c) documents of any existing agreements, d) financial documents, e) how the proposed EUL's and development will affect Veterans' access to services at WLA VA and f) how the proposed EUL's and development will affect Veterans' health at WLA VA. Furthermore, we have never been reasonably informed about the following information regarding 18 of the proposed buildings and 6 of the proposed lots for enhanced use leases: a) who are the developers, b) what the specific uses of each will be, c) how each of those uses will result in a demonstrable improvement of services to



Veterans and d) why we are hearing anything about proposed enhanced use leases for these specific 18 buildings and 6 lots for the first time at a purportedly Final Public Hearing about intent to enter those leases with unidentified private entities.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - all detailed information in this paragraph identified as missing or not reasonably informed about; or in the contrary, by what specific and cited authorities is the U.S. Department of Veterans Affairs withholding that information from us.

We must also know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - any and all information about proposed and existing enhanced use leases at the West Los Angeles VA that has not been provided to Veterans Service Organizations and the Public, yet required to be under U.S. Code Title 38, §8163.

The primary purpose and intent of communicating these comments, questions, requests and information to the U.S. Department of Veterans Affairs, Veterans Service Organizations and Congress - is because private third parties and public-private partnerships occupying and hoping to occupy the West Los Angeles VA; are often found violating our Public Laws, bribing U.S. Department of Veterans Affairs Officials, lobbying Congress for the express purpose of reforming land use law, failing to report such lobbying on their Federal nonprofit tax returns; refusing to vacate upon orders, injunctions, eviction Notices and / or expired agreements; censoring Veterans and committing fraud upon the U.S. Department of Veterans Affairs and Veterans. The results of such findings by authorities are, in our substantial perspective, demonstrable causes of Veteran homelessness, suicides, deaths, disenfranchisement and waste of Public Funds. Those authorities recently include a U.S. Federal Judge, the Federal Bureau of Investigation, the Department of Justice and the VA Office of the Inspector General.



Amidst the foregoing findings and decade's worth of expensive master plans, private consultants and third party land use agreements at the West Los Angeles VA; the net effect is a rapid decline of the West Los Angeles VA Veteran population, proliferation of private land use there, total disregard for our Public Laws governing that land use and an explosion of Veteran homelessness in Los Angeles. Thus we substantiate few of many good reasons and probable cause for concern that, because developers who censor Veterans are proposed to develop the proposed enhanced use leases; and the same third party land users violating our Laws stand to benefit from the proposed enhanced use leases - those proposed developers and the proposed enhanced use leases to them for 75 years, free of charge and exempt of tax probably won't principally benefit Veterans and their families.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - how will the proposed and concurrent development of 21 buildings, 6 parking lots, a Purple Line station, a hospital retrofit, a research tower, road systems, utility redirections and other planned developments at West Los Angeles VA, especially amid private third party land users the Department of Veterans Affairs plans to keep there amid doing little to nothing for Veterans; impact disabled Veterans' access to shelter, housing and other services at the West Los Angeles VA over those seven to ten years of proposed development?

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why Department of Veterans Affairs Officials constantly claim to us the Department is unable to construct and operate shelter, housing and food services for disabled Veterans at the West Los Angeles VA; amid at least \$500,000,000 Congress appropriated for related developments at the West Los Angeles VA since 2012?

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why Department of Veterans Affairs Officials constantly claim to us the Department is unable to construct and operate shelter, housing and food services



for disabled Veterans at the West Los Angeles VA; amid the U.S. Department of Veterans Affairs contracting, managing and funding the architects and construction companies that developed housing a few years ago for disabled Veterans currently residing in Building 209 of the West Los Angeles VA; although neither company is party to any enhanced use lease?

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why Department of Veterans Affairs Officials constantly claim to us the Department is unable to construct and operate shelter, housing and food services for disabled Veterans at the West Los Angeles VA; when it has done so over most of its 133 year history?

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why Department of Veterans Affairs Officials constantly claim to us the Department is unable to construct and operate shelter, housing and food services for disabled Veterans at the West Los Angeles VA; yet are unable to provide us any Law for review that prohibits such construction and operation of shelter, housing and food services for disabled Veterans at the West Los Angeles VA?

Although the Department of Veterans Affairs has yet to disclose any details regarding proposed and non-Service Disabled Veteran Owned Small Business principal developer Thomas Safran & Associates requirements to finance his proposed development(s) of West Los Angeles VA property; we found and reviewed official documents regarding the company's financing from the State of California, City of Los Angeles, County of Los Angeles and U.S. Department of Housing and Urban Development. We also found statements by Thomas Safran & Associates about the financing in Press interviews.

Those documents present the following declarations about and / or by Thomas Safran and Associates' proposed West Los Angeles VA Building 207 enhanced use lease:

- a) As of October 15, 2019 - Thomas Safran & Associates was awarded and / or



recommended to be awarded the following financing for Building 207:

- i) \$24,300,000 in HCID Los Angeles Public Funds / Bonds.
- ii) \$8,200,000 in HCID Los Angeles Public Funds / Bonds.
- iii) \$5,750,000 from Los Angeles County.

b) On November 7, 2019 - A 30-minute Public Meeting held by the City of Los Angeles, that is attended by nobody from the Public, reports in Official City of Los Angeles Documents that Thomas Safran & Associates Building 207 Project at WLA VA is for tenants that are "*multifamily and individual residential renters of low to moderate income.*"

c) On November 15, 2019 - Thomas Safran & Associates California Tax Credit Allocation Committee Application reports the following information about the WLA VA Building 207 Project:

- i) An unidentified 99.99% Ownership Interest after construction.
- ii) "United States Department of Veterans Affairs" as "Seller Principal"
- iii) A land and acquisition cost of \$425,000.

d) On January 15 th , 2020 - The California Tax Credit Allocation Committee reports the following about a Thomas Safran & Associates WLA VA Building 207 Project:

- i) It involves a "Seller Carryback Loan" through Bank of America.
- ii) Thomas Safran & Associates is the parent company of the West LA Veterans Collective.
- iii) Thomas Safran & Associates is the Management Agent.
- iv) Thomas Safran & Associates is the Developer and there's a \$2,500,000 Developer Fee.
- v) An annual rental subsidy of \$661,716 from the U.S. Department of Housing and Urban Development HUD-PBVASH Program.

e) An HCID Los Angeles City Staff Report of March 20 th , 2020 reports the following about Thomas Safran & Associates Building 207 Project:



- i) \$555,885 construction cost per unit, of 60 units of housing; wherein one unit is a manager's unit. 53 of the units are studios and 6 of the units are one-bedrooms.
- ii) The scope of construction is renovating an existing Building.

Consider the foregoing facts as reported by Los Angeles and California Governments, none of which are reported by the U.S. Department of Veterans Affairs to Veterans Service Organizations or the Public, in context of Our Public Laws, as excerpted:

- a) U.S. Code Title 38, §8162(b)(5), per Public Law 112-154 mandates "The terms of an enhanced-use lease may not provide for any acquisition, contract, demonstration, exchange, grant, incentive, procurement, sale, other transaction authority, service agreement, use agreement, lease, or lease-back by the Secretary or Federal Government."
- b) U.S. Code Title 38, §8162(d)(1), mandates "Nothing in this subchapter authorizes the Secretary to enter into an enhanced-use lease that provides for, is contingent upon, or otherwise authorizes the Federal Government to guarantee a loan made by a third party to a lessee for purposes of the enhanced-use lease."
- c) Section 2(f) of the West Los Angeles Leasing Act of 2016 as Amended warrants "Notwithstanding section 8164 of title 38, United States Code, the Secretary may not sell or otherwise convey to a third party fee simple title to any real property or improvements to real property made at the Campus."
- d) Section 2(l) of the West Los Angeles Leasing Act of 2016 as Amended expressly Defines "Principally Benefits Veterans And Their Families" in Section 2 of this Law "... with respect to services provided by a person or entity under a lease of property or land-sharing agreement (1) means services (A) provided exclusively to Veterans and their families; or (B) that are designed for the particular needs of Veterans and their families, as opposed to the general public, and any benefit of those services to the general public is distinct from the intended benefit to Veterans and their families; and (2) excludes services in which the only benefit to Veterans and their families is the generation of revenue for the Department of Veterans Affairs."



e) While the Secretary isn't limited by the West Los Angeles Leasing Act of 2016 as Amended, from entering into other agreements at WLA VA that are authorized by Law; they must not be inconsistent with Section 2 of the West Los Angeles Leasing Act of 2016 as Amended.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - what standing does the U.S. Department of Veterans Affairs have to propose the enhanced use lease(s) with Thomas Safran & Associates amidst so much Official evidence in conflict and / or direct violation with our Public Laws?

Section 2(h)(1) of the West Los Angeles Leasing Act of 2016 as Amended, mandates the following:

(1) LAWS RELATING TO LEASES AND LAND USE.—*If the Inspector General of the Department of Veterans Affairs determines, as part of an audit report or evaluation conducted by the Inspector General, that the Department is not in compliance with all Federal laws relating to leases and land use at the Campus, or that significant mismanagement has occurred with respect to leases or land use at the Campus, the Secretary may not enter into any new lease or land-sharing agreement at the Campus, or renew any such lease or land-sharing agreement that is not in compliance with such laws, until the Secretary certifies to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committees on Appropriations of the Senate and House of Representatives, and each Member of the Senate and the House of Representatives who represents the area in which the Campus is located that all recommendations included in the audit report or evaluation have been implemented.*

On or before September 28, 2018 - the VA Office of the Inspector General Found over 60% of land-use agreements at the West Los Angeles VA are not Compliant with the WLA Leasing Act and other Public Laws; and Significant Mismanagement of land use at the West Los Angeles VA. In accordance with the West Los Angeles Leasing Act of 2016 as Amended, the VA Office of Inspector General prescribed at least five, detailed Recommendations in consideration of its Findings. Considering the Secretary has not



Certified to the Committees on Veterans Affairs of the Senate and House of Representatives that all of the VA Office of Inspector General's recommendations from the September 28 th , 2018 audit report were implemented, Section 2(h)(1) of the West Los Angeles Leasing Act of 2016 as Amended warrants:

"the Secretary may not enter into any new lease or land-sharing agreement at the Campus, or renew any such lease or land-sharing agreement that is not in compliance with such laws".

Let us again remember that by the prevailing authority at Law in the West Los Angeles Leasing Act of 2016 as Amended, "Leases" also means *"Enhanced Use Leases"*.

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why is the Department of Veterans Affairs proposing, planning, intending and / or entering into at West Los Angeles VA if it is currently prohibited from doing so and why has the Department not implemented the VA Office of Inspector General's Recommendations?

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why has the Department violated Public Law by entering into a zero-dollar lease with Safety Park to operate several acres of WLA VA as a private parking operation for the General Public that does not principally benefit Veterans and their families?

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why has the Department violated Public Law by entering into now-expired and terminated land-sharing agreements with the Los Angeles County Metropolitan Transportation Authority, for a Purple Line Station that does not principally benefit Veterans and their families - and why did the Department suppress those agreements from the Public until a Freedom of Information Act Request?

We must know, from the U.S. Department of Veterans Affairs in writing, as soon as required



or otherwise possible to do so; and prior to entering into any proposed enhanced use lease at the West Los Angeles VA - why has the Department violated Public Law by permitting the Los Angeles County Metropolitan Transportation Authority to demolish the Historic Palm Grid at West Los Angeles VA?

During the July 23 rd , 2020 hearing, the Department of Veterans Affairs repeatedly promised the proposed enhanced use leases to third parties for 75-years, free of rent and tax, would revert back to the Department at the end of the lease term.

Between 1946 - 1948, UCLA lobbied Congress for 35 acres of the West Los Angeles VA, which was illicitly granted to the institution for the exclusive and limited purpose of developing and operating a medical center. Furthermore, the Congressional Act mandated the Deed reserve to the United States "*and provide for reversion of the title if the land cases to be used as a medical and research center.*"

By 1984, after UCLA had demolished and relocated its medical school, redeveloped the West Los Angeles VA land subject to the Act and sold much of it off to private apartment developers, UCLA again lobbied Congress in 1984 to keep using what remained of the land; by which Congress illicitly granted UCLA an extension of the grant, but with a revised reverter clause UCLA since violated. Then President Ronald Reagan expressed his concern with Congress' actions as follows:

"I also note my concern over sec. 301, which will modify a reverter interest of the United States on some 35 acres of land in Los Angeles. In 1948, this land was transferred to UCLA on condition that UCLA would use the land for medical and research purposes only. This restriction was imposed because the property was originally part of a Veterans Hospital. Now, this section will direct the Veterans Administration to broaden the terms of the reverter. The value of the taxpayers' interest in this property has been placed at \$100 million. I am concerned that this provision ignores both the justification for the original transfer in 1948 and the taxpayers' interest. This underscores the need for a better appreciation that Federal real property is an asset that deserves management in the interest of the taxpayer."

We know by fact that the U.S. Department of Veterans Affairs is not authorized to enter into the proposed Enhanced Use Leases, improperly Noticed Veteran Services Organizations about it's intent to do so, is suppressing the views of Veterans Services Organizations



regarding the proposed leases, is not providing information about the proposed leases we are entitled to review for good reason; and that decades of private third party land use at the West Los Angeles VA demonstrates no net benefit to Veterans.

Furthermore, we recognize the Department of Veterans Affairs is required to build housing for disabled Veterans at the West Los Angeles VA, has the capacity and funding to do so; and a long history of the Department and other Federal Agencies doing so has resulted in great benefits to disabled Veterans and taxpayers in ways that are consistent with the Mission and Core Values of the U.S. Department of Veterans Affairs. By such we request the Federal Bureau of Investigation, Department of Justice and VA Office of the Inspector General immediately investigate all private and public-private land use at the West Los Angeles VA, as well as prosecute and evict all that is found to be non-compliant with our Public Laws - so that we may swiftly realign the West Los Angeles VA to operate lawfully in service to Veterans at this peak of Veteran homelessness in Los Angeles.

We ask that in addition to publishing these comments in their entirety without modification, for Public Review in the Federal Register, that all responses and answers to our questions herein are also e-mailed to the addresses and individuals listed below.

Respectfully submitted on this day, July 31, 2020,

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Cc. file