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REVIEW OF ARMY INVESTIGATION OF ARLINGTON NATIONAL CEMETERY

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

HEARING HELD
JUNE 30, 2010

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REVIEW OF ARMY INVESTIGATION OF ARLINGTON NATIONAL CEMETERY

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Wednesday, June 30, 2010.

The committee met, pursuant to call, at 10:30 a.m., in room 2118, Rayburn House Office Building, Hon. Ike Skelton (chairman of the committee) presiding.

OPENING STATEMENT OF HON. IKE SKELTON, A REPRESENTATIVE FROM MISSOURI, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The CHAIRMAN. Good morning. Our hearing will come to order.

I have been told we will be having a series of four votes on the House floor in the very near future, but Mr. McKeon and I think it is best to proceed and go as far as we can. And if our witnesses will indulge us while we go over and vote, we will be back as quickly as possible to resume this very important hearing.

Today our committee receives testimony about the management of Arlington National Cemetery (ANC). Our witnesses include the Honorable John McHugh, Secretary of the Army; and Lieutenant General Steven Whitcomb, Inspector General (IG) of the Army. We welcome you both to the Armed Services Committee.

I am angry, period. Anger is generally not a useful emotion, particularly here on Capitol Hill. However, in light of the recent revelations about the management of Arlington National Cemetery, I am just downright angry.

Arlington Cemetery is our nation's most hallowed ground. It is reserved as the final resting place of our heroic warriors. Management ineptitude and neglect has resulted in a web of errors. How in the world could this tragedy be allowed to happen? Behind the facade of what appeared to be well-orchestrated burial services, investigations now reveal a dysfunctional management team operating without any oversight.

We all know people who are buried there, people who we respect, and people whose memory we hold dear. My next-door neighbor, Bill Hogue, is buried there. Every American, whether they have a loved one buried at Arlington or not should be outraged.

Secretary McHugh, I know you have already done much to right this wrong, but I cannot understand how the Army has allowed the problem to fester for years. There is clear evidence that in 1992, the Army was aware of a level of leadership discord at Arlington that would not have been tolerated in any other organization. The situation cried out for intervention, but the Army's response was to further withdraw from Arlington Cemetery operations.

Let me make clear that the uniformed service members who so proudly conduct the military honor ceremonies with such grace and precision are not part of the problem. We are so proud of these young men and women who continue to provide these ceremonies during these troubled times at Arlington Cemetery.

Sadly, notwithstanding the efforts of the Army, the way forward offers many difficult challenges. Given the limited nature of the investigation up until now, I am afraid that the 200 irregularities associated with grave sites may be a fraction of the problem. We must be prepared that a 100 percent survey of the cemetery and all its operations, which I believe must now be undertaken, will yield a larger number of problems that must be addressed.

The American people, and especially our military families, expect that those who wear the uniform of this nation and have made the ultimate sacrifice are afforded the most utmost respect and dignity even after death. They deserve no less.

[The prepared statement of Mr. Skelton can be found in the Appendix on page 37.]

The CHAIRMAN. Mr. McKeon, please.

STATEMENT OF HON. HOWARD P. "BUCK" MCKEON, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. MCKEON. Thank you, Mr. Chairman.

Secretary McHugh, General Whitcomb, good morning and welcome. We look forward to your testimony here today.

The recent revelations about the mismanagement and systematic failures at Arlington National Cemetery are both profoundly shocking and heart-wrenching. Arlington National Cemetery is hallowed ground, and its sacred hills serve as the final resting place for thousands of our nation's heroes. Families demand, and most importantly deserve, to know that their loved ones are being treated with the utmost respect and decorum. To now learn that the Army was aware of some of these problems for nearly 20 years and took no corrective action is extremely disappointing.

With that said, I commend Secretary Geren and Secretary McHugh for directing a comprehensive and thorough investigation into the matters at Arlington, forthrightly acknowledging the Army's mistakes, and taking the necessary steps to restore the public's confidence in the Army's stewardship of this sacred ground.

I am committed to work with Secretary McHugh, Chairman Skelton, and all of our colleagues to ensure systems and processes are in place that will make certain these errors are never repeated and those responsible are disciplined appropriately.

Among the most concerning findings of the inspector general is the nearly complete failure to comply with federal, defense, or Army acquisition regulations for services and property procured by Arlington National Cemetery. The evidence provided by the IG goes far beyond inadvertent noncompliance by overworked contracting officers. I find these practices to be unacceptable, particularly given the renewed emphasis on contracting best practices, and ensuring our business systems deliver value for the war fighter and taxpayer as highlighted by the Army's Gansler Commission, last year's Ac-

quisition Reform Act, and the improved Acquisition Act recently passed by the House.

While Secretary McHugh has directed a review of all contracts awarded during the past five years in support of the Army national cemeteries, I believe the review must go further to ensure that the Army stops responding to contract failures in merely a reactionary mode. I am hopeful that the testimony will address these concerns and the progress of the Department in investigating any criminal conduct on the part of the contracting officers and agencies.

It also appears that once again the Army has failed to recognize the dramatic increase in mission of its supporting organizations since the start of the war on terror. The cemetery's workload has understandably increased as more of our World War II and Korean War veterans pass on, in addition to the casualties from Iraq and Afghanistan. What is surprising is that the staff at Arlington has steadily decreased, and until this investigation became public, there was pressure to cut civilian personnel even further.

It is clear that efforts to achieve economies at the cemetery have led to a breakdown in the mission with disastrous results. Thankfully, the dedicated staff at Arlington is able to carry out their mission despite inadequate manning and longstanding leadership failures, and they deserve our gratitude.

Lastly, I believe that to achieve a complete and accurate accounting for all of the graves and remains at Arlington National Cemetery will require a massive effort and a considerable amount of resources and time. My concern is whether the Army, with all of its competing missions, is committed to accounting for all 330,000 individuals interred at Arlington National Cemetery. I am hopeful that you can provide that assurance to this committee.

Once again, thank you for being here today, and I look forward to your testimony.

I yield back, Mr. Chairman, and request that my full statement be entered into the record.

The CHAIRMAN. Without objection. We thank the gentleman from California.

[The prepared statement of Mr. McKeon can be found in the Appendix on page 39.]

The CHAIRMAN. Before we get started, I ask unanimous consent that a statement from the Reserve Officers Association be entered into the record. And it will be taken without objection.

[The information referred to can be found in the Appendix on page 59.]

The CHAIRMAN. I also ask unanimous consent that Representative Bobby Rush be allowed to participate in the hearing and ask questions under the five-minute rule following the members of the committee. Without objection.

Mr. Secretary, I understand that you have a commitment. We hope, in light of the fact that we have a few votes this morning, you can stretch that to give us a few extra minutes, and we will do our best to work with you on that. So let us move as quickly as we can in our questioning, and we call on Secretary McHugh. We welcome you back.

STATEMENT OF HON. JOHN M. MCHUGH, SECRETARY OF THE ARMY

Secretary MCHUGH. Thank you, Mr. Chairman.

Let me assure you, in response to your very reasonable request, we will do everything we can to provide as much time as possible for questions of the committee members. As I think you probably understand, I have a great appreciation for the role of this committee, and I want to do everything I can to facilitate and support its very important oversight role, particularly in a matter such as this.

I do, however, want to truncate my statement a bit. I had a rather lengthy one, and I thought it was appropriate given the very grave nature—no pun, I am sorry—very serious nature of this issue, but time is more important in the exchange, so I will try to be somewhat brief.

Let me assure you, Mr. Chairman, for all the anger I know you and every member of this committee feels, I share. When I was afforded the honor and the opportunity to serve as Secretary of the Army, the last thing I ever envisioned was facing an issue such as this. But shortly after my arrival in the building late in September, I learned of a review ordered by my predecessor, former member of this committee, Secretary Pete Geren, asking the inspector general to examine the cemetery's policies and procedures; its management, administration and coordination processes; as well as its command and leadership structures.

On November 12, Inspector General Steven Whitcomb advised me of the progress of that inspection, and based on the things I heard then and some other information that had come to my attention, I ordered the expansion of that to include an examination of ANC's information technology and assurance programs of its contracting procedures. I also ordered the inspector general to conduct a full-scale investigation into allegations of a hostile work environment; inappropriate hiring practices; improper interment, transinterment, and inurnment of the remains; and noncompliance with internal regulations, policies, and accountability errors.

As I think everybody knows, on June 8 of this year, Lieutenant General Whitcomb submitted his reports, containing 76 factual findings and making 101 recommendations for improvements at ANC. And you know the findings of that. I have tried to be as transparent as possible. We posted all of the inspection reports that evolved out of these particular efforts and all the attendant orders that I gave in response to those. But in short, what General Whitcomb found was a system that suffered from dysfunctional management, a lack of established policies and procedures, an unhealthy organizational climate, numerous errors in the accountability of remains, as well as the now rightfully infamous 211 discrepancies between burial maps and grave sites. Those demanded immediate action, and upon receipt of the inspector general's reports, I directed the entire restructuring of ANC's leadership, administration and oversight.

Just if I may, Mr. Chairman, to go through the major points of those orders, I ordered the rescission of Army General Order (GO) 13, which had created a fractured, unmanageable oversight structure for the cemetery. I ordered the creation of a position of Execu-

tive Director of the Army National Cemeteries Program to provide direct leadership and management, as well as the appointment of Ms. Kathy Condon as that Executive Director, who is one of our most capable, experienced and senior executives, to follow forward.

I called for the establishment of the ANC Provisional Oversight Group to support the Executive Director in the restructuring of cemetery operations and to make the corrections in deficiencies unveiled in the IG's report. I ordered the creation of the Army National Cemeteries Advisory Commission to provide independent oversight and regimented review of near- and long-term activities at ANC. As I know many of you are aware, former Senator Bob Dole and former Senator Max Cleland have graciously agreed to assist us in the establishment of this key strategically focused group.

I reached out to my friend and now my colleague, the Secretary of the Veterans Affairs Department, Eric Shinseki, former Chief of Staff of the Army, for assistance. He detailed Patrick Hallinan, Director of the Office of Field Programs for the National Cemetery Administration. And through the gracious support of Secretary Shinseki and also the efforts of Mr. Hallinan, we are finding a better way forward.

I ordered an all-inclusive study of ANC's organizational structure, manpower equipment requirements and workload to better ensure we have the right resources, personnel, and capabilities to meet the cemetery's growing mission.

These are just a few of the steps I have taken. I have also ordered full audits of all the contracts. We don't know what we don't know, but we are working hard every day to find out everything that is possible as to the who, why, and what behind the failures, particularly in procurement and particularly in contract and contract management.

For 146 years, Mr. Chairman, the Army has, I think, proudly served in the administration of this hallowed ground, as you so rightfully put it. Clearly, as the inspector general's report has found, in recent days, perhaps even in recent years, we have lost that commitment and that record of success. I want to pledge to this committee, more importantly both to the American people and the men and women who wear the uniform of this great nation and those who love and support them, that the Army is doing and will continue to do everything necessary and possible to right these unimaginable and unacceptable wrongs. We are on our way. I think we have the process that will hopefully solve many of the problems that have been unveiled with respect to yesterday and set us on a better path for tomorrow.

With that, Mr. Chairman, I rely upon my written statement and its submission to complete the record, and I would yield back.

The CHAIRMAN. Without objection, the entire statement will be placed in the record.

[The prepared statement of Secretary McHugh can be found in the Appendix on page 40.]

The CHAIRMAN. General Whitcomb, thank you for being with us.

STATEMENT OF LT. GEN. R. STEVEN WHITCOMB, USA, ARMY INSPECTOR GENERAL, U.S. ARMY

General WHITCOMB. Thank you, Chairman and Ranking Member, and distinguished members of the House Armed Services Committee. And thank you for the opportunity to appear before you to discuss our investigation and our inspection into the issues at Arlington National Cemetery.

Secretary McHugh has explained the genesis of our inspection and related investigation into the matters, and I ask that my further comments be submitted as a matter of statement in the record.

What I would say, sir, is that while our findings raised very serious issues that we all are aware of and that require significant remedial actions that the Secretary has outlined, I would like to make it clear and assure our folks that the ANC employees, working under an extraordinarily high operational tempo, lack of leadership, lack of a forward vision and thinking, still manage to serve our soldiers, honor our families, and honor all Americans with first-class burials, ceremonies, and ceremonies by senior leaders of our nation. That commitment never faltered under these extraordinary conditions, and our job and our commitment as an Army is to ensure that the resources are applied; that these men and women that serve our fallen so honorably have what they need when they need it to keep that tradition that we have followed for so many years.

Mr. Chairman, and members of the committee, thank you for your continued support for our soldiers, sailors, airmen, Marines, coasties, and the civilians that support our nation, and I look forward to your questions.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

[The prepared statement of General Whitcomb can be found in the Appendix on page 48.]

The CHAIRMAN. Mr. Secretary, can we in this committee expect an audit of all—that is, 100 percent—of the cemetery grave sites with the use of technology and data that is modern and up to date? Where are we on that?

Secretary MCHUGH. Mr. Chairman, we have already begun to examine the record and the circumstances with the 211 graves that the inspector general identified. We have resolved about 26 of those thus far. But as your question, as framed, suggests, it is a very laborious process under the current procedures available.

It is our intent to do exactly what you suggested, check the three sources of records currently available, that is, the site map, the actual burial cards and records that are contained in paper, against tombstones and actual documentation associated with those. To do that for some 330,000 graves is going to take a better system of recordkeeping, and that means the best in information technology (IT).

I have directed the Army CIO/G–6, which is the technology experts for the United States Army, to engage at Arlington, to begin to identify the processes by which we need to move forward to have that done as quickly as possible. I would say as well that, through the generosity and graciousness of many private sectors, including

Senator Warner and his support of a consortium of Northern Virginia technology interests, we are exploring the possibility of assistance from the outside to facilitate and accelerate that to the greatest extent possible. There are some legal issues there with prohibitions and certain fashions for accepting outside gifts, but if we can work that out, we will use those resources as well. So as soon as the IT problems are solved, we will begin the process of checking and crosschecking all of those records for each of the 330,000-some graves.

The CHAIRMAN. Mr. Secretary, in the course of your review of the situation, have you encountered information that would explain why the Army didn't replace the leadership team, the civilian leadership team, in Arlington, because the Army obviously was well aware of the dysfunctional relationship between the Superintendent and his deputy.

Secretary MCHUGH. We can speculate, some with some reason and others with not so much certainty, Mr. Chairman.

I think it is important to show that the last inspection in 1997 did have follow-on that has not been widely reported. The Commanding General (CG) of the Military District of Washington (MDW) after that report did indeed counsel the Superintendent and Deputy Superintendent, which, as I know you are aware, is the standard procedure for first addressing those issues. There were also follow-on inspections that certainly the Inspector General is far better positioned than I to detail in 1998 and 1999. So there were some efforts.

As to how it was allowed to continue for so long, I think one of the major issues centers around General Order 13. I can speculate that I think there was probably a wealth of good intentions behind that general order. I suspect what motivated it, at least in some measure, was an interest in providing Arlington as much support as possible, but the net effect, as I read it was by placing everyone in charge, no one was in charge. There was, I think, legitimate questions as to who was the controlling authority. There were no clear lines of exercising that authority, and, therefore, at least in part, the circumstances were allowed to continue.

But having said that, for whatever the reasons, it should never have happened. What we are trying to do now is take the steps necessary to set the path more clearly in the future, rescind the GO 13, restructure the administrative processes, and the lines of authority are pretty clear through the Executive Director right to my desk. It is not exactly probably optimum, but this is, I think, an immediate response, and certainly as we go forward, we will examine alternatives to administrative structure as may be appropriate.

The CHAIRMAN. This brings the question to mind, should the Army continue its responsibility for managing Arlington Cemetery, or should it be given to some other agency?

Secretary MCHUGH. Well, Mr. Chairman, as you know, those questions are for the Congress and the President to answer. I can give you my personal perspective. I can think of any number of agencies—and there are several who are involved in cemetery operations—I will tell you that, like the Army, perhaps for different reasons, all of those agencies are stressed as well. And while I cannot speak for the heads of those agencies, I am not sure the fair

thing to do is to burden others because of the shortcomings of the United States Army.

As I mentioned, 146 years, there are many reasons, most important of which is that ground is the final resting place of America's greatest heroes. But I do believe over that nearly century and a half, the Army has helped to polish that reputation. Clearly that record has been tarnished. We are committed fully to regaining that kind of record into the future, and I am going to work as hard—and the people that we have brought into this initiative will work as hard as possible to restore what we consider an Army problem.

I would note as well, Mr. Chairman, this is the final resting place of veterans, but we are in a special circumstance. Nearly half of the heroes who are interred in Arlington in this current era are of Army. And I can't speak for the other services, but I wouldn't be surprised if they were to feel very strongly as well, we feel it is the responsibility of the military, particularly in time of war, to carry those heroes to their final resting place, and we feel very strongly about that.

I fear, if I may, as a former member of this committee for 17 years, that moving jurisdiction from this committee elsewhere would have certain considerations that would need to be carefully considered, with all due respect. But again, until we are ordered to step down, we are going forward.

The CHAIRMAN. Thank you very much.

We are running out of time. Mr. McKeon, go ahead and start. And if you have to finish when we come back, we will do just that.

Mr. MCKEON. Thank you, Mr. Chairman.

As I alluded, Mr. Secretary, in my opening statement, I am concerned that the review of Army National Cemetery contracts may not go far enough. While it is not conducive to best practices, it is understandable that an operation like Arlington National Cemetery would not have significant in-house acquisition expertise and would rely on other Army commands for contracting support.

The cemetery relied heavily on the U.S. Army Corps of Engineers and the Army's Contracting Center for Excellence for contract award administration. These two organizations should have substantial depth and experience in contracting, yet in instance after instance, the contracting officers failed to comply with the most basic of federal contracting regulations, and for that matter with plain common sense. They frequently failed to verify that contractors receiving noncompetitive awards were capable of performing on the contracts. They awarded contracts to contractors with cost proposals over double the amount that was estimated to perform the work. They awarded contracts for information technology services to contractors who didn't have any qualifications or training to perform it. Most contracts contained no determination that practices were fair or reasonable. When proposals had typographical errors, contracting officers just rounded the numbers down to make the bids more advantageous. They violated procurement integrity laws by revealing sensitive information. The list goes on.

I find it implausible to believe that contracting officers for the Corps of Engineers and the Contracting Center of Excellence reserved this sloppy work for just Arlington National Cemetery.

Therefore, my two-part question is: What steps is the Army going to take to ensure that other contracts awarded by these two contracting officers, not just those for Arlington, are in compliance with federal and defense regulations and are protecting the interests of the American taxpayer? And number two, have the contracting officers involved had their warrants suspended or revoked, and what remedial training is being put in place now to avoid further violations of this law?

Secretary MCHUGH. As I know you understand, Congressman McKeon, the Army is bound by requirements of due process to fill the record before we take any disciplinary actions, including suspension of warrants. I would agree with you fully that where we are right now should not be the end in terms of reviewing the contracts, and I assure you it is not. What we need to do and what we are doing is to establish a factual basis and fill in what is currently missing, and that is the vast—what would normally be considered required paper trail as to the structuring of those contracts, and how they were reviewed, and what procedures were used or not used in that process.

The Assistant Secretary of the Army for Acquisition, Logistics, and Technology (ASAALT) has been directed by me to examine those contracts. They are being supported from my direction by the Army Auditing Agency. We are very hopeful that that will provide us a much clearer understanding of what, if any, failures were committed; which, if any, malfeasance existed; and as you have heard mentioned here earlier this morning, the Criminal Investigation Division is being provided all those materials, and they will make those determinations not just against particular contracting officers, but wherever that trail may take us.

So this is, for us, the beginning of a process. We have laid it out, it is already under way, and I promise you we are going to pursue it to its end.

The CHAIRMAN. Mr. McKeon, may we resume with your questions upon the completion of the votes, and then we will go on to others?

We will recess until we return.

[Recess.]

The CHAIRMAN. The gentleman from California, Mr. McKeon, has finished his questioning. We will now go to Mr. Ortiz from Texas. We are under the five-minute rule.

Mr. ORTIZ. Thank you, Mr. Chairman, Secretary McHugh, it is good to see you again. I want to welcome you to your old committee. With you at the helm, I know things are going to work out.

General Whitcomb, it is always a pleasure to have you back here. Thank you for your honest and frank dialogue.

With a significant number of mismarked and unmarked graves, what is the Army doing to reach out to the families of the deceased warriors, service members? And what is the Army doing to properly account for these unmarked or mismarked graves to actually mark the sites? And the report only focuses on the Arlington National Cemetery. Do you think that this problem exists in other areas? I know that we focus on Arlington, but we have cemeteries in many places—Morocco, Africa, Belgium—and I hope this is not a widespread problem we have. But, if it is, I know you are going

to look at it and take care of it. Maybe you can respond to my questions.

Secretary MCHUGH. Thank you, Congressman.

As I tried to lay out very briefly before, and I appreciate the chance to expand upon it a bit, our first objective is the 211 graves that have been identified with map discrepancies. We are currently working through those. As I mentioned earlier, we have resolved 27 of those. Those will continue, and they have to this point been errors of mismarking on the so-called master map. We will each and every day match records.

There is a three-part record system—the map, the burial cards that record the funeral, and the soldier, sailor, Marine, Coast Guardsman, or the family member involved against headstones where they exist. And where, for example, the map shows a grave and yet there is no record nor headstone, what we have done is actually unearthed, through a set procedure, and determined in each one of those thus far that indeed the map was in error, that there were no remains in those graves, and those graves will be reclaimed and used for appropriate purposes with a fallen hero at some time in the future.

After that, we intend to proceed, in all likelihood, chronologically, most recent back. I think clearly those who have lost loved ones in recent years are more concerned and aware of this. But, at the end of the day, I should tell you that it is our intent, upon implementation of a truly viable computer and IT system, to run matches on all 330,000 of those graves and, where we find similar discrepancies, to begin the process of validating or finding out what the issues are with each one of those discrepancies.

As to reaching out to the loved ones, on the first day we established—the first day of the announcement when I released the Inspector General's report, we established a call center. We announced the number for that call center; and as of the last count I had available, we had 867 calls into that center. Of those, we have resolved 169 of those cases. As we go forward, we are contacting each and every one of those persons who called and expressed concern to update them; and we will continue to do that until we have worked through the entire list.

We are not at this time calling people who have not expressed concern to revalidate that indeed they don't have an issue. For the vast majority of family members, they feel—our conjecture is they feel confident. But where we do have expressions of concern, we work with those people directly, and we will continue to do that until we have answered every concern and loved ones' questions.

Mr. ORTIZ. My time is up, but my other question was going to be, as soon as you finish with this, you don't think that the cemeteries we have in foreign countries have problems like we encountered at Arlington National Cemetery?

Secretary MCHUGH. I can't possibly know that. I can tell you that those cemeteries are operated, by and large, by the Veterans Administration and National Battle Monuments Commission. I guarantee you that they will take lessons learned from our experiences and apply them, also.

The chairman of the Battle Monuments Commission, former Senator Max Cleland, has agreed to support us, as I mentioned in my

opening statement, in constructing an advisory and oversight committee so he will be part of that process. And being the great leader that he is, I know he will take our experiences and utilize them to whatever end is necessary within their purview.

The CHAIRMAN. I thank the gentleman.

Mr. Conaway from Texas.

Mr. CONAWAY. Thank you, Mr. Chairman. I don't have too many questions. One, I have great confidence in the team, Mr. Secretary and General, that you will see this through to the end; and I look forward to working with you on how we get that done.

Are the remains—if you have to disinter someone, are the remains—is there identification with the remains that will be able to be used, or will they have to use DNA, or what do you anticipate if you have to unearth someone?

Secretary MCHUGH. The short answer is yes to all of those. Each casket is, in theory, tagged on the outside; and you should be able to identify it. There are also more forensic-oriented ways to identify an era or period.

Family members—we had one instance where they contemplated disinterment because they felt that they had a very unique casket and they would be able to identify based on the appearance of the casket alone. We ultimately resolved their issue without going to that extent. But that would certainly be part of it.

If we are so authorized and if it is necessary, we have not ruled out the possibility of actually opening caskets. Although, obviously, decomposition is an issue, there usually are identifiable articles in a casket of a particular loved one. And should it thereafter become necessary for DNA, assuming the proper authorizations are both executed and requested, that would be something that we contemplate. But we consider that a very extreme measure.

Mr. CONAWAY. Certainly that is a last resort. You said authorized. Are there barriers that you need relief from in order to make all of that work? Assuming the worst case you had to go all the way to the end of that process, are there things that we need to do, just anticipating that?

Secretary MCHUGH. I don't think that we need any additional legal authorities. The legal authorities are pretty clear. But it requires, obviously, as it well and should, that the designated next of kin, pursuant to the paperwork that each soldier submits as part of their service in the military, to request that validated up to a legal sufficiency.

Mr. CONAWAY. One minor issue. Two weeks ago, there was a brief television expose; and they had at least a granite headstone material was discarded into a creek. Have you been able to resolve what that was?

Secretary MCHUGH. To a certain degree. Apparently, prior to 1994, I believe, it was accepted practice, not just in Army cemeteries but in other government-run cemeteries, to use damaged, excess gravestones for building material. In the case you mentioned, it was for bank and stream stability.

Mr. CONAWAY. These were discarded headstones? This was just material that was used for headstones that were no longer suitable for that purpose?

Secretary MCHUGH. There were actual headstones on graves that were discarded as excess. Just as an example, a soldier is buried, and his wife may pass at a later time. You bury the wife with the soldier. You need a new headstone. The prior headstone becomes excess. And those were used.

Our policy has changed. Since 1994, they are broken up and ground up and properly disposed of. Before, it was a widespread practice. And I am not sure how they justified it in their mind. It seems distasteful to me. But, as far as we know, there was no ill intent. It was just inappropriate use.

Mr. CONAWAY. Again, Mr. Secretary, appreciate you being here and we have great confidence in your work and I yield back.

Mr. ORTIZ. [Presiding.] The Chair yields to Dr. Snyder.

Dr. SNYDER. Thank you, Mr. Chairman. Thank you gentlemen for being here.

General, I want to ask you a question, if I might. On March 9 of this year, I sent a letter to the Inspector General of the Department of Defense (DOD) inquiring about alleged reprisals against Jennifer "Gina" Gray, the former Director of Public Affairs at Arlington National Cemetery, and yesterday received this report back dated June 29, Whistleblower Reprisal Investigation, Arlington National Cemetery, marked for official use only, and then the cover letter from the person in the Inspector General's office is also marked for official use only. So why don't you share with us what you can share with us about the results of that investigation against Ms. Gray?

General WHITCOMB. Yes, sir. Unfortunately, I can't share much. We received the same report late last night after work hours. I glanced at it this morning. The results of the investigation—the bottom line was that it found that the complainant was not reprised against, although she met the whistleblower standards for an investigation. But it was found she was not reprised against in her employment.

I have not read the entire report in detail. Other than discussing it with DOD IG in terms of how long it would take them to complete their investigation and getting it last night, unfortunately, that is all I can provide to you.

Dr. SNYDER. Well, I think we are down to a position I consider that to be incomplete information and perhaps unfair to Ms. Gray. Is it inappropriate for me to read a portion from the cover letter? It is marked for official use only at the bottom.

Or shall I phrase it another way? Has there been any instructions to Arlington National Cemetery to provide an appropriate remedy to Ms. Gray?

General WHITCOMB. No, sir, not that I'm aware of. Ms. Gray has ongoing litigation with the Department of the Army.

Dr. SNYDER. Let me do it another way. I have 2 minutes and 59 seconds. I am going to have someone bring this letter to you and you can paraphrase it, given the restrictions that I am under. Can I do that?

While he is doing that, Mr. Secretary, I wanted to ask, like Ms. Shea-Porter and Mr. Boren, we were attending an earlier hearing on the minerals management issue of another committee. As a legislative body—and you have been there before, too—we focus on in-

cidents after we are very dissatisfied with what goes on. It is easy for us to say the Army didn't do this, recognizing the Army has much higher turnover in the position of authority that you are in than those of us on this committee. What role do we have in this? Where did we drop the ball as far as missing these red flags?

Secretary MCHUGH. I don't want to characterize this committee as having dropped the ball. These problems were committed under the watch of the Army, and it is an Army responsibility.

I would say, as we go forward, after such time as we have the opportunity to identify issues and to restructure ourselves, that it would be very helpful to have this committee, as part of its oversight processes, at presumably the subcommittee level, to have us in at a periodic time of your choosing to do the regular oversight hearings that this committee does so effectively in so many other operations of the military writ large.

I think part of the problem that existed here, is that for all of the importance that the Army places on this, Arlington National Cemetery was somewhat of a satellite spinning off by itself. I ascribe part of that challenge or part of that reality coming out of I think the unhelpful construct of General Order 13, but it goes deeper than that.

The Army has what are called DRUs, Direct Reporting Units. We have field agencies that, because of the nature of their structure, operate somewhat independently; and that has to be a part in this process on how we found ourselves where we did. I have ordered the Inspector General from this point forward to do biennial, twice-a-year inspections at those kinds of activities. But the more light on the process and the more eyes on the process the better. So to incorporate Arlington and the Army National Cemetery's program into your regular oversight function I would view as a very helpful step.

Dr. SNYDER. General, do you have any further comment to make?

General WHITCOMB. I can't comment on a DOD IG inspection, sir. I told you what I think the bottom line findings of it are. There is still ongoing litigation it would be inappropriate for us to comment on with Ms. Gray and the United States Army. I apologize I can't be more open.

Dr. SNYDER. I think you already made a comment that may not be a full picture of what occurred.

Thank you, Mr. Chairman.

The CHAIRMAN. [Presiding.] Thank you.

Mr. Courtney.

Mr. COURTNEY. I want to thank both witnesses for the response, which is focused and sincere in terms of trying to remedy this situation.

Mr. Secretary, you described what the process is. If there are calls that come into the 1–800 number, that those families get attention and there is going to be an effort to work with them. And you also described the chronological process. So how does that work if a family member calls in with a concern? Does that sort of get moved up to the top of the list?

Secretary MCHUGH. Yes, sir. We are trying to give priority in two places. The 211, which, by and large, are not identified so are unknown to the public. So, obviously, with almost 900 calls, we have

expressions of direct concern from individuals. We are responding to those with urgency.

Mr. COURTNEY. So the calls are generally concerned that one of their loved ones was one of those 211?

Secretary MCHUGH. Generally. Usually, the basis for that—and I hate to broad-brush it because, obviously, every family member has his or her unique concerns, but, generally, it is because they were aware that one of their loved ones was interred in one of the sections cited in the report. Not exclusively, but understandably the majority of those are. As we solve one problem from a call, there is a likelihood that we are solving part of the 211 as well, although it is not one for one per se.

Mr. COURTNEY. In one of the materials, it is a Vietnam-era area of the cemetery where problems were identified; is that correct?

Secretary MCHUGH. I defer to the Inspector General.

General WHITCOMB. Sir, we don't have exclusive areas where we have located remains. Most areas, unless they are completely closed out for further burials, there is a general time frame, but there is not a Vietnam era area, there is not a Desert Storm area, not specific sections. But I believe one of the grave sites in question was from Vietnam.

Mr. COURTNEY. That is helpful in terms of any of the calls we may get.

Secretary MCHUGH. You do have section 60, which is, by and large, Iraq and Afghanistan; not exclusively but almost overwhelmingly.

Mr. COURTNEY. Mr. Skelton mentioned at the outset that testimony had been submitted today by the Reserve Officers Association regarding a question of parity for guard and reserve fallen having access to the cemetery. Are you aware of that issue that they are raising?

Secretary MCHUGH. I am not aware of the report. I wasn't aware they had submitted testimony until the chairman asked for its inclusion in the record.

I can tell you just generically we would certainly not want to tolerate any discrepancies in treatment between a guard and a reservist who fell in theater versus an active. They are both equal heroes and serve equally. But if the committee would share those concerns with us, we would certainly very carefully consider them.

Mr. COURTNEY. Your staff, I am sure, will have access to the testimony, but any written response you can give to the committee after this hearing about trying to eliminate any discrepancy I think a lot of us would be interested in hearing.

Secretary MCHUGH. We will take a look at it.

[The information referred to can be found in the Appendix on page 65.]

Mr. COURTNEY. Thank you, Mr. Secretary.

I yield back.

The CHAIRMAN. I thank the gentleman. Mr. Wittman.

Mr. WITTMAN. Thank you, Mr. Chairman. Mr. Secretary, General Whitcomb, thank you so much for joining us today.

I want to begin by talking about what has been identified through almost a 20-year period as being a dysfunctional civilian command structure there at Arlington National Cemetery; and I

guess the question is, knowing there has been this dysfunction there, why did that continue? Why was there continued lack of response by the Army or lack of an effort to try to fix that dysfunction with the civilian command? Is it something that the Army control structure wasn't set up to be able to do, or to identify, or to respond to? Can you give us some idea how that was allowed to continue to occur and for that dysfunctional organizational structure to continue?

Secretary MCHUGH. I wish I had all of the answers to that, Congressman. A lot of this is conjecture. We are talking about back to 1997, 1992, so well over a decade; and a lot of the people who were directly involved are gone. There is no excuse why it happened. It was as unacceptable then as much as it is now.

Part of the way forward for us is to try to restructure this organization writ large so it doesn't occur again. I have taken I think an important step in doing that in rescinding General Order 13. As I mentioned earlier in my comments, I think there was real confusion among the various agencies, be it Assistant Secretary of the Army for Civil Works (CW), or be it the Military District of Washington, and others, as to who had exact oversight authority. A well-intended but in my judgment not well-written general order was a part of it.

I would note there were at least some attempts to address this issue, obviously not effectively enough. But I would defer to the Inspector General to kind of walk you through the responses that were taken, at least as we have been able to discover them. Again, not to justify any of this but just to kind of fill out the picture.

General WHITCOMB. Congressman, you are exactly right. What was identified in 1992 was a complaint by an employee that talked about the command climate, the management style at Arlington.

In 1997, when the MDW, the Military District of Washington, Inspector General was directed by the Commanding General of MDW to do an organizational command climate assessment, that was further uncovered.

A leader has several options once they discover a dysfunctional unit. You can counsel the individuals, you can discipline them, or you can ultimately relieve them if it is serious enough. There is evidence that the Commanding General of MDW in the general 1992 time frame, a different general officer, did in fact counsel the Superintendent and Deputy Superintendent. There is also evidence after the 1997 inspection and assessment the new CG at MDW did the same thing, counsel them.

I don't know what the written record was of that counseling, what the results are. There is no indication with either the Department of the Army Inspector General complaints or requests for assistance or with the MDW–IG that in the period from 1997 until the current time that there were complaints from employees requesting assistance due to the command climate. That started to surface in 2009 directly to us.

There was also a 1998 review of the 1997 assessment, done again by the Military District of Washington Inspector General, and they went back in and looked at the areas that they had covered in the 1996–1997 time frame and gave the CG an assessment. So there was some action, although apparently not the right action.

Mr. WITTMAN. Mr. Secretary, one additional question, are there remains in the 117 graves sites that don't have headstones? And if there are, have we identified those remains? And if we have identified those remains, what are we doing to honor those deceased?

Secretary MCHUGH. The short answer to your question is we have found no remains. The 117 were map discrepancies, as described in the Inspector General's report. We have gone in and investigated 27 of those thus far; and in each one of those 27 cases we have found that the maps were inappropriately marked as having remains when our analysis, including digging into those sites, revealed that there were not. That doesn't ensure that we won't encounter the circumstances you are concerned about rightfully in the future, but to this point we have not had to do that.

Should we, obviously, we are going to have to take a number of steps. Presumably, if the outside tagging is appropriate, we would contact the next of kin and make arrangements for appropriate honor reinterment in concert with their wishes, of course. But we have not had to deal with that as yet.

The CHAIRMAN. I thank the gentleman.

Mr. Loebsack.

Mr. LOEBSACK. Thank you, Mr. Chairman.

I thank you both for being here. We appreciate your service.

I have to begin by saying that I was deeply disappointed when I read in the Washington Post that those headstones from Arlington were found in a river bed on the cemetery's grounds as well the Patuxent Research Refuge. When I saw the photo that accompanied the Washington Post article, I was particularly upset that there was a name on one of these headstones, and it happened to be George Bihrer, a World War I veteran from Iowa. That particularly hit home, as I am a Representative from Iowa. As you might imagine, it hit me hard; and I was quite dismayed.

And, again, there doesn't seem to be an explanation for how that headstone came to be there; and I guess that is even more upsetting.

And I know, Mr. Secretary, you tried to answer to some extent the question about the current status of the headstones that were found there. So what the policy is with respect to headstones that are replaced or whatever the case may be, can you elaborate a little more on that? I know you were answering that question when Congressman Conaway brought that issue up. What happens to those headstones?

Secretary MCHUGH. Just so I am clear, the normal procedure now?

Mr. LOEBSACK. Now, exactly.

Secretary MCHUGH. When we replace a headstone—and it has been this way since 1994, and we are not aware of any divergence from that policy. But what happens now is a replaced headstone is broken in two and ground so that, in the case that you cited where there are discernible markings, they are no longer discernible. And they are disposed of. They are not reutilized. They are disposed of in an appropriate manner.

Mr. LOEBSACK. And is it the case that we don't know yet why these headstones ended up where they did?

Secretary MCHUGH. It seems obvious this was an accepted practice throughout many government agencies that indeed had cemetery operations that encountered excess headstones.

As I said to Congressman Conaway, I can't justify that. It was, apparently, acceptable policy. I find it hard to believe how anyone could develop that as acceptable policy. I find it rather abhorrent, but it was accepted policy.

So what we are encountering is that these headstones were used in a variety of ways as building materials. It is distasteful. We don't do it any longer; and we are making every step, most importantly, to extract those headstones from the stream.

We have a way forward with the Department of Interior. In fact, we have a meeting coming up, I believe it is today, actually, on June 30, to talk about the appropriate environmental way forward. These are in streams and stream beds; and we don't want to, A, cause an environmental catastrophe or an environmental challenge; and, B, they do in part hold up the stream bed, which validates the integrity of the cemetery land. So we want to make sure from an engineering and environmental perspective we are going ahead, but we are going to take all of those stones and according to current policy grind them up and dispose of them in a respectful way.

Mr. LOEBSACK. Two more quick points and I think both of you can agree with this. It has been quite some time, and we have been pretty successful in this country in sort of bringing America around to appreciating our soldiers, sailors, airmen, Marines and Coast Guard folks after Vietnam. Vietnam was a low point, as everyone in this room knows, sort of how the American public looked at our military and, to some extent, our troops as well and didn't really appreciate them very much, I think as a result of Vietnam; and we have been making a long, slow comeback on that front since that time.

I am very concerned, obviously, that what we have seen happen with these headstones—it is a real problem, obviously. It doesn't reflect well, I think; and I think a lot of the American people are going to have a lot of concerns, obviously, about this. And they already do. I look forward to working with both of you, to the extent we can do that as Members of Congress, to remedy the situation and provide whatever resources we need to provide to make sure that this doesn't happen again.

One final comment about the guard and reserve. Please do look at the report from the Reserve Officers Association. We have 2,900 Iowa national guard members that are going to be deployed to Afghanistan, and I think it is important that we not tolerate any distinction with what happens with folks who have served active duty versus those who are in the guard and reserve. I look forward to continuing to work with you on that front as well.

Secretary MCHUGH. We will certainly look at that, Congressman, and appreciate your help. Again, there is no justification for what happened.

General WHITCOMB. And my son is one of those Iowans, sir.

Mr. LOEBSACK. Good for you. Thank you. I probably met him when I was at Camp Ripley recently.

The CHAIRMAN. I thank the gentleman.

Mr. Wilson.

Mr. WILSON. Thank you Mr. Chairman. General and Mr. Secretary, thank you for being here today.

Secretary McHugh, those of us who served with you regret that you are in the role you are in on these issues, but we have faith, and I have faith in you, and I know that you want the best for our military.

Arlington National Cemetery is a national shrine with the highest honor possible for our veterans of perpetual care on sacred ground. As a veteran myself, and also with immediate family members who are buried there, Captain Michael McCory, an Army captain, Marine Colonel Trane McCloud, who is a former staff member of mine, is buried at Arlington. So it is extremely personal to me. All of us as Americans expect the highest standards of compassion for our veterans and military families.

With that said, Mr. Secretary—and you have addressed this, but it is so important it needs to be restated—the Army Inspector General report suggests significant contracting discrepancies, even improprieties, and you have indicated there will be a Criminal Investigation Division (CID) investigation. Can you tell us how far and what will be done?

Secretary MCHUGH. Well, the CID will use, and to the extent they are available—and it is very early, as you know, in the process—are using those materials developed through the audit of the contracts. ASAALT, Acquisition, Logistics, and Technology, the contracting and procurement office for the Army, is the lead on the contract review that I have ordered. It is being supported by the AAA, the Army Auditing Agency.

Those materials, after they try to develop to the greatest extent possible an audit trail, will be shared with CID, as are all of the IG reports, to try to make determinations if there is sufficient evidence to proceed in any way against anyone in a criminal manner.

That is going to take some time because, as has been noted in the IG's report, there is a paucity of identifiable material as to how much was spent, what was garnered for substantial millions of dollars spent of taxpayer and Army money in pursuit of not much gain.

Mr. WILSON. I appreciate you looking into this. Because it is beyond just incompetence. All of us, and I know you, expect much more.

Secretary MCHUGH. If I may, also, Congressman—because Congressman McKeon brought it up as well—we are not just stopping at Arlington. We want to make sure that the direct reporting units, the field agencies are subjected to oversight. I have ordered the IG to do that. I know he and his people will comply. But we have to take lessons learned, and where we find deficiencies in our contract oversight process we are going to apply those across the Army as well.

Mr. WILSON. The Veterans Administration runs 130 national cemeteries. In the district I represent, the Beaufort National Cemetery, the Fort Jackson National Cemetery, which was promoted by my predecessor, the late Chairman Floyd Spence, these cemeteries have not had such problems as have been uncovered at Arlington.

Do you see any benefit in bringing Arlington National Cemetery under the Veterans Administration?

Secretary MCHUGH. Well, as I responded to the Chairman in one of his opening questions, I have the highest regard for Secretary Shinseki. He has been enormously supportive in the Army's efforts to try to rectify this situation. As you noted, they run a very substantial network of cemeteries, and I know they do a fine job as well.

I also mention there are other agencies that run cemeteries, also, the Department of Interior and others; and they serve as memorials and active cemeteries to a certain degree.

I think all of the agencies that run cemeteries have their particular challenges. There are reports as to certain deficiencies in these other agency cemetery operations. But I think at the end of the day it is rather unfair at best to burden some other agency with an Army challenge.

I mention as well, for 146 years the Army has been a major part in making this the most special place on the face of the earth in terms of honoring fallen heroes. We view it as our responsibility. The military views it as their responsibility to carry those fallen heroes, particularly in time of war, to their final resting place. We are going to regain that legacy that has been built for nearly one and a half centuries.

I will tell you, as I mentioned to the Chairman, as a former 17-year member of this committee, I do think, with all due respect to other committees, that it is important for this committee to keep jurisdiction over oversight of the final resting place of these fallen heroes. But whatever the Congress and the President decides, we obviously will follow. But until we are told to step down, we are going full speed ahead.

The CHAIRMAN. I thank the gentleman.

Before I call on Mr. Johnson, let me make an inquiry of the general.

General, you submitted the Inspector General report; am I correct?

General WHITCOMB. That is correct, Mr. Chairman.

The CHAIRMAN. When did you submit it?

General WHITCOMB. We had two reports, an inspection and an investigation. Two separate reports. I have two separate divisions.

The CHAIRMAN. Approximately what dates?

General WHITCOMB. The investigation was submitted to the Secretary on the 8th of June. The inspection was not submitted to him. We worked it when it was completed from the first part of the year until April or May or so.

The CHAIRMAN. Now, as I understand it, there is another report, a Department of Defense Inspector General report; am I correct?

General WHITCOMB. Sir, the only Department of Defense Inspector General report that I am aware of is the one that Congressman Snyder mentioned, which is the whistleblower complaint by an employee at Arlington National Cemetery that was opened in October of 2008. That goes directly to the DOD IG, and we received the final results of it late last night.

The CHAIRMAN. Would the gentleman from Arkansas wish to inquire?

Dr. SNYDER. General, you piqued my interest. I got it because I sent a letter of inquiry several months ago. Mr. Skelton got it last night or yesterday afternoon as chairman of the committee. Yet when I asked you about it you said you hadn't had time to read it.

I understand busy lives. On the other hand, you are attending a full committee hearing today on these terrible things we don't like at Arlington National Cemetery. You are the Inspector General for the Army. You received an Inspector General's report from the Department of Defense involving Whistleblower Reprisal Investigation, Arlington National Cemetery. Why couldn't you have found time to read this report and be prepared for questions about it?

General WHITCOMB. Sir, I did read it. I told you I read it this morning. I got it last night. I read it. I have not had a chance to analyze the report that took almost 18 months for the Department of Defense Inspector General to complete. That is effective——

Dr. SNYDER. But then you said that—you ventured a comment about it which I felt was an incomplete comment about it, and then when I asked you to clarify more completely you said you couldn't talk about it because you hadn't analyzed it. It seems to me that you have said—well, were not adequately prepared to answer this committee's questions but also perhaps did a disservice to Ms. Gray.

I appreciate your clarification.

The CHAIRMAN. I thank the gentleman.

Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Chairman.

I share the outrage that you expressed, as well as feelings of great empathy for the families of our fallen soldiers who are buried at Arlington National Cemetery, as well as their loved ones, their spouses. That cemetery serves as a memorial and a national monument to America's war heroes, and so I look at the situation very seriously.

I do want to focus on the workforce at Arlington National Cemetery, and the investigative report spoke to the fact that there is an unhealthy work environment that exists and has existed at Arlington National Cemetery for some time. What I wanted to know is, how many complaints of racial discrimination have been made, Lieutenant General Whitcomb, to the appropriate authorities arising from employment at the Arlington National Cemetery over the past say—since 1990?

General WHITCOMB. Congressman Johnson, I don't have the precise number of complaints. We looked at the hostile work environment, which included racial complaints, vulgarity, and intimidation of workers at Arlington National Cemetery. That allegation was not founded.

We did find as a part of that that there was an unhealthy work environment at the cemetery. It was partly due to the leadership, the convoluted command and control Secretary McHugh talked about, the insular attitude by the Superintendent to keep things at his level, the dysfunctional relationship between the Superintendent and the Deputy. We did not find a hostile work environment that would rise to the level that there were a number of these issues taking place on a regular basis.

Mr. JOHNSON. Thank you. Were the Superintendent and Deputy Superintendent of the same race?

General WHITCOMB. Sir, they were not.

Mr. JOHNSON. What was the race?

General WHITCOMB. The Superintendent is white, and the Deputy Superintendent is black.

Mr. JOHNSON. What was the nature of their inability to function as a cohesive supervisory unit?

General WHITCOMB. Sir, we couldn't determine that. It came out in 1992, the inability of these two men to be able to work together. It appears that they struck some kind of accommodation where they kept in separate lanes. Although what we found and what contributed to the unhealthy work environment was those lanes tended to overlap. It is a small organization at Arlington of about 95 employees today. That overlap caused that unhealthy working relationship and management at the cemetery.

Mr. JOHNSON. The inappropriate hiring practices and instances of favoritism and nepotism which were also complained about, those issues as well as the use of inappropriate racial comments or vulgarity and intimidation of subordinate employees, those allegations were ruled to be unsubstantiated or not founded in fact. How many such complaints in those areas that I just enumerated were there? And who or what agency was it that actually investigated those complaints?

General WHITCOMB. In 1997, the Commanding General of Military District of Washington, because of the command climate complaints received at that point, asked the Defense Equal Opportunity Management Institute that looks at equal opportunity issues for the Department of Defense to come in and do a command climate survey.

We do not have a record of that survey being done. That survey would have been done as a standard practice and given to the commander or the senior leader in the organization that requested it. I don't know whether the Commanding General received it or whether the Superintendent would have received it.

Mr. JOHNSON. Is it still a problem out there at Arlington National Cemetery where black folks feel like they are being treated badly and differently from other employees? And are there any, Secretary McHugh, black folks other than the Assistant Superintendent, in positions of supervision, supervisory personnel, at the cemetery?

General WHITCOMB. Sir, there are both, a mix of races at Arlington. The comments and allegations were also not just one race. It worked both ways, discrimination comments against whites and against blacks. So it wasn't a one-way trip. But there are several supervisors of both races.

Mr. JOHNSON. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Franks.

Mr. FRANKS. Thank you, Mr. Chairman. And, Mr. Secretary, thank you for being here. General Whitcomb, thank you. I appreciate your service.

Mr. Secretary, I know that a challenge like this is very complex logistically and that it is a significant undertaking to organize

something as large, and again, in just the realities of the challenges on the ground. But I guess—and I believe that you and all of us are more primarily concerned above anything else, and that is to assuage the grief and the difficulty of people that have dealt with this, that their loved ones are affected and that those that they remember with such love and honor that somehow that has been diminished.

So I guess there are two things that I think we should focus on. Number one, obviously, is to figure out what happened not so much to bring blame but to be able to reorganize and restructure so it doesn't happen again. So I guess my first question is, it sounds like, at least in terms of the structure, that some of the people at the top echelon were at war with each other and that seems to have filtered down and added to the confusion that may be at the base of what happened here that we are all concerned about.

My first question is: What has been done to restructure things? And I know that you covered this to some degree before, but give me the 101 to ensure there is a clear delineation of leadership to prevent this in the future.

Secretary MCHUGH. Thank you, Congressman.

As I mentioned, I have taken several steps and certainly don't preclude taking others, but the first was to rescind General Order 13. That was the governing structure that in my view did just about everything but govern.

I redirected the lines of authority. I created a clear command structure at the top in terms of cemetery operations by creating a position of Executive Director of Cemetery Army Operations and placed one of our most Senior Executive Service professionals into that post, Ms. Katherine Condon.

She has begun to restructure below her in ways where the employees know when there is a problem where they should go to. She is constructing directive orders so there is an actual process and paper that people can look at when they encounter problems, be they in their workplace environment or something that is operationally incorrect out into the cemetery grounds. They have a clear chain of command to go and report those irregularities up through.

I have made Ms. Condon directly responsible to me, the Secretary of the Army. Every day since this first came to light and I issued the publication of the Inspector General's report, she and I have talked; and we are going to continue to do that on a daily basis for quite some time.

Mr. FRANKS. Let me ask you than, just lying in Arlington National Cemetery is a stark proclamation that the person there has been willing to give up all of whatever days they had remaining for our tomorrows, as it were. One of the few things that we can give them back, of course, is the honor of holding them to be the heroes in our society. What are we doing now to try to express that to the loved ones that have been affected here and what are we doing so that—informationally or logistically so that we can make sure that we honor these men and women who laid down their lives for us in the future?

Secretary MCHUGH. If one were to read the Inspector General's report, I think you would find very clear validation that when it

comes to the actual funereal operations, things I go to on a weekly basis, where the honor guards carry those fallen heroes to that final resting place, where the rifle companies fire that 21-gun salute, and the band plays its solemn tones and the issuance of taps and the care for those families, that is done at the highest level. We feel very proud of that but understand that all that went on below that diminishes it, and we want to make this a fulsome operation.

Where there are challenges and concerns, we are going to make those right. It will take time. This is a very laborious operation, but we feel confident, particularly when we install—and we are on a fast track to do it—a working IT system so that recordkeeping is brought into the 21st century so we don't have, as we are encountering, map discrepancies where we thought by a certain record a body may lie in rest, but we know now physically there is not. So we are getting what we call a baseline of assurance and responsibility to restore the full glory of what we all understand and believe very strongly is most special place of ground in America.

The CHAIRMAN. I thank the gentleman.

I think you just gave us the key, Mr. Secretary, the electronic recordkeeping. Of course, going back some 146 years is going to be very difficult, I know that, but hopefully as complete of an electronic recordkeeping will be available, and I hope that your office could keep us advised from time to time as to the progress on this. That would be very helpful, rather than having a separate hearing every time there is a key milestone that is met. And we would appreciate that.

Secretary MCHUGH. We will make sure you are provided regular updates, Mr. Chairman.

The CHAIRMAN. Thank you so much.

Mrs. Davis.

Mrs. DAVIS. Thank you both. I appreciate, especially Mr. Secretary, your serious attention to this matter.

I wanted to clarify the funding issue. And perhaps you addressed it, but I wanted to be sure that it was clarified I think for the public as well.

The funding for Arlington Cemetery operations is appropriated separately under the Military Construction and Veterans Affairs (VA) and Related Agencies Appropriations Act. So it is not a DOD appropriation.

Secretary MCHUGH. That is correct.

Mrs. DAVIS. So does that legally preclude the Army from using Army funds to augment the Arlington Cemetery funding?

Secretary MCHUGH. It does.

Mrs. DAVIS. And, if so, what legislative assistance do you need from the Congress to provide a remedy for this limitation, and is that the issue or is it something else?

Secretary MCHUGH. I am glad you asked. It is an important part of the issue. It doesn't in any way explain the myriad of other shortcomings that have nothing to do with funding.

Mrs. DAVIS. Right, I would agree with that. But in terms of the appropriation.

Secretary MCHUGH. But it does highlight the reality that, in terms of current operations, the Army is severely restricted from, on quick fixes or immediate needs, installing an infusion of money; and we are clearly going to ask you for relief in that. I don't want to say what that is right now and how we would structure that; and, obviously, committee jurisdictions come into play here. Although I think it is fortunate, at least on the House side, as you noted, Mrs. Davis, that both the VA and the Army and DOD appropriations are run through the same appropriations subcommittee, so it may not be all that difficult. But we very much would like the flexibility, on a needs basis, to infuse Army money; and we will be coming back to you with a plan on that.

Mrs. DAVIS. You spoke earlier, though, about the stress on the budgets, on all the budgets, the tremendous strain as well. So I am wondering, perhaps the public would be questioning where this would fit into the many, many challenges that certainly your budget faces as well as others.

Secretary MCHUGH. Well, obviously, we have to make hard choices every day. The operations at Arlington, as I mentioned earlier, the carrying of our fallen heroes to their final resting place is awfully important to us, and we would find room. But in the first instance we need that legal flexibility which, regardless of other budget considerations, doesn't provide us a chance to even consider it.

Mrs. DAVIS. Connected to that, of course, are the manpower requirements, and I think there have been some questions about personnel that were raised. But, beyond that, the 95 individuals who serve now that have a much larger number of families that are seeking their help and their assistance in making those decisions to inter their loved ones at Arlington National Cemetery, are there enough people to do the job?

Secretary MCHUGH. My instincts say no, but we are not going to operate on instincts. Ms. Condon, under my direction, has begun to conduct what the Army calls a table of distribution and allowances (TDA), which is an analysis of personnel needs. I believe that will be done this month, about the 27th, I believe, of July, that we will do a hard analysis of the personnel situation and where needs may exist.

I expect you are right. Because the reality is, while the ops and post tempo, as we call those things on your great committee, have increased for these individuals dramatically, particularly through the warriors in Iraq and Afghanistan, their financial support and the cadre itself has remained relatively stagnant. It just seems logical to me that they need more help.

And just, if I may, nothing in this report suggests that those out-in-the-cemetery employees are doing anything but an outstanding job. Through their grit and determination, they have actually kept that good face of Arlington to the families of these fallen heroes, and I think we owe them a great debt of thanks.

Mrs. DAVIS. I was noticing here, they are scheduling from 135 to 150 funerals every week, and keeping all of that together certainly is difficult. Has there been any concern expressed as a result of what has occurred that people are reluctant to inter their loved ones there?

Secretary MCHUGH. I am sorry. I didn't hear the last part.

Mrs. DAVIS. I am just wondering whether there has been any concern expressed of a reluctance now, as a result of this recent news, to inter loved ones there.

Secretary MCHUGH. Not anything that we have heard. But they are human beings, and I think it is natural for a human being to react in sad ways when a place that you have devoted yourself in such credible measure is called into question. That is why I think it is important. And the first day, right after the Inspector General and I concluded our press conference revealing this information, Ms. Condon and I went down to the cemetery and held a town hall to make that very clear to these people. They are doing an amazing job, and we need them to be proud of that effort. They deserve it, and we are doing everything we can to validate that feeling.

Mrs. DAVIS. Thank you.

The CHAIRMAN. Thank you very much.

Mr. Bartlett.

Mr. BARTLETT. Thank you very much.

Mr. Secretary, I was privileged for many years to sit near you or next to you here, and it is really good to see you across from us here.

In thinking about this hearing today, I was impressed, I guess, with the concern that you all are showing. We are fighting two wars, and this would appear to be a fairly low priority relative to these two wars that we are fighting. And yet it is very obvious from your testimony that you have spent a lot of time and devoted a lot of attention to this.

I thought of a Biblical text in thinking about this hearing today when Christ said, "This ought you to have done, and not to have left the other undone." We have paid great attention to these two wars, and that we should have done, but we shouldn't have left undone what we did relative to this cemetery.

I want to thank you both for what you have done. I don't have any specific questions. I am sure all of the relevant questions have been asked. I just wanted to express my appreciation for the concern that you have shown for this, and obviously all the energies that you have expended, both of you, in this area when we are busy fighting two wars. It shows the respect that we have for our fallen. And I want to thank you very much for the statement that you are making to all of our servicemen and to their families and to America in general that this really is important. Thank you very much for your attention, both of you.

The CHAIRMAN. I thank the gentleman.

Mr. Kissell.

Mr. KISSELL. Thank you, Mr. Chairman.

I know the time is limited. I had really wanted to yield my time to Leonard Boswell. So if I could just reserve my time and yield it when he comes back, I would appreciate that.

The CHAIRMAN. Ms. Fallin.

Ms. FALLIN. Thank you, Mr. Chairman; and let me also express my appreciation to Secretary McHugh and General Whitcomb. I know you have had a very tough challenge with trying to figure out a way out of this dilemma at Arlington Park, and I appreciate your swift and prompt action of something that occurred on someone

else's time per se with the Superintendent and the Deputy Superintendent.

I do also believe that we owe a great amount of honor and respect to our veterans that are interred at Arlington National Cemetery, and families need to know that once their loved ones are laid to rest that they will be given the proper respect and treatment that the families and certainly our beloved soldiers deserve in honor and respect for their service.

I have to tell you that I apologize that I have missed some of this hearing, but in reading through the report and looking at some of the words that have been used, from "failed," "missed," "wasn't in place," all these different procedures and actions, and to look back that many of these problems and complaints started occurring back clearly to 1992, almost 20 years that we have seen complaints. I have to tell you that I am thoroughly disgusted that—I don't know who was being protected during that time with the Deputy and the Superintendent, but, clearly, someone wasn't paying attention to what was going on with the complaints that were going on.

I know that you gentlemen are trying to resolve that situation. The personnel policies were obviously failing, because there were lots of complaints during that time, and the evidence was there, and there was a lack of inspection about what was really going on.

I know when I was out in the private sector—I had a business that I managed—and one of our key phrases was that you "inspect what you expect," and clearly someone wasn't inspecting what they expected out of the service and our military in relation to Arlington.

So now we go forward. How do we deal with what is going forward? How do we reassure our families and our soldiers that they will be treated with the respect they deserve and properly? And I guess my question is, are we involving the families? I know that there will be an Arlington National Cemetery planning commission per such. Will the families be involved in that commission? Will they have a voice? Will they have input when they do have issues that are concerning them going forward?

Secretary MCHUGH. I wouldn't want to insulate the families just to one part of this operation. My intent in creating the position of executive director of all Army cemetery operations and making that person directly reportable to me is to ensure that the families have direct access to the highest level. I can tell you in terms of the call center that we established where families are able to phone in and express their concern, and if there is a specific nature to that, we can begin to address it. Ms. Condon is right on the line returning and answering calls herself. So she and I have had a discussion, and her intention is to move concerns and complaints to the highest level, not to the off level.

I will tell you, as happens at, for example, every major military academy—West Point, the Air Force Academy, Annapolis—boards of oversight, boards of visitors, in terms of West Point where I served 14 years, are there to put an extra set of eyes upon the day-to-day operations and problems. And we had occasion where largely parents of cadets who had issues would inform us of that, and we would bring those.

So they are welcome to do that, but I think it is equally important that we let them know that they are not going to get lost at the third or fourth level of the structure. They are welcome and encouraged to come to the executive director and/or me.

Ms. FALLIN. And I have one other comment, and maybe you can respond to this, too. But after reading some of the reports of the infighting going on between the Superintendent and the Deputy and the length of time in the complaints that were going on, I just for the life of me can't figure out why someone didn't do something about that then. Why did it take so long to make the personnel changes that we needed? Was the personnel policy so protective of these federal employees that we couldn't make the changes? Did someone just drop the ball?

Secretary MCHUGH. I think the latter more than the former. And, again, it is speculation on my part. I don't think anyone understood and therefore did not assume proper oversight and supervisory authorities as to these particular types of actions. There was a real disconnect between the cemetery operations and the regular oversight authority.

I share your frustration. It still seems to me, looking at it from more than a decade later, that even without clearly expressed authorities somebody should have said something to someone. But it obviously did not occur; and, as the Inspector General mentioned earlier, it seems that the Deputy and the Superintendent were able to reach some kind of very, I think, unhelpful but apparently at their level somewhat workable accommodation where they didn't cross into each other's lanes, at least as much as they probably should have—they had proper administrative functions—and it just rolled on.

The only thing I had the option to do when I found out about it was to relieve the Superintendent of his command authorities, which I have done, and put the Deputy superintendent on administrative leave, which I have done, to clear out the conflict that existed and go forward as to what else we need to find out about that circumstance.

Ms. FALLIN. I thank the gentleman.

The CHAIRMAN. I thank the gentlelady.

I understand you do have to leave right at one o'clock, am I correct?

Secretary MCHUGH. Yes, sir.

The CHAIRMAN. We are going to be having some votes very shortly. Let's try to squeeze everyone in, if possible. Keep them as short as you possibly can.

Mr. Kissell, did you want to return to you? Very quickly, very quickly.

Mr. KISSELL. Yes, sir. I do have some questions I will submit for the record, but I do want to yield to Leonard Boswell.

Mr. BOSWELL. Thank you, Mr. Kissell.

It is good to see you, Mr. Secretary and General. I share your pain, I think, those last hours since we have learned—and terribly unfortunate, certainly unacceptable, alarming that this could have happened. But, having said that, I will associate myself with Mr. Ortiz and not repeat things that have been said.

It causes you to reminisce a little bit. I look at you guys in uniform and so on, remembering some of the time when I had to write those long letters. And I think it is the same feeling.

Mr. Lantos, we all remember him. Mr. Lantos used to be with us. Another secretary guy named Gates was over. You may have been there, John. I don't know. I think you were. He made the comment that change took place there.

And I think my experience with you personally, it applies to you, too. You have got the right tone. You really care, and I know that. I think we all know that. You can't undo what was done, but you are going to make it go right or go forward. And I just want you to know that I appreciate that, and you, too, General. So let's move forward.

It is extremely unfortunate. It makes me very sad, as I know it has you. But we are going to do better, and those families are going to get that personal attention that you have already talked about. I think it is extremely important, as it was for those of us who have served a command role, to contact the next of kin, a loved one. So I commend you for doing that.

Carry through. I know you will. We will fix this. And I want to work with you, as I am sure everybody here does. Thank you.

Secretary MCHUGH. Thank you very much.

Mr. BOSWELL. I yield back.

The CHAIRMAN. I thank the gentleman.

We are going to do this as quickly as we can.

Ms. Shea-Porter.

Ms. SHEA-PORTER. Thank you.

Earlier, at the beginning of this hearing, I was at another one with Secretary Salazar, along with Congressman Boren and a few others, and the word "oversight" was there. Here I heard you use it as well, Mr. Secretary, and I am very grateful for the work that you are doing about this.

My uncle, my father's twin, is buried at Arlington National Cemetery. He was an Air Force Colonel, three wars. And I have to tell you it was a very solemn burial, and it was a beautiful burial service. I still love Arlington National Cemetery, and I believe we can get this right under your leadership. So thank you very much.

My question has to do with the fact that the inspection team found that the Army does not have one single entity for managing Army cemeteries. And I wonder, should there be one? Because it might result in different levels of maintenance and management, et cetera?

Secretary MCHUGH. We have created, through the position of Executive Director of Army Cemetery Operations, a single authority. The primary day-to-day responsibilities of that office will be to oversee Arlington and the Soldiers and Sailors Home Cemetery, also here in Washington. We have any number of cemeteries that are operated on the post camps and stations, most of them historical in that they have existed for some time. Some still have active interments. The responsibility for those are generally with the garrison commanders.

I visited a couple over the past several weeks. They take it very seriously. But it is our intention to put out command directives as

to what we expect them to be doing in terms of inspections and oversight reporting methodology as they go forward.

So I can't tell you what General Whitcomb and his people's exact form and thought was, but in spirit we have already created that, and we are going to continue to work it.

Ms. SHEA-PORTER. Thank you, and thank you for cleaning up this scandal.

I yield back.

The CHAIRMAN. Thank you very much.

Mr. Platts.

Mr. PLATTS. Thank you, Mr. Chairman. I will just be very quick.

Secretary, General, I appreciate the efforts, certainly some of the most hallowed ground in our nation, and your efforts in, one, getting to the bottom of this issue and going forward in a positive way so we do always show respect to the true heroes of our nation is much appreciated.

Mr. Secretary, I appreciate your commitment. As my colleagues said, we know you care and are going to get it right.

So I yield back, Mr. Chairman.

The CHAIRMAN. Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Just very quickly, I was wondering, as you go about restructuring and fixing some of the dysfunctional problems that you found, what efforts are made to reach out to the veterans' community itself to include them in the efforts as you make those changes and to make sure that they have an ongoing role, there is a regular way to communicate and make sure that their concerns are being addressed, the family members as well as veterans' organizations?

Secretary MCHUGH. Well, family members, as I mentioned earlier, as they have expressed concerns to us, we are reaching back to them; and we will try to move forward on whatever those concerns may be. Some are very generic. Others do have to do with specific grave sites; and where the latter is the case, we are pursuing.

As to the veterans' organizations, they have traditionally been very, very active at Arlington. We appreciate that. Obviously, they have a vested interest and concern, and they are always welcoming in that. I think their interest and concern is directed toward proper recordkeeping, ensuring that the pomp and circumstances—and I mean that in the highest way—is continued and afforded to these heroes as they are carried to their graves; and we will continue to do that.

I would say here publicly, as I mentioned with respect to any citizen who has concerns who has a loved one there, that the veterans' organizations are always welcome with their suggestions. And my history with them, my experience with them over 17 years on this panel has been they are very, very aggressive, rightfully so, in support of those they represent.

Mr. SMITH. Yes, not shy about offering their opinions.

Just for the record, I think some sort of formal structure within the new organization might be something worth looking at. I know they come at you in different ways, but somebody assigned to the committee being specifically assigned to outreach.

Secretary MCHUGH. We will certainly take a look at that. I don't want to say something I can't actually keep as a promise, but perhaps with respect to the new board that we are creating, maybe a de facto position by title in that. We will take a look at that.

Mr. SMITH. Thank you, Mr. Secretary.

I yield back.

The CHAIRMAN. Thank you very much.

Mr. Heinrich and Mr. Rush, I think we can squeeze it all in.

Mr. Heinrich.

Mr. HEINRICH. Thank you both for being here and for your efforts to fix this.

I recently got a call from a constituent whose brother was laid to rest in Arlington in February of this year. And, as you can imagine, she had heard the press reports and simply wanted to know, does this impact me? I am trying to get a handle on what efforts are being made to contact those families who are impacted by a mismarked plot, and how do we get information to all those other families who aren't impacted that everything is just fine and it is the way you think it is? And how do we make sure that information is also available to people who, say, don't have Internet access?

Secretary MCHUGH. Well, as to the individual families, as I said, we set up a call center. Certainly, Congressman, if you want to give me a call and we will get the pertinent information. But any family member, be it in your constituency or elsewhere, is not just welcome but encouraged to call 703–607–1899, and we will get back to them. And where they have a specific concern, as we are doing right now, we will try to work through those.

We are not at this time contacting members who have not expressed a concern and who our validation process confirms they don't have an issue. We don't see there is a need to raise levels of concern amongst those who for the moment are content.

Now, where we do find an issue, where even though a family member has not contacted us, it has not happened as yet, but we fully intend to contact the family member and chart forward a way that they are comfortable with in their time.

Mr. HEINRICH. Thank you.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Mr. Rush.

Mr. RUSH. Mr. Chairman, first of all, let me thank you so much and thank the members of this committee for unanimous consent to allow me as a nonmember of the committee to come in and be a part of this hearing. I am entirely grateful to you and to the ranking member and to all the members of this subcommittee for this opportunity.

Mr. Secretary, it is good to see you again; and, General, it is good to see you.

Arlington Cemetery is the gold standard for cemeteries across the nation. It is iconic. And if disrespect and dishonor can occur at Arlington, then it can occur at any cemetery in the nation.

I am a veteran, I am a proud veteran, and I am here today because there were some reports and some allegations and some findings that arose at a cemetery in my district, the Burr Oak Cemetery, which is a nonmilitary cemetery. But in my capacity as the

chairman of a subcommittee of the Energy and Commerce Committee, I looked at cemeteries all across the nation, and I found some real issues with cemeteries all across the Nation.

But specifically in response to Burr Oak in my district, I introduced legislation, H.R. 3655, that sets forth minimal federal standards and guidelines for all nonmilitary cemeteries, crematoriums, and mausoleums. These are—using your words, this bill is to establish—and I like your words—baselines of assurances—I am going to model your words, if I might—that will establish guidelines and rules that will be written by the Federal Trade Commission and enforced along with the States, which will require all the entities, all the cemeteries to maintain current and accurate burial date and location recordkeeping and make that information available to the consumers.

By applying the law to all cemeteries across the nation, whether Jewish, Lutheran, Catholic, or Muslim, whether buried or cremated in a for-profit or non-profit cemetery, will have added enforcement support that ensures cemeteries stick to their contract and that families can be assured that their loved ones are being handled accordingly.

Let me just ask you one question, and you might not be familiar with the details of my bill, but in response to my bill and in response to markups and other things that we are doing in the committee, certain powerful organizations, religious and otherwise, have argued that they should not be subject to even minimum standards. They want a carve-out from the provisions of my bill. These standards would preempt State cemetery laws and regulations, and they would be financially burdensome.

Can you give me an opinion, if you might, on whether or not these are sound positions, whether or not these organizations, these powerful forces, should not have the same baseline of assurances that you are trying to give to military families?

Secretary MCHUGH. You have asked an excellently crafted question, Congressman, that I am going to have to respectfully dodge. Because I am not, as an Army Secretary, in a position to lobby for legislation any longer. I would carefully consider co-sponsorship were I still on your side of the dais.

But I will say this. If your bill is successful and although it doesn't cover military cemeteries, I promise you by the time we are done we will exceed every one of those minimum standards you set.

Mr. RUSH. Thank you.

The CHAIRMAN. I thank the gentleman.

Mr. Secretary and General, we appreciate you being with us today. One thing we have learned is, out of all this tragedy and the problems at Arlington Cemetery, you are on top of it and you care. You care. And we know that the investigation will be thorough, that you will do everything that you can to restore confidence in the American people—not just this committee but the confidence of the American people—in the operation of the Arlington Cemetery. We hope that you will keep this committee informed of your progress, and we look forward to hearing from you. We wish you well, and we thank you for caring.

Secretary MCHUGH. Thank you, Mr. Chairman. We will be back.

[Whereupon, at 1:00 p.m., the committee was adjourned.]

A P P E N D I X

JUNE 30, 2010

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JUNE 30, 2010

Remarks of Chairman Skelton
Hearing of the Committee on Armed Services
Arlington National Cemetery
June 30, 2010

Good morning. The hearing will come to order. Today the Committee will receive testimony about the management of Arlington National Cemetery. Our witnesses include John McHugh, Secretary of the Army, and Lieutenant General R. Steven Whitcomb, Inspector General of the Army. Welcome to you both.

I am angry, period. Anger is generally not a useful emotion, particularly here on Capitol Hill. However, in light of the recent revelations about the management of Arlington National Cemetery, I am just downright angry.

Arlington Cemetery is our nation's most hallowed ground. It is reserved as the final resting place of our heroic warriors. Management ineptitude and neglect has resulted in a web of errors. How in the world could this tragedy be allowed to happen?

Behind the façade of what appeared to be well orchestrated burial services, investigations now reveal a dysfunctional management team operating without any oversight. We all know people who are buried there—people we respect and whose memory we hold dear. Every American, whether they have a loved one buried at Arlington or not, should be outraged.

Secretary McHugh, I know that you have already done much to right this wrong, but I cannot understand how the Army has allowed the problem to fester for years. There is clear evidence that in 1992 the Army was aware of a level of leadership discord at Arlington that would not have been tolerated in any other organization. The situation cried out for intervention, but the Army's response was to further withdraw from Arlington Cemetery operations.

Let me make clear that the uniformed service members who so proudly conduct the military honors ceremonies with such grace and precision are not part of this problem. We are so proud of those young men and women who continue to provide those ceremonies during these troubled times at Arlington Cemetery.

Sadly, notwithstanding the efforts of the Army, the way forward offers many difficult challenges. Given the limited nature of the investigation up until now, I am afraid that the 200 irregularities associated with gravesites may only be a fraction of the problem. We must be prepared that a 100% survey of the cemetery and all of its operations, which I believe must now be undertaken, will yield a larger number of problems that must be addressed.

The American people and especially our military families expect that those who wear the uniform of this Nation and have made the ultimate sacrifice are afforded the upmost respect and dignity even after their death. They deserve no less.

McKeon Opening Statement for Hearing on Army Investigation of Arlington National Cemetery

Secretary McHugh, General Whitcomb, good morning and welcome. We look forward to your testimony today.

The recent revelations about the mismanagement and systemic failures at Arlington National Cemetery are both profoundly shocking and heart-wrenching. Arlington National Cemetery is hallowed ground and its sacred hills serve as the final resting place for thousands of our nation's heroes. Families demand, and most importantly, deserve to know that their loved ones are being treated with the utmost respect and decorum. To now learn that the Army was aware of some of these problems for nearly twenty years and took no corrective action is extremely disappointing.

With that said, I commend Secretary Geren and Secretary McHugh for directing a comprehensive and thorough investigation into the matters at Arlington, forthrightly acknowledging the Army's mistakes and taking the necessary steps to restore the public's confidence in the Army's stewardship of this sacred ground. I am committed to work with Secretary McHugh, Chairman Skelton, and all of our colleagues to ensure systems and processes are in place that will make certain these errors are never repeated and those responsible are disciplined appropriately.

Among the most concerning findings of the Inspector General is the nearly complete failure to comply with Federal, Defense, or Army acquisition regulations for services and property procured by Arlington National Cemetery. The evidence provided by the IG goes far beyond inadvertent non-compliance by over-worked contracting officers. I find these practices to be unacceptable, particularly given the renewed emphasis on contracting best practices and ensuring our business systems deliver value for the warfighter and taxpayer—as highlighted by the Army's Gansler Commission, last year's acquisition reform act, and the IMPROVE Acquisition Act recently passed by the House. While Secretary McHugh has directed a review of all contracts awarded during the past five years in support of the Army National Cemeteries, I believe the review must go further to ensure that Army stops responding to contracting failures in merely a reactionary mode. I am hopeful that the testimony will address these concerns and the progress of the Department in investigating any criminal conduct on the part of the contracting officers and agencies.

It also appears that once again the Army has failed to recognize the dramatic increase in mission of its supporting organizations since the start of the war on terror. The cemetery's workload has understandably increased as more of our World War II and Korean War veterans pass on in addition to the casualties from Iraq and Afghanistan. What is surprising is that the staff at Arlington has steadily decreased and until this investigation became public there was pressure to cut civilian personnel even further. It is clear that efforts to achieve economies at the cemetery have lead to a breakdown in the mission with disastrous results. Thankfully the dedicated staff at Arlington is able to carry out their mission despite inadequate manning and long standing leadership failures. They deserve our gratitude.

Lastly, I believe that to achieve a complete and accurate accounting for all of the graves and remains at Arlington National Cemetery will require a massive effort and a considerable amount of resources and time. My concern is whether the Army, with all of its competing missions, is committed to accounting for all 330,000 individuals interred at Arlington National Cemetery. I am hopeful that you can provide that assurance to this Committee.

Once again, thank you for being here today. I look forward to your testimony. I yield back, Mr Chairman, and request that my full statement be entered for the record.

RECORD VERSION

STATEMENT BY

THE HONORABLE JOHN M. MCHUGH
SECRETARY OF THE ARMY

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

SECOND SESSION, 111TH CONGRESS

ON ARLINGTON NATIONAL CEMETERY

JUNE 30, 2010

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES

STATEMENT BY
THE HONORABLE JOHN M. MCHUGH
SECRETARY OF THE ARMY

Introduction

Chairman Skelton, Ranking Member McKeon and distinguished Members of the House Armed Services Committee, thank you for the opportunity to appear before you to discuss the Army's extensive inspection and investigation of Arlington National Cemetery (ANC). The Inspector General, Lieutenant General Steven Whitcomb, and I look forward to providing you with an overview of his findings, as well as the Army's plan to improve cemetery operations, correct interment and documentation errors and ensure the proper accountability of remains.

Each day, as thousands of visitors enter the cemetery, they see a simple sign which reads, "Welcome to Arlington National Cemetery, Our Nation's Most Sacred Shrine." For the Army, this simple statement is more than a mere greeting, it is a calling to faithfully honor and properly care for the heroes interred in ANC's hallowed ground.

So, first and foremost, let me assure this Committee, the Congress, our Service Members and Veterans, and the American people that the Army is fully committed to rapidly correcting the management and leadership deficiencies and organizational problems at ANC. It is not only our responsibility, but our solemn

duty. We will not rest until the cemetery is led, managed and operated in a manner commensurate with the service and sacrifice of our fallen warriors. I can report today that we are already making steady progress towards achieving this goal.

Inspection and Investigation

In October 2009, shortly after becoming Secretary of the Army, I learned that Lieutenant General Whitcomb was conducting a special inspection and management review into the operations of ANC. This review, ordered by my predecessor Secretary Pete Geren, was examining the cemetery's policies and procedures; its management, administration, and coordination processes; as well as its command and leadership structures.

On November 12, 2009, after being briefed on the progress of the inspection, I directed Lieutenant General Whitcomb to expand his inquiry to include an examination of ANC's information technology and assurance programs; and its contracting procedures. I also ordered the Inspector General to conduct a full-scale investigation into allegations of a hostile work environment; inappropriate hiring practices; improper interment, trans-interment, and inurnment of remains; non-compliance with internal regulations/policies; and accountability errors.

On June 8, 2010, Lieutenant General Whitcomb submitted his reports, in which he made 76 factual findings and 101 recommendations for improvements at

ANC. Broadly stated, Lieutenant General Whitcomb found that ANC suffered from dysfunctional management; a lack of established policies and procedures; an unhealthy organizational climate; errors in the accountability of remains; as well as 211 discrepancies between burial maps and grave sites. These disturbing findings demanded immediate and comprehensive actions by the Army; and we quickly instituted aggressive corrective measures.

Immediate Army Actions

Upon receipt of the Inspector General's reports, I directed the restructuring of ANC's leadership, administration and oversight. This included the following specific actions:

- The rescission of Army General Order 13, which had created a fractured, unmanageable oversight structure for the cemetery.
- Creation of the position of Executive Director, Army National Cemeteries Program, to provide direct leadership and management; as well as the appointment of Ms. Kathryn Condon, one of our most senior, capable and experienced executives, to the post.
- The establishment of the ANC Provisional Oversight Group to support the Executive Director in the restructuring of cemetery operations, and the correction of the deficiencies found by The Inspector General.
- The creation of the Army National Cemeteries Advisory Commission to provide independent oversight, and a regimented review of near and

long term activities at ANC. Former Senators Bob Dole and Max Cleland have agreed to assist with the establishment of this key, strategically focused group.

- The detail of Mr. Patrick Hallinan, Director, Office of Field Programs, National Cemetery Administration, Department of Veterans Affairs to ANC. Mr. Hallinan has over 30 years of experience in cemetery management.

- An all-inclusive study of ANC's organizational structure, manpower, equipment, requirements and workload. This will ensure that we have the right resources, personnel and capabilities to meet the cemetery's growing mission.

- A comprehensive evaluation of ANC's information technology systems and information assurance processes to develop methods to resolve deficiencies, as well as to automate ANC operations and administration.

- A review of all contracts in support of the Army National Cemeteries during the past five years.

Combined, these sweeping changes, evaluations, studies and reviews will ensure that ANC has competent leadership, proper resources, a clear line of authority and sufficient strategic-level oversight for both current and future operations.

Current Status

Although much remains to be done, I am proud to report that the Army has made steady progress in improving cemetery management and addressing the issues identified by the Inspector General. Examples include the following:

- Through the use of records analysis and site examination, the Provisional Oversight Group is working to rapidly resolve the 211 discrepancies between maps and burial sites noted by the Inspector General.
- The Executive Director, who reports directly to me, has established a hotline and call center to effectively resolve family member questions and concerns regarding their loved one's remains.
- The Executive Director also developed the first in a series of comprehensive policies and procedures for the general administration of ANC, as well as the review, analysis and resolution of grave site discrepancies.
- As required by my directive, the Executive Director, in coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs), the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) and the Chief Information Officer/G-6, immediately launched reviews of ANC's manpower, information technology and contracting operations.

- Upon learning of decades old headstones lying in a creek, the Executive Director immediately began operations to safely remove, examine and properly dispose of these discarded grave markers.

Although these actions demonstrate important improvements, they are only the beginning. I have ordered the Executive Director to develop an accountability baseline for the cemetery; restart the acquisition of appropriate automation and data management support; and conduct a comprehensive review of the ANC master plan and Millennium Project. The Army is committed to providing ANC with the resources, personnel and systems needed to properly carry out these challenging tasks.

Conclusion

Mr. Chairman, Members of the Committee, since becoming Secretary of the Army, I have attended numerous funerals at ANC for our heroes killed in Iraq and Afghanistan. On those beautiful rolling hills, I have watched as grief stricken families paid one final tribute, not just to a fallen warrior, but to a father or mother, a brother or sister, a daughter or son. Their loss is real, personal and unimaginable. Understanding the tragic, yet individual circumstances each family must face, our employees ensure that every service is not only conducted with military precision, but also with kindness, compassion, sensitivity and honor—for the Nation owes the defenders of freedom and their families nothing less.

Now, the Army must instill this same level of devotion, precision, professionalism and pride into the leadership, management, administration and oversight of ANC. For the record, I and the entire Army leadership are unequivocally committed to take every step necessary to correct yesterday's oversights and meet tomorrow's requirements. We owe no less to our Veterans, their loved ones and the American people.

Mr. Chairman, Members of the Committee, thank you for your continued and generous support for our outstanding Service men and women, their families and our Veterans. I look forward to answering your questions.

RECORD VERSION

STATEMENT BY

LIEUTENANT GENERAL R. STEVEN WHITCOMB
INSPECTOR GENERAL OF THE ARMY

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

SECOND SESSION, 111TH CONGRESS

ON ARLINGTON NATIONAL CEMETERY

JUNE 30, 2010

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES

Chairman Skelton, Ranking Member McKeon and distinguished Members of the House Armed Services Committee, thank you for the opportunity to appear before you to discuss our inspection and investigation into issues at Arlington National Cemetery (ANC).

On August 17, 2009, then Secretary of the Army, the Honorable Pete Geren, directed me to conduct a special inspection of ANC and its subordinate Soldier's and Airmen's Home National Cemetery. On November 12, 2009 Secretary McHugh expanded our inspection to include two additional inspection objectives and he also directed an investigation of specific allegations of misconduct by individuals at ANC. I will provide you a summary of the findings of these two efforts, beginning with the inspection.

From August 2009 to January 2010, the Inspection Team conducted an extensive examination of Arlington National Cemetery operations and management. We interviewed military members, civilian government employees, and other individuals involved with cemetery operations at these two cemeteries, and conducted site visits to other Army, Veteran's Administration, and civilian cemeteries. I will provide you with an overview of the scope and findings of this inspection:

- **Inspection Objective One** (*Assess policy and procedures for operation of Arlington National Cemetery and the Soldier's and Airmen's Home National Cemetery*). The inspectors noted that all governing documents concerning

operations at ANC are outdated and the cemetery has codified very few aspects of daily operations. Inspectors also looked specifically at existing policies concerning the overall supervision of the cemetery, commemorative items/mementos, and funeral honors; we determined each of these policies must be updated to reflect current needs and trends.

- **Inspection Objective Two** (*Assess management, administration and coordination processes as well as training of personnel involved with operation of ANC*). We found that resourcing for the cemetery does not appear to match requirements, particularly in terms of being able to potentially meet personnel requirements for an increased mission. Training and information technology programs do not enable performance improvements or efficiencies. In addition, the IG team discovered an unhealthy work environment while assessing the management effectiveness of the cemetery. Most employees reported that they got job satisfaction through helping Veterans and Families; but they did not enjoy the organizational climate promoted by cemetery leadership.
- **Inspection Objective Three** (*Assess the effectiveness, coordination, and synergy of command and leadership structures and other entities involved in the operation of ANC and attendant activities*). The most significant findings identified by the team were within this objective. As the team compared the Army's management structure for ANC to other U.S. government agencies that manage national cemeteries, it found that the Army lacks a single operational or strategic level organization that has responsibility and accountability for the future

direction of ANC. The team also found that there are no formalized programs to assess operations at ANC.

- **Inspection Objective Four** (*Assess ANC's compliance with Army information assurance (IA) requirements*). The inspection of ANC's information assurance program revealed that inadequate workforce training on information assurance combined with a lack of properly trained information management personnel and staff oversight, undermines the ability of the cemetery to achieve regulatory compliance.

- **Inspection Objective Five** (*Assess contracting procedures at ANC*). The inspection team found that procurements for ANC are not in compliance with applicable Federal, Defense, and Army acquisition regulations. ANC has not developed an acquisition strategy or Information Technology plan. Untrained and unqualified personnel were developing requirements and providing contract oversight with no internal or external oversight.

- **Other Matters**: The inspection team found two matters that did not specifically fall within the scope of an assessment of ANC, but were assessed in this report. *First*, the Army does not have one entity responsible for the management of all Army cemeteries. The Army is responsible for ANC, the Soldiers' and Airmen's Home National Cemetery, 28 post cemeteries, and three Army-managed plots on civilian cemeteries (not including installation cemeteries affected by Base Realignment and Closure). This leads to different levels of maintenance, oversight, and control of those cemeteries. *Second*, the assessment of

contracting at ANC identified possible systemic issues in the agencies responsible for contract preparation and oversight.

In addition to the inspection, a separate thorough investigation of allegations and concerns with the ANC leadership and management was conducted. Investigators conducted interviews with current and former ANC employees, and reviewed numerous reports and other documents related to the alleged improprieties. In addition to physically observing burial processes and procedures, investigators conducted extensive reviews of burial documentation related to gravesites identified through various means as having potential discrepancies. A summary of the findings of the investigation is as follows:

- **Investigation Issue One** *(Hostile work environment, including use of inappropriate racial comments or vulgarity, and intimidation of subordinate employees).* This issue was determined to be not founded. Although no hostile work environment existed, ANC did exhibit an unhealthy organizational climate that was largely attributable to the dysfunctional working relationship between the Superintendent and his Deputy. The long-standing rift that existed between these two was the single most disruptive factor in the organization and has caused poor morale, operating errors and inefficiency.
- **Investigation Issue Two** *(Inappropriate hiring practices, including instances of favoritism or nepotism).* This issue was determined to be not founded. Although some ANC employees perceived favoritism and nepotism in hiring practices, the evidence showed that temporary hires were selected from candidates who submitted resumes through the proper personnel channels and summer hire

vacancies were announced based on the availability of funds and hired using proper selection criteria.

- **Investigation Issue Three** *(Improper interment and trans-interment of remains, including non-compliance with applicable internal regulations and policies regarding approval authority, accountability, and notification of next of kin).* This issue was determined to be founded. ANC burial mistakes included: the loss of accountability of remains; remains found in gravesites listed as empty; unmarked gravesites; discrepancies in burial documentation; improperly marked gravesites; improper selection of gravesites; improper handling of cremated remains; and failure to notify next of kin regarding the trans-interment of remains. These mistakes have occurred over several years and resulted from the lack of documented operating procedures, the lack of leader involvement in identifying systemic problems and developing solutions, and the lack of automation in cemetery operations.

Additionally, the investigation resulted in the following substantiated allegations:

- The Superintendent failed to properly execute his oversight responsibilities for the administration, operation, and maintenance of ANC. His failure to work effectively with his deputy and his failure to provide guidance to his subordinate leaders contributed to poor morale and an operation that, while on the surface appeared highly professional and effective, was inefficient and error prone. Additionally, his reactive approach to problem solving resulted in his failure to identify systemic flaws and to implement long-term solutions and strategies. Finally, his lack of leadership and engagement in the effort to automate cemetery

operations contributed to this effort's failure, resulting in the expenditure of millions of dollars over a seven year period with no automation system produced for ANC's use. These leadership failures contributed to and resulted in repeated interment errors.

- The Deputy Superintendent failed to ensure that gravesites in ANC were appropriately marked. He was responsible for the day-to-day operations of ANC. During his time as Deputy, there were many instances of unmarked or improperly marked gravesites. He failed to analyze the causes of these errors and failed to establish procedures to prevent their recurrence.
- The Deputy Superintendent failed to conserve government resources. He failed in his responsibility to manage and oversee the automation contracts at ANC. This resulted in the expenditure of millions of dollars over a seven year period with no automation system produced for ANC use.
- The Deputy Superintendent failed to adhere to Army Values. He knowingly signed a memorandum to Fort Belvoir's Information Assurance Manager that falsely asserted ANC had completed a required privacy impact assessment.
- The Interment Services Branch, ANC, failed to ensure that a gravesite in Arlington National Cemetery was appropriately marked, after being brought to the attention of appropriate officials on several occasions. This resulted in that gravesite remaining unmarked for over seven years.

While our findings raise very serious issues calling for the significant remedial actions taken by Secretary McHugh, I would like to make it clear that we also found that

ANC employees, working under an extraordinarily high operational tempo of 27 to 30 funerals a day, performed their jobs with dedication and to a high professional standard. Mr. Chairman, Members of the Committee, thank you for your continued support for our Soldiers, their families, and our Veterans. I look forward to your questions.

DOCUMENTS SUBMITTED FOR THE RECORD

JUNE 30, 2010

Statement for the Record

Reserve Officers Association

House Armed Services Committee

June 30, 2010

"Serving Citizen Warriors through Advocacy and Education since 1922."™

Reserve Officers Association
1 Constitution Avenue, N.E.
Washington, DC 20002-5618
CAPT Marshall Hanson, USNR (Ret)
(202) 646-7713

DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Reserve Officers and Reserve Enlisted Associations are member-supported organizations. Neither ROA nor REA have received grants, sub-grants, contracts, or subcontracts from the federal government in the past three years. All other activities and services of the associations are accomplished free of any direct federal funding.

Introduction

Arlington is a national treasure, which goes beyond being the largest national cemetery, as it contains heroes and historical figures amid its landscape. Recent reports reflect that behind the orderly headstones, and manicured grounds, lies dysfunction. The Reserve Officers Association would like to thank the office of the Secretary of the Army for undertaking proactive steps to correct the apparent problems, and also thank this Congressional committee for its oversight of the process. The Association feels that the Army needs not only to work closely within the Department of Veterans Affairs (VA) to learn about record keeping and location identification, but also expand its burial criteria to align with the VA's.

Discussion

The Reserve Officers Association (ROA) has long supported the concept of "total force." National Guard and Reserve members deserve parity in benefits as they both backfill for, and serve along side members of the Active component. With the Nation at war in two theaters the Reserve Component has played a major role in the success of a volunteer armed forces, with Reserve Component members who have the misfortune of being killed in the line of duty being honored with burial eligibility at Arlington National Cemetery (ANC). ROA maintains that this eligibility criteria needs to be expanded.

Given that over 750,000 National Guard and Reserve service members have answered their nations call to serve on active duty for both home land defense and operational contingency operations overseas, it is ironic that by returning to Selective Reserve status, they are no longer eligible for burial at ANC unless they have been decorated with a purple heart, or a medal of valor of a Silver Star or higher.

Qualifying for retirement with 20 years of satisfactory federal service is not enough either. National Guard and Reserve members must be retired in pay to be burial eligible.
ROA supports in-ground burial eligibility for:

- Any Reserve Component member who has served on active duty honorably in a combat or hazardous duty zone, but who is not been killed in the line of duty.
- National Guard and Reservists who are killed in the line of duty whether on Active Duty for Training (AT), Active Duty for Special Work (ADSW) for less than 30 days, or Individual Duty Training (IDT).
- Deceased gray-area retirees at Arlington National Cemetery, if entitled to retirement pay under Title 10.
- Spouse, surviving spouse, or dependent children of any group of eligible National Guard and Reserve members.

Codifying the Rules for Interment in Arlington National Cemetery

In regard to the rules for interment in ANC, ROA continues to support the codification of all the rules governing access to ANC. ROA strongly recommends that the Committee take up the issue of the overall codification of the rules governing Arlington National Cemetery burial at their earliest opportunity.

Background

Currently, "gray area" retirees, who have retired from the National Guard or Reserve, but are under the age of 60, as well as current guard and reserve service members who die while conducting their training periods are ineligible for burial at ANC, while their active duty counterparts are eligible under similar circumstances.

The duties of the National Guard and Reserve, which include pilots, combat warriors, elite Special Forces, military police and numerous other vital MOS roles, are assuming risks in training for their missions. This training is performed outside of Active Duty.

The 2001 case regarding Captain Charles Burlingame, USNR (Ret.), the pilot of flight 77 which crashed into the Pentagon on September 11th, reflects the challenges faced by families of "gray area retires and also confirms that the rules at ANC are not well understand. Under the Army regulations, Captain Charles Burlingame III, the pilot of the airliner that crashed into the Pentagon on September 11, 2001, was ineligible for a burial plot at Arlington because, although he had retired from the Navy Reserve after a distinguished career as a fighter pilot, and was 51 years old at the time of his death. The Secretary of the Army granted Captain Burlingame a waiver to be buried in Arlington.

While this resolution honored Capt. Burlingame with a military burial at Arlington, it left unanswered the questions about who should "make the call." The Secretary of the Army can decide on criteria for admission as well as on waivers. Waivers have led to inconsistent standards, and a risk of abuse. ROA feels it is now is the time to review these rules as well as reviewing the Arlington processes.

Under Army regulations, 32 CFR 553.15, the persons specified below, whose last period of active duty in the Armed Forces ended honorably, are eligible for in-ground burial at Arlington National Cemetery:

1) Any active duty member of the Armed Forces, except those serving on active duty for training purposes only.
2) Any veteran retired from active military service with the Armed Forces.
3) Any veteran who is retired from the Reserves is eligible upon reaching the age of 60 and who is drawing retired pay, and who served a period of active duty (other than for training).
4) Any former member of the Armed Forces separated honorably prior to October 1, 1949, for medical reasons with a 30 percent or greater disability rating effective on the day of discharge.
5) Any former member of the Armed Forces awarded one of the following decorations: Medal of Honor; Distinguished Service Cross (Air Force Cross or Navy Cross); Distinguished Service Medal; Silver Star; or Purple Heart.
6) The current and any former President of the United States.
7) Any former member of the Armed Forces who served on active duty (other than for training purposes) and held any of the following positions: an elective office of the U.S. Government; Office of the Chief Justice of the United States or an Associate Justice of the Supreme Court of the United States; an office listed, at the time the individual held the position, in 5 USC 5312 or 5313 (Levels I and II of the Executive Schedule); or the chief of a mission who at the time during his/her tenure was classified in Class I under the provisions of Section 411, Act of 13 August 1946, 60 Stat. 1002, as amended (22 USC 866) or as listed in State Department memorandum dated March 21, 1988.
8) Any former prisoner of war (POW) who, while a POW, served honorably in the active military, naval or air service, whose last period of service terminated honorably and who died on or after November 30, 1993.
9) The spouse, widow or widower, minor children, permanently dependent children, and certain unmarried adult children of any above eligible veterans.
10) The widow or widower of: a member of the Armed Forces lost or buried at sea, or officially determined missing in action; a member of the Armed Forces buried in a U.S. military cemetery overseas maintained by the American Battle Monuments Commission; or, a member of the Armed Forces interred in Arlington National Cemetery as part of a group burial.
11) The parents of a minor child, or permanently dependent child whose remains, based on the eligibility of a parent, are buried in Arlington National Cemetery. A spouse divorced from the primary eligible, or widowed and remarried, is not eligible for interment.

12) The surviving spouse, minor children, and permanently dependent children of any eligible veteran buried in Arlington National Cemetery.
13) Provided certain conditions are met, a former member of the Armed Forces may be buried in the same grave with a close relative who is buried in Arlington National Cemetery and who is the primary eligible.

Conclusion

The interment rules for interment at Arlington National Cemetery were intended to allocate remaining burial capacity in the cemetery and to honor those who have contributed to the national security of the United States. Yet, recently acquired land has removed the urgency of an allocation that excludes National Guard and Reserve members. In a "total force" care must be taken to recognize the contributions of the National Guard and Reserve members who are performing the same missions as their counter parts. They should be allowed the same eligibility at the time of their death.

The Reserve Officers Association again thanks the committee for holding a hearing on this subject, and permitting ROA to submit testimony.

WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING

JUNE 30, 2010

RESPONSE TO QUESTION SUBMITTED BY MR. COURTNEY

Secretary MCHUGH. Thank you for the opportunity to comment on written testimony provided by the Reserve Officers Association at the June 30, 2010, hearing on Arlington National Cemetery.

The ROA supports expanding the eligibility criteria for burial at ANC to include the following categories:

- Any Reserve Component member who has served on active duty honorably in a combat or hazardous duty zone, but who has not been killed in the line of duty.
- National Guard and Reservists who are killed in the line of duty whether on Active Duty for Training (ADT), Active Duty for Special Work (ADSW) for less than 30 days, or Individual Duty Training (IDT).
- Deceased gray-area retirees at Arlington National Cemetery, if entitled to retirement pay under Title 10.
- Spouse, surviving spouse, or dependent children of any group of eligible National Guard and Reserve members.

I intend to have the Army National Cemeteries Advisory Commission review current eligibility criteria as part of their long-term strategic planning efforts. The ROA's position will certainly be one of the many factors the Commission will consider as part of that effort and I very much appreciate their input and look forward to working with them on this important issue. [See page 14.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

JUNE 30, 2010

QUESTIONS SUBMITTED BY MR. THORNBERRY

Mr. THORNBERRY. Secretary McHugh, the IG report notes that the Cemetery doesn't adequately leverage information technology for its operations, a fact made glaringly clear by the Cemetery's reliance on paper records in today's digital age. Preserving the Cemetery's records and improving its ability to utilize those records to ensure the honorable care and preservation of the remains of American servicemen and women must be a top priority and shouldn't wait for resolution of the other issues identified in the report. Given the information technology available today, it seems the Army could move to rapidly address this problem. Secretary, what is the Army's plan to preserve the Cemetery's records and ensure their future availability?

Secretary MCHUGH. The Provisional Oversight Group, which was created on 10 June 2010 to address the Inspector General's findings, has identified over 260,000 digitally scanned Records of Interment at the cemetery. In addition to these images, ANC's Interment Scheduling System contains over 70,000 records in its database. Scheduling records are now routinely "backed-up" to ensure that only one hour or less of active schedules could be lost in the event of a malfunction or natural disaster. Both the ISS database and the digitized records of interment (totaling over 330,000) are now stored in Army Data Centers, which use industry best practices for data recovery.

Mr. THORNBERRY. General Whitcomb, your report highlights Arlington National Cemetery's lack of a modern information technology infrastructure. While the Cemetery has a plan for IT modernization, it still relies on paper records and manual recordkeeping processes, despite 7 years of IT procurements. Did you find that the lack of a modern IT infrastructure contributed to the other problems outlined in your report, including the improper interment of remains, failure to comply with applicable regulations, accountability and notification of next-of-kin?

General WHITCOMB. Our inspection and investigation of ANC revealed many areas where a modern Information Technology (IT) infrastructure would be of great benefit. As mentioned under deficiency 2.3 of the report on ANC, modern IT "could have improved operational efficiencies" within the cemetery. Its lack of these systems certainly contributed to the problems of improper interments, regulatory compliance failures, accountability, and notification of next-of-kin.

The lack of a modern IT system affected daily interment operations at Arlington, and thus accountability of remains. The current operational tempo of the cemetery overwhelmed the current, almost completely manual system and the Interment Scheduling System (ISS) did not perform all the necessary functions needed to schedule and coordinate any one funeral. Multiplied by up to 33 burials a day, this made Arlington ripe for human error. Examples of ISS not performing all required tasks include: 1) not preventing multiple entries for the same decedent; 2) not preventing the use of previously assigned gravesite; 3) not generating all required information on the daily funeral schedule; 4) not generating burial cards; 5) not generating the official record of interment; 6) not generating reports pertaining to information within the system; 7) not generating temporary markers with multiple names of family members interred in the same gravesite; and 8) not interfacing with the Burial Operations Support System (BOSS) used by the VA to order standard headstones. To amplify the scheduling challenges faced by cemetery employees and management, cemetery schedulers used the facsimile machine to coordinate with Service honor guards because ISS does not link with DoD e-mail systems. Many of these challenges were overcome only by time and labor intensive, manually-created documents and reports, also prone to human error. Consequences of these human errors were double burials in one gravesite, burial map discrepancies, improper gravesite selection, unmarked gravesites, improper disturbance of and one instance of loss of accountability of remains, and improperly marked headstones.

Arlington's most significant IT issue is that it did not have qualified IT personnel to oversee its IT requirements, to include compliance with Information Assurance regulations and policies. Deficiency 4.1 of the report highlights this issue. The Information Assurance (IA) inspection team "inspected twelve different functional areas and found the cemetery non-compliant in all." "The underlying root cause for information assurance non-compliance at ANC is a general lack of understanding, insuf-

ficient internal knowledge of the Army IA program, and insufficient manpower and resources applied to IA within the cemetery staff." From 2004–2008, and three months of 2009, ANC did have a qualified IT employee. However, the cemetery leadership, specifically the deputy superintendent, did not place the IT employee in charge of IT developmental efforts—he put himself in charge of these efforts. When the inspection team visited other national and private cemeteries, all had IT oversight and expertise on site or on call. One private cemetery employed a Director of Information Technology and had the most robust IT infrastructure and vision for the future of all cemeteries visited. ANC currently has two contracted IT personnel to manage its servers, but their role is limited and does not provide ANC with the expertise it needs to be IT compliant or to employ IT strategically.

Our investigation teams did discover one instance where ANC failed to notify next-of-kin. Although we do not believe this was directly attributable to the lack of a modern IT infrastructure, we did note that Arlington did not have a good means of public feedback. A modernized IT system could provide Arlington with the means for greater transparency and external communications, aiding in keeping next of kin informed.

Modern IT could certainly have assisted cemetery leadership in the identification of compliance shortfalls and in the management of cemetery operations. Ultimately though, lack of compliance was a leadership and management function.

QUESTIONS SUBMITTED BY MR. REYES

Mr. REYES. I'm absolutely beside myself to understand how this could happen at Arlington National Cemetery—our nation's most prominent symbol of honoring our veterans' combat sacrifices. That this could happen during two ongoing wars is unfathomable. As a veteran, I understand that when you have a bad unit, you have a bad leader. I believe in this case you also have a bad process. The lack of inspections and procedural rigor that resulted in discarded heroes' gravestones used for fill dirt, undocumented veteran remains surprisingly found in supposedly empty graves, misplacement of remains, and failure to notify family members defy belief. Are you confident that you have discovered all of the problems? How long until you know all heroes' remains entrusted to Arlington National Cemetery are accounted for and that their loved ones know where to find them? How many more surprises can we expect you to discover?

Secretary MCHUGH. A primary focus of the new Executive Director is the establishment of an accountability baseline for the entire cemetery. At this time, we are unable to accurately predict whether other problems will be uncovered. However, we are committed to resolving all discrepancies as soon as possible; and if any involve problems other than outdated maps or administrative errors, we will notify the families and work to rapidly correct any issues.

Mr. REYES. It is a simple maxim of troop leadership that "you get what you inspect, not what you expect." The Army knows this better than anyone. How could things have gotten this bad? What command relationships need to be changed to make Arlington National Cemetery a worthy steward of our fallen heroes? What should those relationships look like?

Secretary MCHUGH. The Army is fully committed to rapidly correcting the management, leadership and organizational problems at ANC. These problems developed over many years and stemmed in large part to a dysfunctional organizational structure created by General Order (GO) 13. This order created ambiguity in the cemetery's oversight requirements, placing responsibilities in multiple Army agencies including the Assistant Secretary of the Army (Civil Works) (ASA (CW)), the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA), the Office of the Chief Public Affairs (OCPA), as well as the Military District of Washington (MDW).

As a result of the DAIG inspection, I immediately rescinded GO 13, established a clear chain of responsibility, and created the position of Executive Director (ED) of the Army National Cemeteries Program. The ED exercises authority, direction and control over all aspects of the Army National Cemeteries Program including both long-term and day-to-day operations at ANC and the Soldiers' and Airmen's Home National Cemetery. The ED reports directly to the Secretary of the Army and is now supported by MDW, ASA(CW), ASA(MRA), and OCPA, in addition to other Army Staff elements as required.

With the assistance of the ED and the Army National Cemeteries Advisory Commission, I will determine ANC's long term management structure to ensure similar lapses do not occur in the future.

Mr. REYES. Now that you have had time to review the findings, why do you believe that the operations of Arlington National Cemetery were not subjected to routine inspections?

Secretary MCHUGH. These problems at ANC developed over many years and stemmed in large part to a dysfunctional organizational structure created by General Order (GO) 13. This order created ambiguity in the cemetery's oversight requirements, placing responsibilities in multiple Army agencies. This structure led to lapses in oversight including failures to periodically inspect ANC. With the establishment of the Executive Director (ED) for the Army National Cemeteries Program, this has been corrected. The new ED, Ms. Kathryn Condon, will be responsible for ensuring that appropriate periodic inspections occur.

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With the assistance of the ED and the Army National Cemeteries Advisory Commission, I will determine ANC's long term management structure to ensure similar lapses do not occur in the future.

Mr. REYES. Are there bodies in the 117 graves marked as occupied on maps but without headstones? Are there bodies in the 94 graves that have headstones but are marked on maps as unoccupied? How will you go about conclusively solving these discrepancies while maintaining dignity for the remains and surviving family members?

General WHITCOMB. As of August 9, 2010, the Arlington National Cemetery management team has reconciled the records for all 211 discrepancies cited in the Inspector General's report in sections 59, 65, and 66. However, to verify that these discrepancies do not go beyond administrative errors, we are also using ground penetrating radar (GPR) to ensure complete accuracy. Once the GPR assessment is completed, we will share the results with Congress.

QUESTIONS SUBMITTED BY MR. MILLER

Mr. MILLER. Mr. Secretary, the IG report notes that the Cemetery doesn't adequately leverage information technology for its operations, a fact made glaringly clear by the Cemetery's reliance on paper records in today's digital age. Preserving the Cemetery's records and improving its ability to utilize those records to ensure the honorable care and preservation of the remains of American servicemen and women must be a top priority and shouldn't wait for resolution of the other issues identified in the report. Given the information technology available today, it seems the Army could move to rapidly address this problem. Is the Army seeking expertise from the private sector in addressing how to preserve and maintain Arlington's records, and if not, why?

Secretary MCHUGH. Yes. We are working closely with industry leaders, many of whom have already offered assistance in several information technology (IT) areas. Each offer, however, must undergo both a legal and technical review prior to being accepted. If the Army accepts a gift, ANC staff, in coordination with the Army's Chief Information Officer, will determine how it fits within the new comprehensive IT framework under development. Rest assured, the Army will methodically analyze ANC's IT needs and capabilities, to ensure that the new system not only serves as the authoritative repository of burial records, but also enhances the operations, management and accuracy at the cemetery.

Mr. MILLER. What is the current status of ANC efforts to implement a computerized management system?

Secretary MCHUGH. My ANC staff is consulting with the Army's Program Executive Office—Enterprise Information System, the Department of Veterans Affairs and industry experts to determine the requirements, integration and implementation timeline for the appropriate computerize management system at the cemetery. Additionally, the Army's Acquisition community will closely monitor and oversee the proper procurement of all ANC technology modernization efforts.

Note, ANC has used the Interment Scheduling System (ISS) to schedule funeral services since 2003. To ensure the ISS viability during the information technology transition, the Army Data Center Fairfield is upgrading its security and auditing the system to provide more robust management capabilities.

Mr. MILLER. General, your report highlights Arlington National Cemetery's lack of a modern information technology infrastructure. While ANC has a plan for IT modernization, it still relies on paper records and manual recordkeeping processes, despite 7 years of IT procurements. Given the ANC's lack of IT and contracting expertise noted in your report, how quickly do you believe ANC can address this problem on its own? Would ANC benefit from collaboration with the private sector?

General WHITCOMB. ANC has the full support of all Army Agencies and the entire Army Staff in its efforts to address the discrepancies found in the Inspector General's Report. A key component of ANC's work is to address information technology (IT) shortfalls and to update its data management systems. The Army's Chief Information Officer completed an interim IT assessment and coordinated with ANC to make immediate on the spot corrections. The ANC staff is consulting with the Army's Program Executive Office—Enterprise Information System, the Department of Veterans Affairs and industry experts to determine the requirements, integration and implementation timeline for the appropriate system. Additionally, the Army's Acquisition community will closely monitor and oversee the proper procurement of all ANC technology modernization systems.

Regarding the private sector, we are working closely with industry leaders, many of whom have already offered assistance, in several IT areas. Each offer, however, must undergo both a legal and technical review prior to being accepted. If the Army accepts a gift, ANC staff, in coordination with the Army's Chief Information Officer, will determine how it fits within the new comprehensive IT framework under development. Rest assured, the Army will methodically analyze ANC's IT needs and capabilities, to ensure that the new system not only serves as the authoritative repository of burial records, but also enhances the operations, management and accuracy at the cemetery.

QUESTION SUBMITTED BY MR. ELLSWORTH

Mr. ELLSWORTH. Secretary McHugh and Lieutenant General Whitcomb, thank you for coming before the Committee today to testify on the Army Investigation of Arlington National Cemetery. Like my colleagues on the Committee and in the House, as well as all Americans, I was shocked and saddened by reports of unmarked and improperly identified gravesites and improper handling of remains at Arlington National Cemetery. Arlington Cemetery is a solemn tribute to generations

of American heroes who have bravely served our country. Our fallen soldiers and honored veterans deserve the utmost respect and admiration when they are laid to rest, and I was appalled to learn that for many at Arlington Cemetery, this was simply not the case. We need a complete survey of the cemetery and its operations. A comprehensive review is essential for assessing the full scope of the problems at Arlington Cemetery and rectifying these tragic errors. Your report found that 117 gravesites were marked as occupied on burial maps but without headstones, and 94 had headstones but were identified as unoccupied. Given that the Arlington National Cemetery clearly lacked a strong management structure, what specifically is being done to modernize ANC's management structure? Please provide me with a status update of recent efforts to put in place a computerized management system.

Secretary MCHUGH and General WHITCOMB. Regarding the management structure at Arlington National Cemetery (ANC), I created the position of Executive Director Army National Cemeteries Program to oversee the cemetery and appointed Ms. Kathryn Condon to the post. Ms. Condon has extensive executive experience effectively managing and improving large Army organizations. I also established the ANC Provisional Oversight Group to review the Inspector General's findings and to develop an accountability baseline for all gravesites and inurnment niches at ANC.

Regarding a computerized management system, my ANC staff is consulting with the Army's Program Executive Office—Enterprise Information System, the Department of Veterans Affairs and industry experts to determine the requirements, integration and implementation timeline for the appropriate system. Additionally, the Army's Acquisition community will closely monitor and oversee the proper procurement of all ANC technology modernization systems.

QUESTION SUBMITTED BY MR. KISSELL

Mr. KISSELL. What steps are being taken to disseminate the lessons being learned from the situation at Arlington National Cemetery to all other government cemeteries to ensure nothing like this will happen again?

Secretary MCHUGH. Arlington National Cemetery is working collaboratively with the Department of Veterans Affairs and the Department of the Interior (National Parks Services) to address the findings of the DAIG report and to develop best practices. The Executive Director of the Army National Cemeteries Program is committed to working proactively and transparently with all Executive Agencies with similar missions.

QUESTION SUBMITTED BY MR. OWENS

Mr. OWENS. You testified that you are working on a technological fix to assist in your audit process. Why was such a system not developed earlier? Was funding sought for such an initiative in the past or not?

Secretary MCHUGH. Under previous management, an automation plan was created and initially funded in the President's FY 2000 budget. This initiative evolved into the development of the Total Cemetery Management System (TCMS), which was intended to automate access to burial records and provide gravesite locations; support project and financial management; and aid in the management of supplies, equipment, and other administrative services.

Unfortunately, based on interim assessment by Army Chief Information Officer, we have determined that TCMS as a system does not functionally exist at this time. Accordingly, based on this finding, the Executive Director, ANC immediately suspended any further investment in TCMS and requested the Assistant Secretary of the Army (Acquisition Logistics and Technology) (ASA(ALT)) to lead the procurement of a future Cemetery Information system. This places senior Army acquisition professionals in charge of developing/acquiring any future cemetery Information Technology products. Moreover, critical to this process, ANC and ASA(ALT) will fully participate in the Veteran's Affairs (VA) requirement development process as it begins the 3–5 year process to upgrade the VA Burial Operations Support System. Through this co-development process, ANC will ensure it can fully leverage the capabilities of the new system.

QUESTION SUBMITTED BY MR. CRITZ

Mr. CRITZ. When will the electronic mapping system for Arlington National Cemetery be implemented?

Secretary McHugh and General Whitcomb. Applying geospatial tools to operations at Arlington National Cemetery is a vital part of our restructuring plans. Electronic mapping will be integral to the overall information technology upgrade at the cemetery; and we will consider the many commercial applications, as well as other alternatives, available to develop such a system. Although it is impossible to determine precisely when it will be fully implemented, rest assured electronic mapping is a priority and will be achieved using appropriate contracting processes and procedures.

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