

S. Hrg. 111-1008

**MISMANAGEMENT OF CONTRACTS AT ARLINGTON
NATIONAL CEMETERY**

HEARING

BEFORE THE

AD HOC SUBCOMMITTEE ON CONTRACTING
OVERSIGHT

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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JULY 29, 2010
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Available via <http://www.fdsys.gov>

Printed for the use of the Committee on Homeland Security
and Governmental Affairs



U.S. GOVERNMENT PRINTING OFFICE

58-406 PDF

WASHINGTON : 2011

For sale by the Superintendent of Documents, U.S. Government Printing Office
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MISMANAGEMENT OF CONTRACTS AT ARLINGTON NATIONAL CEMETERY

THURSDAY, JULY 29, 2010

U.S. SENATE,
AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:06 a.m., in room 342, Dirksen Senate Office Building, Hon. Claire McCaskill, Chairman of the Subcommittee, presiding.

Present: Senators McCaskill, Carper, Tester, Brown, and Collins (ex officio).

OPENING STATEMENT OF SENATOR MCCASKILL

Senator MCCASKILL. This hearing will now come to order. This is a hearing on Arlington National Cemetery and the problems that we have at Arlington National Cemetery.

Arlington National Cemetery is the Nation's most sacred burial ground for veterans and their families, a national shrine, and an emblem of the courage and sacrifice of so many throughout our Nation's history. Over the last year, I have learned of shocking stories about Arlington—bodies accidentally buried in the same graves, unmarked and mismarked graves, urns of cremated remains being found where they shouldn't be, the heartbreaking tragedy of families who cannot trust the Cemetery to tell them where their loved ones are buried.

In June, the U.S. Army Inspector General released a report finding major flaws in the operation of Arlington National Cemetery. The Army Inspector General found hundreds of mistakes associated with graves and substantiated many of the reports that had previously appeared in the media. The Army Inspector General found that the failure to implement an effective automated system to manage burials at the Cemetery contributed to these mistakes. The Army Inspector General also found that the contracts awarded to acquire components of the proposed system for the Cemetery failed to comply with applicable Federal, Defense, and Army regulations.

Senator Brown and I called today's hearings to examine how contract mismanagement at Arlington National Cemetery resulted in this scandal. My staff has prepared a memorandum¹ summarizing what we have learned from our investigation. I ask for unanimous consent that the memo and the documents it cites be made part of

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the hearing record. Without objection, those will be entered into the record.

More than 10 years ago, the Army began the development of a new system to automate the management of burial operations at Arlington National Cemetery. From the beginning, the acquisition process was plagued with problems.

One problem was that the Cemetery and Army officials decided to create a new system instead of using or modifying the system that was already being used by the Department of Veterans Affairs. This system, called BOSS, was developed by government employees and cost about \$2.4 million in total, including the costs of automating more than 2.2 million burial records, and it works.

Instead, the Cemetery asked the Army Center for Contracting Excellence and the Army Corps of Engineers to award a series of contracts to develop their own system called the Total Cemetery Management System (TCMS). The Cemetery has spent somewhere between \$5.5 and \$8 million—and, by the way, it is a problem we don't know exactly how much—on this TCMS program, and today, Arlington National Cemetery still does not have a system that can accurately track graves and manage burial operations.

One reason for this was the lack of management and oversight. The Army contracting officials who were responsible for these contracts awarded sole source contracts without ensuring that the contractors were even able to do the work. They failed to make sure the government was paying a fair price.

In addition, the responsible officials outside the Cemetery failed to conduct even the most basic oversight. Officials within the Assistant Secretary of the Army for Civil Works, who have been responsible for the Cemetery's budget for the last decade, merely reviewed the materials submitted by the Cemetery to Congress regarding TCMS. They did not see the red flags. They did not ask any additional questions that would have helped bring these problems to light much earlier.

We have also learned that there has been no review of Arlington National Cemetery for the last decade, no review of the contracts. And what is even more appalling to me, as a former State Auditor, no one has performed any audits whatsoever.

And now we know that the problems with the graves at Arlington may be far more extensive than previously acknowledged. At a conservative estimate, 4,900 to 6,600 graves may be unmarked, improperly marked, or mislabeled on the Cemetery's maps.

We are here today because we owe our veterans better. We owe their families much more. We owe more to the Americans who expect their government not to fritter away their money on wasteful contracts. And the people who let this happen, whether it was ignorance, incompetence, or denial, must be held accountable.

This week, after hearing from all of the different veterans' organizations, the American Legion, Reserve Officers Association, Veterans of Foreign Wars (VFW), all of them have participated by submitting information for this hearing. Although this is the Subcommittee on Contracting Oversight, what is most important is to

¹The memorandum referenced by Senator McCaskill appears in the appendix on page 116.

get this right for all of the veterans and their families who have sacrificed so much for our country.

In their statement, the Veterans of Foreign Wars, one of the Nation's largest and oldest veterans' associations, which also happens to be based in Kansas City, wrote the following. "What occurred at Arlington is a national disgrace, yet the VFW hopes it will serve as a wake-up call. The failure at Arlington National Cemetery was allowed to occur by a hands-off attitude by those more senior in the chain of command who may have regarded their oversight responsibility more as an additional duty than a primary mission."

I hope today's hearing is a very loud, very clear wake-up call to everyone involved. And let me say that there are so many men and women who work at Arlington National Cemetery and who volunteer there, the Old Guard, thousands of people who do the right thing every day, day in and day out, and their work should not be diminished by this hearing. We should lift them up and thank them for every effort they make to make sure that every burial is dignified and patriotic in a way that our Nation expects.

I think at the end of today's hearing we will know much more about what happened and why. What we won't know at the end of this hearing is how quickly we can fix it and how we can repair the hole in the heart of so many families across this Nation that are now going to wonder, is this really the gravesite of my loved one? Is this really where they are buried? Until we get this fixed, and until we can stand tall with our shoulders back and say we have fixed the problems at Arlington National Cemetery, no one who has responsibility for this in the Army should rest, and we are going to make sure in this Subcommittee that we stay on this until we are confident that all the problems have been fixed.

We are going to take time this morning for opening statements, not just from the Ranking Member, but from any other Members who are here, and so at this time I will turn the microphone over to the Ranking Member of the Subcommittee, Senator Brown.

OPENING STATEMENT OF SENATOR BROWN

Senator BROWN. Thank you, Madam Chairman. Today, as Ranking Member of this Subcommittee, I would like to first of all start out by thanking you for once again bringing to attention something of great importance not only to me personally, but to our country and the families of our men and women that are serving.

As President Clinton stated in his 1993 Memorial Day remarks at Arlington National Cemetery, "The inscription on the Tomb of the Unknown Soldier says that he is, and I quote, 'Known only to God.' But that is only partly true. While the soldier's name is known only to God, we know a lot about him. We know he served his country, honored his community and family, and died for the cause of freedom."

As a 30-year member of the Massachusetts Army National Guard, I understand some of the sacrifices that the men and women in our Armed Services have made, and my respect for those who have made the ultimate sacrifices is clearly unparalleled.

We are all entrusted with the solemn obligation to ensure that our heroes buried at Arlington National Cemetery receive the utmost dignity and respect that this country can offer, and today, I

intend to focus on how the caretakers of our national shrine were allowed to violate our Nation's sacred trust. It is my intent to not only determine the causes of these astonishing management and oversight lapses, but also to look forward and identify real solutions.

The problems uncovered at Arlington National Cemetery have made national headlines and have tarnished the sacred trust with military families that we have. The well-publicized burial problems, including the misidentifying of grave sites, losing remains, double burials, and failure to notify families of any problems have eroded the confidence the families of our fallen heroes have that their loved ones' remains will be respected. And evidence from the Army Inspector General investigation report that one set of cremated remains was improperly disposed of and reburied as unknown is particularly wrong, as a loved one's remains are essentially lost forever.

My service in the National Guard has taught me the importance of an effective command and control structure, and today, I intend to examine who in the Department of the Army was responsible for the oversight of the Cemetery and why these problems were allowed to develop and remain uncorrected for many years.

My understanding is that the Army has been aware of the management issue since 1997, when the Military District of Washington IG inspected the Cemetery. The Army audit report is clear that the management entrusted at Arlington National Cemetery failed to properly execute their duties. Cemetery management failed to address one of the primary causes of the burial problems, the reliance on an inaccurate Cemetery map. In only three of 70 sections of the Cemetery, 211 discrepancies were identified between the map and the gravesites. In an age where geolocation software is available for free on our mobile phones, with all of the United States Army's vast resources available, it is truly incomprehensible to me that we are unable to accurately depict a map on merely 600 acres of land in the heart of our Nation's Capital.

And to address this problem, Cemetery management attempted to automate the effort, but unfortunately for the families and descendants of the American taxpayers, the automation efforts have improved little for the millions of dollars spent. After 7 years of effort, over 35 IT contracts totaling approximately \$10 million, the Cemetery still uses a system implemented in 2003 that is inefficient and has significant functional limitations.

We intend to examine in today's hearing why the Cemetery's acquisitions and efforts were so futile and where the taxpayers' money went and how can we get it back, and once again, more importantly, how do we solve the problem so it doesn't happen and continue to happen.

Unfortunately, I don't have a great deal of confidence that the Army or anyone else knows the full extent of the burial problems, but I do know that we can't tolerate these problems any longer. Arlington represents to the world and our country the value we place on our veterans in life and in death and the Army must restore the solemn trust that America's heroes deserve, and we expect no less.

Madam Chairman, thank you for the time and thank you once again for bringing this to everyone's attention.

Senator McCASKILL. Senator Collins.

OPENING STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Madam Chairman. Let me begin by thanking you and the Ranking Member for your leadership in investigating this very important issue.

Nearly every American can picture the peaceful rolling green hills dotted with row upon row of bleached white headstones. This iconic image of Arlington National Cemetery is close to our hearts, for we know that the landscape reflects the thousands of lives given in service to this great country. Although established in 1864, this Cemetery includes the remains of veterans from every one of America's wars, from the American Revolution through the Iraq and Afghanistan conflicts. This place, then, has long been regarded as America's hallowed ground.

Privates are buried there, as are Presidents. The Tomb of the Unknown Soldier honors unidentified warriors from past wars. Sailors who died when the U.S.S. Maine was sunk in Havana in 1898 are memorialized there. Our collective history is read in this Cemetery, carved in stones that recite the names of veterans from the birth of our Nation to today's War Against Terrorism.

We expect the utmost honor and dignity to be given to those buried at Arlington. Tragically, we now know that this most basic of expectations was neglected. Gross mismanagement of these sanctified grounds has tarnished the sacred trust and shaken many military families.

We learned this heartbreaking truth on June 10, when the Army Inspector General released a special report on the operational and contracting deficiencies at Arlington National Cemetery. The findings were appalling. Investigators found unmarked graves, gravesites misidentified on Cemetery maps, and at least four burial urns that had been unearthed and their contents discarded.

The Cemetery had not been inspected or audited for more than a decade, an unbelievable lapse of oversight. The Army has admitted that it lacked a single point of responsibility and accountability for the operations and oversight of the Cemetery. That admission is a first step, but the families, fellow service members, and friends of our fallen heroes must have their trust restored. Right now, that bond is broken.

The IG's report documents further mismanagement of the Cemetery and an utter lack of Army oversight spanning many years. The Army IG made 76 findings and 101 recommendations, some of which were the very same deficiencies from a 1997 IG inspection of the Cemetery. Let me repeat that. The Army was alerted to some of these problems 13 years ago, yet nothing was done to make things right.

A main cause of the burial problems was the ill-advised reliance on an inaccurate map of the burial plots. In just three of the 70 sections of the Cemetery, more than 200 discrepancies have been identified between the map and the gravesites. To correct these discrepancies, in May 2002, the Cemetery management embarked on an ambitious project to update the mapping operation, but this goal was never met.

Despite more than 35 IT contracts totaling more than \$5.5 million, the Cemetery continues to use manual records and an electronic tracking system set up in 2003. There are many reasons for this tremendous waste of taxpayer funds, but a primary culprit in derailing the automation efforts can be traced to a lack of effective contract oversight.

Through this hearing, it is our intent not only to determine the causes of these disturbing and painful lapses, but also to identify solutions and to establish a time table for urgent action. We must take aggressive steps to remove this tarnish from our national landmark and to renew the promises made to our military families and to the American people.

Thank you, Madam Chairman.

Senator McCASKILL. Thank you, Senator Collins. Senator Tester.

OPENING STATEMENT OF SENATOR TESTER

Senator TESTER. Yes, thank you, Madam Chairman. Thank you for having this hearing. It is an understatement to say it is truly unfortunate we even have to be here today.

When you talk about burying our loved ones, it is a pretty basic act that has gone on since the beginning of mankind. When you talk about burying our war heroes and the people who served this country so well in a place as Arlington National Cemetery, I can tell you from my perspective, this is not only totally unacceptable, it is a black eye that, quite frankly, needs to be dealt with in a way to make things right as soon as possible.

Whether it is a lack of information technology, whether it is a lack of contracting oversight, I hope we get some insight into that today. But what has happened here, I am going to be interested to hear what the excuses are, because I can't figure it out in my head. This isn't like putting a man on the moon. There is nothing really mystifying about burying our loved ones and keeping track of them and making sure that the ones are in the grave that are supposed to be there.

Here is the upshot. The upshot of this is I have a lady who works for me, does my natural resource work in the State of Montana. She happens to be out here. She was actually raised out in this neck of the woods and her father was buried in Arlington Cemetery a couple years ago. Her mom is still alive. She is out here this week. She called up her mother and she said, "I think I am going to go over and visit Dad's grave in Arlington," to which her mother's response was, "Do we really know if he is in that grave?" This is a true story. That is the upshot of this.

Madam Chairman, we have Mr. Metzler here today. I believe that is correct. I don't know if we have Mr. Higginbotham here today or not. I certainly hope so. But hopefully, we will get some sort of understanding of what went on here and some solutions on how to fix what I think is a problem that should have never, ever—we should not be here today. This should never, ever, ever have happened.

So thank you for holding the hearing, Madam Chairman.

Senator McCASKILL. Thank you, Senator Tester.

Our first panel, if you would join us at the witness table, our first panel is John C. Metzler and Thurman Higginbotham. We will

do seven-minute rounds of questions. After this panel, we have a second panel of officials that will testify.

It is the custom of this Subcommittee that we have our witnesses sworn in, and so if you all would stand and I will administer the oath.

Do you swear that the testimony that you will give before the Subcommittee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. METZLER. I do.

Mr. HIGGINBOTHAM. I do.

Senator MCCASKILL. Mr. Metzler is the former Superintendent—thank you, gentlemen. You may be seated.

John Metzler is the former Superintendent of Arlington National Cemetery and Thurman Higginbotham is the former Deputy Superintendent of Arlington National Cemetery. We will defer to you all for your opening statements.

**TESTIMONY OF JOHN C. METZLER, JR.,¹ FORMER
SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY**

Mr. METZLER. Good morning, Madam Chairman, Members of the Subcommittee. As the Subcommittee is well aware, I was the Superintendent of Arlington National Cemetery for the last 19 years. Prior to Arlington, I had 17 years' experience with the Department of Veterans Affairs in their Cemetery system. I also served 6 years of earlier government service, including one tour of active duty in the Army with one tour in Vietnam as a helicopter crew chief with the First Aviation Brigade.

Over my 42 years of service to our Nation, my respect, admiration, and gratitude to our men and women in uniform and their families has only increased. I hold them in the highest regards. Personally, it pains me that our team at Arlington did not perform all aspects of its mission to the highest standard required.

As a senior government official in charge of the Cemetery, I accept full responsibility for all of my actions and for the actions of my team, and I want to express my sincere regrets to any family who may have—these failures may have caused them pain.

As you evaluate these issues, it is important to fully appreciate the complexity and breadth of the operation at Arlington National Cemetery. They are unique and extraordinary. This complexity and breadth has only increased during my tenure. Of the more than 330,000 burials at Arlington National Cemetery which have taken place over the last 146 years, 110,000, one-third of them, took place during my tenure. There are only two or three large private or Department of Veterans Affairs Cemeteries in the world that have the complexity and the comparable volume of funerals that Arlington does each year, 6,000 or 7,000.

None of these cemeteries, however, required the attention for ceremonial coordination and support that is routine at Arlington Cemetery. None of these cemeteries have 3,000 non-burial ceremonies that are conducted regularly at Arlington. None of these cemeteries have records that go back over 100 years. And finally, none of these

¹The prepared statement of Mr. Metzler appears in the appendix on page 65.

cemeteries have over four million visitors who tour the grounds each year.

Activity at this level is sensitive and important and requires constant and exceptional attention for action. There are no time-outs or do-overs.

Funeral services continue to be a vital—and are conducted, excuse me, in all circumstances. We conducted services at Arlington Cemetery on September 11, 2001 and the day after. During this recent record snowfall in which the Federal Government was closed for four consecutive days, Arlington Cemetery continued with its burial schedule.

It is undisputed that the overwhelming majority of the funerals at Arlington National Cemetery have been completed successfully, without error, and to the complete satisfaction of the families. I do not highlight this point to excuse any possible findings that may have occurred. I understand that each burial service at the Cemetery must be conducted as close as possible to zero defect every time. I understand that the complete burial—excuse me. I understand that completing that burial is a significant event for each family involved. There has been an enormous amount of good that has been accomplished for tens of thousands of families and each time the funerals were conducted correctly at Arlington.

I know the Army is working hard to correct the IG's finding and that the Cemetery will improve its operation.

During the last 19 years that I was the Superintendent, we did not receive the funding that was needed and the dedicated staff of the Cemetery was reduced by 35 percent, from 145 when I arrived to 95 today. Of these 95, approximately 35 people are performing administrative tasks. Those staffing losses were to be offset by increased opportunities for outsourcing of private contracts. As experience has shown, however, that approach does not always result in the most efficient or effective solution. There are no substitutes to having dedicated staff in the important areas such as government technology and contracting, none of which I had during my tenure. Further, issues can be minimized and eliminated with both funding and staffing requirements to do this important work.

In any event, I know the Army is committed to doing whatever it takes to make things right now and in the future. As difficult as it is for me to conclude my lengthy Federal service under these circumstances, I will always value the opportunity I had to be Superintendent of Arlington National Cemetery, and I am prepared to answer your questions as best I can. Thank you.

Senator MCCASKILL. I want to tell you, Mr. Metzler, how much we appreciate you being here today. I am sure this is not a pleasant experience for you and it means a great deal that you are here and that you are standing and willing to answer questions. On behalf of the Subcommittee and the Subcommittee staff, we appreciate it very much.

Mr. METZLER. Thank you.

Senator MCCASKILL. Mr. Higginbotham, do you have an opening statement?

**TESTIMONY OF THURMAN HIGGINBOTHAM, FORMER DEPUTY
SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY**

Mr. HIGGINBOTHAM. No, ma'am, I do not. After consultation with counsel, I will assert my Fifth Amendment rights to any and all questions that the Subcommittee may ask.

Senator MCCASKILL. I appreciate the fact that you are asserting your right, but procedurally, it will be necessary for us to ask you some questions and you to assert that privilege in response to those questions in order for us to make the record that is appropriate going forward. So we will be asking you some questions and you will then have to decide as those questions are asked if you wish to assert the right. If you do assert the right repeatedly, a few times, then we will make the necessary steps in the record to reflect that you have done so.

Mr. HIGGINBOTHAM. Thank you.

Senator MCCASKILL. Do you have any questions, Mr. Higginbotham, in that regard?

Mr. HIGGINBOTHAM. No, ma'am.

Senator MCCASKILL. Then we will begin questioning, and let us start with you, Mr. Metzler. Let us be clear. How long were you an employee at the Cemetery?

Mr. METZLER. I was an employee there for 19 years and 6 months.

Senator MCCASKILL. And on what date did you retire?

Mr. METZLER. July 2, 2010.

Senator MCCASKILL. Who did you report to in the Army? Who was your boss?

Mr. METZLER. My direct report was the Commanding General of the Military District of Washington.

Senator MCCASKILL. All right. And was there any other report you had, other than the Commander of the District of Columbia?

Mr. METZLER. Yes, ma'am. I reported to the Assistant Secretary of the Army for Civil Works on budget and policy issues, and to the Assistant Secretary of the Army for Manpower and Reserve Affairs on eligibility issues and exceptions to policy, and to the Chief of Media on any media-related issues.

Senator MCCASKILL. OK. And who reported to you at Arlington National Cemetery?

Mr. METZLER. The Deputy Superintendent, the Historian, my secretary, and the Chief Financial Officer (CFO).

Senator MCCASKILL. OK. So you had your secretary, you had the Deputy, you had the Historian, and who was the other?

Mr. METZLER. The Chief Financial Officer.

Senator MCCASKILL. The CFO, OK.

Mr. Higginbotham, how long were you an employee at the Cemetery?

Mr. HIGGINBOTHAM. After consultation with counsel, I will assert my Fifth Amendment—I can answer? Oh. You can ask the question again, ma'am.

Senator MCCASKILL. How long were you an employee with the Arlington National Cemetery?

Mr. HIGGINBOTHAM. I started at Arlington in July 1965 and had a break in service to attend mortuary school and I returned to the Cemetery in 1977.

Senator MCCASKILL. And when did you become the Cemetery's Deputy Superintendent?

Mr. HIGGINBOTHAM. Nineteen-ninety—1990, I believe it was. Yes. Senator MCCASKILL. And what date did you retire?

Mr. HIGGINBOTHAM. July 3.

Senator MCCASKILL. Mr. Higginbotham, what were your responsibilities as Deputy Superintendent?

Mr. HIGGINBOTHAM. Well, I was an assistant to the Superintendent in his responsibilities.

Senator MCCASKILL. And so did you take your direction directly from him?

Mr. HIGGINBOTHAM. Yes.

Senator MCCASKILL. Were there things that you did independently of his direction?

Mr. HIGGINBOTHAM. I had decision making for supervisors that worked for me, yes.

Senator MCCASKILL. Who reported to you at the Cemetery? How many direct reports did you have?

Mr. HIGGINBOTHAM. Well, we had three divisions that reported to me, Facilities, Administrative, and Operations.

Senator MCCASKILL. Mr. Higginbotham, it is pretty obvious if you read the record that you and Mr. Metzler just didn't get along. Is that a correct statement? Would you argue with that statement?

Mr. HIGGINBOTHAM. Not in my opinion.

Senator MCCASKILL. You did not get along?

Mr. HIGGINBOTHAM. Yes—no, we did get along.

Senator MCCASKILL. You did get along?

Mr. HIGGINBOTHAM. Yes.

Senator MCCASKILL. So the fact that there was a report that was done as early as 1997 saying that there was real—in fact, 1994, I believe, even after you had been Deputy only for a few years, two different times, there was an assessment of what was going on in Arlington and in both instances they said that there was a great difficulty between the two of you, that you did not have a good working relationship, that morale was low because of it, and, in fact, you were counseled. The record says you were counseled as it relates to your ability to work with Mr. Metzler. Is that not accurate?

Mr. HIGGINBOTHAM. Partially. I think if we go back to when Mr. Metzler arrived at Arlington in, I believe it was 1991, I was already the Acting Superintendent because the prior Superintendent had quadruple bypass surgery and he decided to retire. I applied for the job as Superintendent. I was told that I was not eligible for the position because I was 22 days short of time in grade, to move, the 1 year in grade at the lower grade.

I think coming in, a new individual, I had no animosity toward Mr. Metzler whatsoever. He was new to Arlington, although, he had lived there years ago. His management style was new to me. I had worked under a previous Superintendent and we both had the same feeling about Arlington to do the right thing. We were like a corporation. He had 51 percent and I had 49. So any decisions we made were ultimately his decisions. But I don't feel that report accurately reflected. I think it was more of the staff perception that we didn't get along.

Senator MCCASKILL. All right. Before my time runs out on the first round, I want to establish something for the record before we go any further. Mr. Metzler, what was the first date that you knew that there were problems with the location of burial remains at Arlington National Cemetery?

Mr. METZLER. With the IG report, ma'am?

Senator MCCASKILL. No. I want to know, when was the first date—forget about all the reports, I want to know that day when you are in your office and you receive information and you have a sinking sensation that you may have a problem about where bodies are buried at Arlington National Cemetery. What year did that occur?

Mr. METZLER. I never had that problem.

Senator MCCASKILL. So you are saying that you never had any inkling that there could be an issue with the location of remains at Arlington National Cemetery until June of this year?

Mr. METZLER. Until the IG's report. Anytime an individual, anytime a family member, anytime an employee brought an issue to my attention in this regards, we looked at it immediately. We stopped what we were doing and we went out to the field and we validated anyone's concerns.

Senator MCCASKILL. Wait a minute. So you are saying that when there was an issue, you went out and you saw that there was a concern, or you found that it was not valid, the concern was not valid?

Mr. METZLER. I found that either the concern was not valid or there was an explanation that went along with it. There would be oftentimes where family members—no, let me restate that. From time to time, family members would contact the Cemetery and tell us they could not find their loved one and we would find out that they were in the wrong burial section or that they had referenced a tree or some other permanent structure in the Cemetery and that structure either had been removed or they were just in the wrong location. So we would go out with them and we would show them how to find their loved one's grave. That was a problem in any cemetery that expands and continues to grow. People pick up landmarks and don't use the numbering system on the back of the headstones.

Senator MCCASKILL. But you are saying that until the IG's report came out in June, you had never been made aware of an instance where a headstone was marked wrong, a body was mislocated, an urn was found buried in the same location as other remains, that there were more than one body in one grave, that an urn had been—

Mr. METZLER. Well, I—

Senator MCCASKILL [continuing]. That you never had any inclination that—

Mr. METZLER. No. I did have inclinations of those on a one-to-one basis. But every time one was brought to our attention, we corrected those issues, whatever that issue was, and we annotated the records to fix the problem.

Senator MCCASKILL. OK. So you knew there were problems. You are just saying that as they came along, you fixed them?

Mr. METZLER. Yes, ma'am.

Senator MCCASKILL. All right. And when was the first date you knew that you had at least one problem that had been validated as to location of remains at Arlington National Cemetery? What year was that?

Mr. METZLER. I don't know. I mean, this is an issue, the way you are asking the question, that could happen virtually any day in the Cemetery operation, where someone could come in and ask a question that you would have to go out and look at it.

Senator MCCASKILL. I am not saying that somebody couldn't find something and you helped them find it. I am saying that when you looked into it, you realized that a grave was mismarked or there were multiple bodies buried there or that the body wasn't in the location that you thought it was in and you weren't sure where it was. I am talking about those situations. When—what year did one of those situations come to your attention?

Mr. METZLER. Well, I think the one situation that we were talking about, where remains were buried in a grave and unmarked, came to our attention about a year ago. We had an issue during the development of Land Development 90, referred to as LD 90. This was the last 40 acres of the Cemetery. In the process of developing that land, this was a fill area where soil had been repositioned there for probably 35 years. So the soil started to be distributed over this 40-acre land mass, and in the process of doing that, two urns were discovered.

Senator MCCASKILL. And when was that? What month and year was that?

Mr. METZLER. Ma'am, I am guessing. I don't recall the month, the year, but I would say it has to be at least 5 years ago that came about.

Senator MCCASKILL. OK. And I will have the same question for you, Mr. Higginbotham, on my next round, but my time is over and I want to be respectful of my colleagues, so Senator Brown?

Senator BROWN. Thank you, Madam Chairman.

Mr. Metzler, you noted in your opening statement that the majority of the burials are done successfully. I didn't fall off the turnip truck yesterday. The majority are done successfully? I would think that at a cemetery of this prestige that 100 percent of them would be done successfully, and that is why we are here, is the fact that they are not being done successfully and we owe it to our families and our soldiers to get it right. With all due respect, once again, there are many cemeteries throughout this country that have the foresight and courtesy to make that extra effort to automate the systems and identify properly where people are buried so the people and family can have closure.

I guess my first question is, can you clarify for the record what your responsibilities specifically were in terms of who was responsible for identifying properly the gravesites? Whose ultimate responsibility was that? Was it yours?

Mr. METZLER. Ultimately, the responsibility is mine as the Superintendent, yes.

Senator BROWN. And when the IG investigation report detailed the problem that existed for a period of over 18 years, and I am presuming it is the time that you were there, because you have been there for quite a while, it also noted that the relationship be-

tween you and the Deputy—how much do you think the relationship between you and the Deputy affected or contributed to the documented problems at the Cemetery?

Mr. METZLER. I don't believe it contributed at all. Mr. Higginbotham and I met daily at staff meeting. We would meet periodically two or three times a day, either in his office or in my office. We would confer on anything that was unusual or different. We would often go out to the Cemetery together to look at issues that were going on in the Cemetery. I mean, we had a very professional relationship that interacted each day with each other. We had the same common goal here on automation. We wanted to see the Cemetery automated as quickly as possible.

Senator BROWN. Well, I noted here in actually an Arlington National Cemetery article where you called him a visionary when it came to technology and trying to—and I am paraphrasing—trying to implement the technology plan, and you said that is not a word that should be tossed around lightly. The funds were provided. What is the status of the so-called technology at this point? Where are you? How many graves have been identified? What is the status of the IT, the systems, etc?

Mr. METZLER. There are approximately 60,000 graves that are automated right now since around 1999 with the use of the VA system, BOSS, Federal Operation Support System, and then our continuation of the Internment Support System (ISS). We have a system that we are trying to develop to improve the ISS. We are on our second generation. We are trying to get to the third generation, which would make this system an Internet-based system.

So we have been working toward that. Unfortunately, with the inspections and the reports that have gone on, all this work now has come to a halt and no work currently is being done to continue automating the system.

Senator BROWN. So since 1997, you said, you have—

Mr. METZLER. No, sir. We started in 1999 trying the VA BOSS system. We worked on that system for about 2½ years and we found that it was not compatible with our needs at the Cemetery. Yes, it would put the information into a system, but the Cemetery at Arlington is much more complex with our scheduling system. I tried to work with the Veterans Administration to get them to modify their scheduling system to accommodate our needs.

Senator BROWN. Well, they offered it to you basically for nothing, for at cost. Couldn't you—

Mr. METZLER. No, sir, that is not accurate.

Senator BROWN. That is not true?

Mr. METZLER. No, sir.

Senator BROWN. Interesting.

Mr. METZLER. I mean, I personally worked with their IT team. I was with the Veterans Administration—

Senator BROWN. Well, was it a cheaper cost than what you have expended so far and have really little to show for it? Was it offered to you at a cheaper cost? Would you have saved the taxpayers money by implementing and modifying a system that has been up and running and working properly?

Mr. METZLER. I could not get them to modify their system, sir.

Senator BROWN. But you could have taken that system and, in fact, adopted it and modified it at cost yourself.

Mr. METZLER. It was not my system. It was the Veterans Administration system. I tried to work with their IT staff to see if they would not modify their system to their needs and they could not accommodate us on that.

Senator BROWN. Who is responsible for issuing contracts, signing contracts and going out and actually entering into IT or other types of arrangements to improve the system that you were working on.

Mr. METZLER. Contracting officers either at the Baltimore Corps of Engineers or at the Army Center of Excellence for Contracting.

Senator BROWN. Based on whose recommendation?

Mr. METZLER. It would be based on our recommendation at the Cemetery. We would—

Senator BROWN. Our? Who is “our”? Is it you? Is it the Deputy? Is it a combination?

Mr. METZLER. It is a combination. I mean, any of our staff members—there are basically three styles of contracts that we work with on a regular basis, construction contracts, services contracts, and the IT contracts.

Senator BROWN. I guess what I am trying to find out, and I am not getting there yet and I am glad we are going to have a couple of rounds, is what specific actions did you take to address the underlying issues and problems, the burial problems, in particular, at the Cemetery? What have you done since the report? You say you were addressing them and you were working on them.

We had September 11, 2001. We had burials. We had a lot of burials. Every cemetery has burials, but these are special burials. There are burials and then there is a different level. These are the people that are being buried at Arlington National Cemetery. I mean, growing up, I think of that and it is the cemetery in our country that we all have great pride in, and to find out that it is— it is almost like learning that there is no Santa Claus or Easter Bunny.

It is something that, in fact, is held at such high esteem, and then here we are. Is it fact or fiction, reality? Who is buried there? There are so many questions. What have you, in fact, done since then?

Mr. METZLER. One of the things we did is we went out and did a field survey of the sections that were brought to our attention, and what we found in the field survey is that the working maps were not accurately posted.

Senator BROWN. And then what did you do?

Mr. METZLER. We went out and validated each area to ensure that if there was a burial there, there was a headstone there. If there was not—if the map indicated there was a burial and there was no one buried there, we validated that the grave was empty. If we found that there was a site where a headstone should have been installed and it was off by a number of graves, we checked to be sure that there were remains in the grave and then we put the headstone up there—

Senator BROWN. How do you know the remains were the accurate remains? How did you match up that?

Mr. METZLER. We matched them up with the records of internment and with the grave survey cards.

Senator BROWN. Are you still dealing with—my understanding are you still dealing with paper cards, is that right?

Mr. METZLER. We are still dealing with paper cards, two sets of cards, an alphabetical set of cards and a numerical set of cards.

Senator BROWN. So let me get this straight. It is 2010 and you guys—may I take this for a minute, Madam Chairman and just show it? You have this amazing piece of technology right here. It is an amazing piece of technology right here.

Senator MCCASKILL. Make sure everyone knows that this is the IG report I am reading, not—

Senator BROWN. Yes. No, I know that— [Laughter.]

Senator MCCASKILL. It is hearing materials I am reading. It is not something other than hearing materials. [Laughter.]

Senator BROWN. I know that. We have cell phones. We have iPhones. We have this and that and you guys are still dealing in cards. I find that just—I just can't get my hands around that. How do you—

Mr. METZLER. As frustrated as you are, sir, with this, you can only imagine our frustration at the Cemetery. Arlington Cemetery was funded—and is funded still to this day—as a separate government agency. We are not—

Senator BROWN. Yes, but you have been given between \$7 and \$10 million to upgrade the IT and the technology, isn't that right?

Mr. METZLER. But, sir, not all that money went to upgrading IT. We are maintaining fiber optics in the Cemetery. We are maintaining our work stations, our computer stations. We have IT staff on board to assist the staff when they have their issues, printers, fax machines. All that rolls into that—

Senator BROWN. Yes, but with all due respect, sir, the top priority should be identifying and accurately categorizing in modern times and not using three-by-five cards for the people who are the national heroes of this country. That priority should have been given to the fallen who are buried there, the honored dead, and not fax machines and copy machines. You should have identified and properly categorized all of these remains so they can live forever accurately.

So I will continue on in the next round, Madam Chairman. Thank you. And I apologize for doing that, but it just went to the fact that it is 2010. We have all this technology and we are still dealing in three-by-five cards. It is a joke.

Senator MCCASKILL. Senator Collins.

Senator COLLINS. Thank you, Madam Chairman.

Mr. Metzler, I want to follow up on the questions that the Chairman asked you. There are certainly cases where family members misread the map or were in the wrong section or relied on a landmark that was no longer there and thus could not find the burial plot of their loved ones. We are not talking about those kinds of cases. We are talking about cases where because of problems made by the Cemetery, their loved ones' graves are unmarked or not in the right place or there is a mismatch.

I am trying to better understand when the broader problems came to your attention and when, if ever, you perceived that there

was a pattern of problems caused by operational deficiencies at the Cemetery.

Mr. METZLER. The way Arlington National Cemetery operates is a little different than most VA Cemeteries and even private cemeteries today. Arlington Cemetery still buries over the grave, so the gravesite is open. The remains straddle an open grave. Unlike private cemeteries or the Veterans Administration Cemeteries where the burials are done at a shelter or a chapel away from the gravesite and then the remains are brought there later, at Arlington, we bury the remains over the open grave. So we are very confident that the remains are right where they are supposed to be because the remains are sitting there right in front of the family with an open site at the time of the service.

To also ensure that, we have put a separate tag that the Cemetery produces on each casket, on each urn at the time of the remains coming into the Cemetery and that remains as a permanent marking on the casket or onto the urn as the remains are buried or inured in the Columbarium. So as I am sitting here, I feel very confident that the remains are where they are supposed to be in the Cemetery.

Now, if someone of my staff didn't follow the procedures, that is a different story, but I don't believe that is what we are talking about.

Senator COLLINS. But Mr. Metzler, you have an IG report that identifies 100 graves without the proper burial stone, that—

Mr. METZLER. Ma'am, that is not accurate. I would like—if I may, what we are talking about are the working maps that you would take out to the field, and on one map are the number of graves in that particular section. It could be 5,000 squares or it could be 2,500 squares. And each day, the staff is supposed to color in the square as the burial is taking place.

What we found is that these maps were not properly colored in. They either misread the map, the staff, or they didn't color them in at all.

Senator COLLINS. So do you dispute the findings of the IG report that there were 100 unmarked graves, that there were scores of gravesites misidentified on the maps, that there were burial urns that had been unearthed and their contents discarded?

Mr. METZLER. I am not aware—

Senator COLLINS. Are you disputing the findings?

Mr. METZLER. I am disputing what the latter statement is. I am never aware of any urns that the contents were discarded. Yes, we did find two urns that I was aware of that were buried in the Land Development 90—or, I am sorry, were unearthed from their graves, most likely—we don't know for sure how they got there—

Senator COLLINS. Mr. Metzler, this is really important, because what you are saying right now is at odds with what the Army IG report says. I have the excerpt from the Army IG report. It says 117 gravesites were marked as occupied on the maps, but none of these gravesites had a headstone or a burial card. Do you dispute that finding?

Mr. METZLER. I do not dispute that finding. What I am saying, ma'am, is that the maps were improperly colored. They were—the blocks on the maps were colored in when they shouldn't have been

colored in. We went out and did a field survey and we validated that the maps were posted incorrectly.

Senator COLLINS. Do you not think it is a problem that gravesites are marked as occupied on the maps but don't have a headstone or a burial card?

Mr. METZLER. If, indeed, there was——

Senator COLLINS. How are the families supposed to find the gravesites of their loved ones?

Mr. METZLER. Ma'am, what I am saying is the staff marked in those sites and they shouldn't have marked in the sites. No one was buried at that location. Yes, we did find a few graves in each of these sections where the headstones were missing and those headstones were ordered as soon as we could validate there were remains in the grave and that the staff had overlooked ordering those headstones. But the vast majority of the graves that you are talking about were simply posting errors on a working map.

Senator COLLINS. Let me give you another finding. The IG said that 94 gravesites were marked on the maps as unoccupied, but each had a headstone and a burial card.

Mr. METZLER. Yes, ma'am.

Senator COLLINS. Do you dispute that finding?

Mr. METZLER. I do not dispute that, and again, that would be the map was not properly posted. We went out——

Senator COLLINS. But Mr. Metzler, the family members are relying on these maps in order to find——

Mr. METZLER. No, ma'am, they are not relying on those maps. The family members are relying on a section and grave number that they are given at the day of the service. Those are the Cemetery's internal working maps. We don't give those maps to the—I mean, these are not maps that we give to the families.

Senator COLLINS. You don't think it is a problem that gravesites are mismarked?

Mr. METZLER. I do——

Senator COLLINS. Doesn't the staff rely——

Mr. METZLER. No, I agree with you that the——

Senator COLLINS. Well, wait a minute——

Mr. METZLER [continuing]. The maps should be accurately marked.

Senator COLLINS. Doesn't the staff rely on those maps when they direct the family members to the gravesites?

Mr. METZLER. They rely on those maps to give them direction, but they don't show the family that the individual is buried at that map. That would give them a location, a grid location, if you will, within the Cemetery so that they could help find their loved one. Each of the headstones are marked on the back with the section and grave number in numerical sequence.

Senator COLLINS. Mr. Metzler, if your staff is relying on these maps and these maps are inaccurate, and you are not disputing that the maps are inaccurate, then aren't family members going to have a difficult time finding the appropriate gravesite?

Mr. METZLER. No, ma'am.

Senator COLLINS. I have to tell you, your answers make no sense to me whatsoever. I am going to switch to a different issue in the very short time——

Mr. METZLER. If I could just finish one point on that, we did correct each of these maps, so with the IG report, they reported 211. Each of those three burial sections have been corrected and the maps are currently posted correctly and copies were given to all different divisions within the Cemetery so they would have the latest updated map.

Senator COLLINS. Mr. Metzler, in your testimony, you blamed a lot of the problems on a lack of resources. You said that the Cemetery staffing had been reduced by 35 percent, from 145 to 95 civilian employees. When I look at the budget over the last 10 years, I see significant increases, from \$13 million in fiscal year 2000 to a high of \$39 million in fiscal year 2010. If you thought the money was being spent for the wrong things, if you thought you were understaffed, whom did you relay that to?

Mr. METZLER. Each budget cycle, we would bring this discussion to the table with the Assistant Secretary of the Army's representative, as well as with the Office of Management and Budget (OMB) as we submitted our budget submission for the upcoming year.

Senator COLLINS. And you specifically asked for more money and more staff and were turned down?

Mr. METZLER. We were asking to be increased. We were usually cut back by OMB to lower numbers, and it was through the pass-backs that we would go through and with the Assistant Secretary of the Army for Civil Works who helped us tremendously keep our numbers up to the 95. If not, we would have been reduced even further. The mission or the policy had been to reduce the government workforce and each year we were having our workforce cut away a little at a time. So we were holding onto the basic function of burying the dead and everything else was just about contracted out with outsourcing.

Senator COLLINS. Thank you, Madam Chairman.

Senator MCCASKILL. Senator Tester.

Senator TESTER. Yes. Thank you, Madam Chairman. I appreciate it. I appreciate both you gentlemen coming today and I appreciate the questions that are being answered today.

I didn't want to go down this line, but Senator Collins has forced me to go down here one more time. You are saying that what the IG found was there are errors on a set of working maps, but there were another set of maps that were right, yes?

Mr. METZLER. No, sir, that is not what I said.

Senator TESTER. So what you are saying is that there are errors on a set of working maps and that the other set of maps was incorrect?

Mr. METZLER. The working maps, when it was brought to our attention that these maps were inaccurately posted, we went out and did the field survey of the sections that were brought to our attention and we corrected those maps, reposted on the permanent set, which is another set of maps that is kept in a different location in the Cemetery, and then sent working copies out to all the divisions within the Cemetery.

Senator TESTER. The permanent maps were correct, is what you were saying?

Mr. METZLER. Not until we corrected them.

Senator TESTER. OK. So what you are saying is the IG report was correct. If the permanent maps were incorrect and the working maps were incorrect—

Mr. METZLER. The maps were—

Senator TESTER [continuing]. Show me one that was correct.

Mr. METZLER. The maps that are there today are correct.

Senator TESTER. OK. But the maps that the IG looked at were incorrect?

Mr. METZLER. That is correct.

Senator TESTER. And how did you fix those maps so that you know that they are correct today?

Mr. METZLER. We went out to each section and did a field survey, checking grave by grave by grave, and where we found that the map was posted as someone was there, supposed to be buried there, and there was no headstone there, then we would go back and check the grave card. The grave card is a numerical card, so if you go to one of the sections in the Cemetery, you will find grave cards starting with number one—

Senator TESTER. OK.

Mr. METZLER [continuing]. Going to the end. If we found no grave card, then we would probe the grave to see if there were any remains in the grave. If there were no remains in the grave, then we would realize that the map was posted incorrectly.

Senator TESTER. OK. If there were remains in the grave, what did you use to know whose remains they were?

Mr. METZLER. We would look at the site and go back to the cards to find the grave card that correlated to that site—

Senator TESTER. OK.

Mr. METZLER [continuing]. And then we would go back to the record of internment, which is the alphabetical listing, and then we would find out if there was—

Senator TESTER. Let us go the other direction. Joe Soldier was supposed to be buried in that and you go down and there is nothing there. Where is Joe Soldier now? I don't understand. I mean, you can probe and see if the remains are there and say, "Yes, that is right," and go back to the grave card. What happens in the other direction?

Mr. METZLER. I know of no incident, sir, where we can't find a set of remains.

Senator TESTER. OK. So you know where everybody is?

Mr. METZLER. If you give me a name, I can go out there and find the location—

Senator TESTER. And you are sure of whoever is buried in that grave is who is buried in that grave, even though you have some maps that are right and some maps that are wrong? Do you understand what I am saying? I am not trying to be critical here, but I am trying to be obvious. How do you know which set of maps are right if you have one set that is wrong and one set that is right? How do you know this set is right and that set is wrong, or that set is wrong and this set is right?

Mr. METZLER. Each time we post a set of maps, we put a date on that map as to when it was posted. The maps are only as accurate as the last date on that map, and from that point forward, the map becomes a working map.

Senator TESTER. And if that last date is incorrect, then that map is inaccurate and everything is screwed up. I don't know how you can find the bodies once they are in the ground or once they are supposed to be in the ground and not in the ground. I don't know how you fix that mistake, but we can go to a different direction here.

I want to talk a little bit about budgeting. You talked about declining budgets, but then again, Senator Collins pointed out that your budget from 2000 went from \$10 million to \$39 million in 10 years. Are those figures correct?

Mr. METZLER. I believe they are.

Senator TESTER. That is not a declining budget. That is a 400 percent increase.

Mr. METZLER. It is also reflected of construction costs. Our operation—

Senator TESTER. But you had construction costs previous to 2000.

Mr. METZLER. Very minimal construction cost.

Senator TESTER. OK. Who makes the budget decisions?

Mr. METZLER. The budget recommendation is made out of my office, and then the final decision is made by the Assistant Secretary of the Army to make the recommendation.

Senator TESTER. So you, ultimately you, because to your credit you said, "I take responsibility for everything that has happened, right or wrong," you are the one that determines how many dollars or how many millions you need for Arlington Cemetery, consulting with your staff, with the folks you work with, and then you pass that up the chain, is that correct?

Mr. METZLER. Not entirely, sir. Part of it is we are given guidance from OMB at the beginning of the budget cycle—

Senator TESTER. Right.

Mr. METZLER [continuing]. And they will tell us how many millions of dollars we can ask for and what our staffing level should be.

Senator TESTER. All right. So if your budget was not adequate, whose responsibility is that? Is that yours or is that OMB's or is that somebody above you?

Mr. METZLER. Well, sir, I think it is a combination of us asking and justifying and then ultimately we have to support the President's initiative and going forward to the Appropriations committee and with the guidance that we are given.

Senator TESTER. But in your opening statement, you said because of funding reductions, your staff was reduced by 35 percent. I don't—correct me if I am wrong. Did your budget reflect that you needed 35 percent less people?

Mr. METZLER. I don't understand that question.

Senator TESTER. You put forth a budget. Your staff was reduced by 35 percent. Was that your decision or was that somebody else's?

Mr. METZLER. No, that was not my decision.

Senator TESTER. Whose decision was it?

Mr. METZLER. I mean, our staffing levels were reduced by OMB each time that—

Senator TESTER. OK. OMB made the reduction?

Mr. METZLER. Yes, sir.

Senator TESTER. OK. And those were supposed to be offset by contractors, right?

Mr. METZLER. Yes.

Senator TESTER. Who made that decision?

Mr. METZLER. Again, we were told that we would be supported with contract dollars, so—

Senator TESTER. By who?

Mr. METZLER. By OMB.

Senator TESTER. By OMB?

Mr. METZLER. Yes, sir.

Senator TESTER. OK. Did you make your plea to the Appropriations committee that this wasn't going to work, or did you just let OMB do it, or, I mean—

Mr. METZLER. Sir, we—

Senator TESTER. Don't feel bad about this. I have heard this before. But the truth is and the fact is, you have to fight for it if you think it is right, and did you fight for it?

Mr. METZLER. Sir, as a member of the Executive part of the government, I have to support the President's initiative, and the guidance that I am given from OMB is the guidance that we set forward.

Senator TESTER. OK. Tell me how the process works with the contractors. Was there oversight? You said that the Army Corps gave oversight for contractors. There was somebody on site that you could go to for—to make sure the contractors are doing what they are supposed to do in a timely manner, on budget?

Mr. METZLER. Typically, there was not a representative from the Corps of Engineers on site at the Cemetery.

Senator TESTER. Well, did you have anybody on site overseeing the contractors?

Mr. METZLER. We had what we call Contracting Officers Representatives.

Senator TESTER. Were they trained?

Mr. METZLER. Most were trained through a 40-hour training course.

Senator TESTER. Who trained them?

Mr. METZLER. The contracting office that issued that contract.

Senator TESTER. OK. Was there any rivalry between those contractors and the folks who worked for you full time?

Mr. METZLER. Not that I am aware of, no.

Senator TESTER. OK. Was there any point in time during your tenure that you requested for contracting support, such as a contracting officer on site, or did you see a need for it?

Mr. METZLER. Well, we would have loved to have our own contracting shop internally, but unfortunately, it is not a person. It is a series of people, from attorneys to clerks, and it would take away from our staffing level to actually perform our basic mission at Arlington Cemetery. Our challenge each year was holding on to the FTE that we had from the previous year and not take a further reduction.

Senator TESTER. All right.

Mr. METZLER. That was not always successful.

Senator TESTER. OK. Were you happy the way that system worked?

Mr. METZLER. No, sir, I was not happy the way the system worked. I had virtually no control or say-so over anything going on with contracting and had to rely on the contracting officers to perform the requests that we would submit, whether it was construction contracts, services contracts, or IT contracts.

Senator TESTER. You were the Superintendent of Arlington National Cemetery and you didn't feel you had adequate supervision over the contractors. That needs to be fixed. I mean, if the next person has that same sentiment, we are never going to get to a situation where we are doing things right at Arlington or responsible to the taxpayers of this country.

One last question, and I appreciate the latitude the Chairman has given me. Today, 20 percent of the graves at Arlington are automated. That is fairly correct, isn't it?

Mr. METZLER. That is approximate, yes.

Senator TESTER. Today, Senator McCaskill can get on that little machine right there that Senator Brown brought up, go online, and find any grave in the 131 VA National Cemeteries right from her seat right there—any grave, she can find. How did the VA get so far ahead of Arlington from a technological standpoint?

Mr. METZLER. They had—

Senator TESTER. Because they had the same OMB to work with that you had. They had the same administration to work with that you had. Go ahead.

Mr. METZLER. They have a dedicated IT staff in the National Cemetery Administration that worked exclusively on the BOSS system.

Senator TESTER. OK. And were you aware of that when you were Superintendent of Arlington?

Mr. METZLER. When I worked for the Department of Veterans Affairs, I was part of that initial program to automate and was a driving force, if you will, to the VA to try to get them away from the paper and pencil and to get into the automation system—

Senator TESTER. Good.

Mr. METZLER [continuing]. So yes, sir, I was very much aware of the BOSS system—

Senator TESTER. And so did somebody—

Mr. METZLER [continuing]. And anxious to bring it into Arlington Cemetery and try it out.

Senator TESTER. So why didn't it get implemented?

Mr. METZLER. Well, we did implement it for 2½ years and we just got so frustrated with the system. We couldn't modify it to make it work for Arlington Cemetery that we had to walk away from it.

Senator TESTER. The VA makes it work for 131 cemeteries. You have one.

Mr. METZLER. Yes, sir.

Senator TESTER. And you can't make it work for that one?

Mr. METZLER. No, sir. The Arlington Cemetery is unique from the standpoint that no cemetery except Arlington has military honors that are associated with every funeral, from caissons to bands to marching elements to cannons to flyovers. You don't have that in the VA Cemeteries.

Senator TESTER. We are talking about the ability to find a grave online—

Mr. METZLER. That is only part of the system, sir.

Senator TESTER. But it is a pretty darn important part of the system.

Mr. METZLER. Yes, it is. Yes, it is.

Senator TESTER. All right. I want to thank the Chairman.

Mr. METZLER. And I would tell you that every burial we have done since 1999 is part of that VA system now and you can go into their National Gravesite Locator from April 1, 1999 forward and find our burials at Arlington Cemetery in their system, as well.

Senator TESTER. OK. I have to ask this. What you are saying is you can go on the VA website right now from 1999 to 2010 and find who is buried in Arlington National Cemetery?

Mr. METZLER. If they have ordered a government headstone from the VA, it will be in their system.

Senator TESTER. So what you are saying is these 211 IG mis-buried graves are on the VA website and they are correct?

Mr. METZLER. I don't know that I could say that the way you said it, sir.

Senator TESTER. Thank you very much.

Senator MCCASKILL. Senator Carper.

Senator CARPER. Thanks very much.

Let me just ask you to back up a little bit. I was not here for your testimony and for the first part of the questions. Let me just ask of you, if I can, Mr. Metzler, what went wrong? What has been done to fix what went wrong? What remains to be done? Who needs to do it?

Mr. METZLER. Wow. What went wrong is that from the very beginning, we found that the IT automation process was full of difficult turns and twists in the process to accomplish. We started out with trying to do an initiative and found out that we needed to do a 300 report to OMB. Anytime you had an IT initiative of more than a half-million dollars, this report had to be placed in there ahead of time. So we had to stop the process—this was around 2003—and do this 300 report. That in itself took us over a year and a half to accomplish.

Once we got that completed, then we got very little feedback from anyone, but we continued to go forward and try to automate. We started out by scanning the records, the existing records in the Cemetery to get them into an automated system and at the same time try to develop the internment scheduling system, which was the biggest driving factor for us at Arlington Cemetery at the time, trying to automate the daily burials that we were doing so that we would make no mistakes in who we were burying that day as far as military honors, gravesite location, and get away from the paper and pencil issue.

But as we got into that particular system, our staff continued to ask for more and more upgrades to that system. We were successful and able to upgrade it one time. We were in the process of automating a second time and then making a more complex system, making a robust system that was Internet-based and that we could send the information out to all government agencies, the military,

the Chaplain's Office, and such who needed this, and we were in that process.

If I could use a baseball analogy, I believe we were on third base and ready to come home and finish this system when all of the inspections and the allegations were made and it stopped the finishing—the development of that particular system.

So right now, we are on hold. Until we can get that released and get that system finished, nothing else will be accomplished in automation unless you scrap the old system and start all over again.

Senator CARPER. Let me follow up on your baseball analogy. Let us say we are in a rain delay, OK. We have a runner on third base and the game is on hold. When the rain stops and when the game resumes, what do we need to do? Who needs to do it?

Mr. METZLER. What we need to do is get in with the contractor who has the base knowledge of the ISS upgraded system and finish that system, do the beta testing to be sure that we have captured all the initiatives that the staff at the Internment Services Office wants, and then implement that system. That will be a great improvement, and that is just the base, if you will, of the TCMS system. But that is one of the big cornerstones in getting that accomplished. And then the next thing would be to integrate the records that have already been scanned into that system.

Senator CARPER. Who needs to do those things?

Mr. METZLER. I think most of that stuff can be done by contractors. Now, the bigger issue is, and I think this goes to the heart of the questions that Senator Collins was asking earlier, is the triple-validation, and I think this is a challenge with all older cemeteries, like Arlington, is the information on the headstone, the information on the paper records, and the information on the map all need to be cross-checked to be sure every document is accurate.

Senator CARPER. What does the Congress need to do?

Mr. METZLER. Work with the Army, support this initiative financially, and help us, help the Army to get this system back off of rain delay and get it completed, sir.

Senator CARPER. All right. In light of the significant number of improperly marked and unmarked graves, could you just share with us what has been done to reach out to the families of the deceased?

Mr. METZLER. In cases where we know that the family has had a question, then they would be contacted. If the family has called into the Cemetery with a question, that research, to my knowledge, is currently being done, and then a follow-up phone call would be done to the families and tell them whatever information was found out to allay their concerns.

Senator CARPER. All right. I understand that there is a Section 27 at Arlington. Could you take a moment and tell us, what is the historical significance, if you will, of Section 27?

Mr. METZLER. Section 27 used to be called the Lower Section, and it was the original burial area of the Cemetery before it had a designation as Section 27. It is where the Cemetery started in May 1864. William Christman, the first person buried in Arlington Cemetery, described as a hapless recruit who died after 3 months in the military from peritonitis, was buried there in May 1864. So

the Cemetery's original burials from the Civil War, during the Civil War time, were in Section 27.

Also, in another part of the Section 27, the former residents of Freedman's Village are buried, about 3,500 individuals who were on the grounds of Arlington Cemetery from around 1863 to 1890. These were African-Americans who were displaced as a result of the Civil War. The government had opened up a series of camps or villages here in the Washington area. One of them was on the grounds of Arlington Cemetery. And unfortunately, a lot of these individuals who were residents of this village passed away from disease, natural causes, and they were buried also in Section 27.

Senator CARPER. All right. I am told that this section has suffered a considerable amount of neglect over the years. First of all, I want to ask you if that is true. But I think it was about 20 years ago that the Congress ordered the Arlington National Cemetery to improve the grounds and to try to restore the burial records. Among the folks that were there, I understand some African-American Civil War soldiers, but I am told that little has been done. And in addition—

Mr. METZLER. Well, that is not correct, sir, at all.

Senator CARPER. I will let you respond to that, but in addition to addressing the burial problems in the newer parts of the Cemetery, what has been done to fix what were believed to be significant problems in Section 27?

Mr. METZLER. Section 27, when I first got to Arlington, the middle part of the section—it is a long, narrow section—the middle part of the section, an experiment had been done by the previous Cemetery Superintendent there for flat markers. This was an initiative that was being worked on in the National Cemetery System. All their new cemeteries that they were opening back in the 1980s were all flat markers. So for whatever reason, the former Superintendent decided to try flat markers. It was supposed to be ease of maintenance and better mowing, easier mowing.

It didn't seem to be too successful in the VA. They walked away from it, and around 1992, when I was doing one of my appropriations hearings with Congressman Stokes, who I believe was the Chairman at the time, brought to my attention that he felt that this was incorrect at Arlington Cemetery and asked us to change the headstones from flat markers back to upright headstones, which we did.

At the same time, he asked us to look at the trees at the Cemetery. The trees had been allowed to grow all the way to the ground, so you had branches that were on the ground over headstones, covering headstones and such, and we changed the maintenance cycle at the Cemetery and lifted the trees up to about a six-foot height so you could walk under a tree and the tree limbs would no longer be bowing down over the headstones. So all that was accomplished between 1993 and 1994, and Section 27 today receives every bit as maintenance as every other section of the Cemetery.

Senator CARPER. All right. Thank you. Thanks for those responses.

Mr. METZLER. You are welcome.

Senator CARPER. Madam Chairman, thank you for holding this hearing.

Senator MCCASKILL. Thank you, Senator Carper.

Mr. Higginbotham, when did you first realize that there were mismarked graves, unmarked graves, improperly marked graves at Arlington National Cemetery?

Mr. HIGGINBOTHAM. Well, ma'am, having been a Cemetery Representative back during the Vietnam War, doing funerals, it was always—I can't pinpoint a date and time, but it was always to me conceptual that anything done by hand for 140-plus years, there has to be some errors somewhere.

Senator MCCASKILL. Well, I am not asking about conceptual and I am not asking for an isolated error. I am asking you what year—let me just ask the question this way. The documentation that we have developed for this hearing would indicate that you had personal knowledge of unmarked graves or mismarked graves in 2003. Would you disagree with that?

Mr. HIGGINBOTHAM. I am not sure of the date, but if it is in the report, that was probably what was looked at. I am not sure.

Senator MCCASKILL. And Mr. Metzler, you testified earlier when I was asking you that 5 years ago, you were aware of urns with cremated remains in them that had been found in the fill area of the Cemetery?

Mr. METZLER. That is correct.

Senator MCCASKILL. So at that moment, you knew that someone's remains had been dug up and dumped somewhere in the Cemetery without the people knowing they were digging up remains and not realizing they were dumping a family member's remains in another part of the fill area of the Cemetery that was unmarked. It was just in with the dirt, correct?

Mr. METZLER. That is my understanding, yes.

Senator MCCASKILL. OK. So in 2003, Mr. Higginbotham, you knew there were mistakes that had been documented that reflected a lack of procedures of keeping track of where people were being buried in an accurate fashion. And in 2005, Mr. Metzler, you knew that there were urns that had been uncovered in the fill area of the Cemetery. Now, when you found those urns, Mr. Metzler, what did you do?

Mr. METZLER. We looked at the urns and we examined them to figure out if we could determine where they belonged in the Cemetery.

Senator MCCASKILL. And did you?

Mr. METZLER. No. We could not—there were no markings on the urns. There was nothing that would lead us to identify who these remains belong to.

Senator MCCASKILL. So you had no idea who they were?

Mr. METZLER. That is correct.

Senator MCCASKILL. And to this day, you have no idea who they are?

Mr. METZLER. That is correct.

Senator MCCASKILL. All right. So did you think to yourself, we have a problem here?

Mr. METZLER. Yes, I did.

Senator MCCASKILL. And I assume you went right up to the Appropriations committee and to OMB and to the Army Chief of Staff and say, "We have a crisis?"

Mr. METZLER. I did not.

Senator MCCASKILL. We have urns being dug up that are unidentified and they have been dumped, and we have to get on this because this could be occurring in every single section of the Cemetery?

Mr. METZLER. I did not do that, ma'am.

Senator MCCASKILL. And what about you, Mr. Higginbotham? When you realized you had this problem as early as 2003, what action did you take? Did you go to Mr. Metzler? Did you send him a memo and say, "We have a crisis and we need to start examining every section of this Cemetery to find where these problems exist?"

Mr. HIGGINBOTHAM. That is exactly what we did. The triple-validation that Mr. Metzler referred to in the previous question was the best way that I personally know. I presented to him as an idea of how we could validate each gravesite in the Cemetery. That program would go out with a hand-held device, go to each gravesite, look at the headstone, the grave card, the burial record, and the map to validate all four of those sources, and then once that is done, we would then know, are there other errors out there.

Senator MCCASKILL. So you are testifying that you went to Mr. Metzler in 2003 and said, "We need to do quality assurance." We need to do some kind of survey and determine the mistakes that have been made in this Cemetery.

Mr. HIGGINBOTHAM. No. I am saying that we as an organization realized that was what we needed to do, to validate gravesites. That was presented to OMB in our plan for the future, to—

Senator MCCASKILL. Did Mr. Metzler know that you were aware of mistakes that were being made throughout the Cemetery in terms of the failure to properly mark graves or to make mistakes in the marking of graves?

Mr. HIGGINBOTHAM. Yes.

Senator MCCASKILL. So you knew in 2003, Mr. Metzler?

Mr. METZLER. I did not know about a grave in 2003. It was brought to my attention a little bit later than that.

Senator MCCASKILL. So you are saying that Mr. Higginbotham is not being truthful, then, that he brought to you the problems that he knew as early as 2003 about the way the graves were being handled at Arlington National Cemetery?

Mr. METZLER. Well, there was one particular grave in Section 67 or 68 that I believe 2003 was the original date that discrepancy was—

Senator MCCASKILL. So in your earlier testimony when you said you first found out about it when the Inspector General issued his report a month ago, that was not correct, your earlier testimony. You knew in 2003 that there was a mistake—

Mr. METZLER. I was trying to understand your question, ma'am. I will go back to my earlier. When something is brought to my attention, I correct it at that point.

Senator MCCASKILL. Well, let us be honest here. I mean, really, what has happened here is employees at the Cemetery finally had enough and they went to Salon.com and Salon did an exposé on what was going on at Arlington. And then the Inspector General, as a result, went out and just did three sections. Mr. Metzler, you say the maps are correct now. They are only correct for three sec-

tions and those are the three sections that the Inspector General looked at. You didn't look at those sections, even though you knew as long ago as 2003 that you had significant problems——

Mr. METZLER. No, ma'am——

Senator MCCASKILL. Five years ago, you knew you had unidentified urns that were turning up in the fill and you didn't go and try to do any kind of survey and determine what was going on. This happened. We are here today because people who worked for you had enough and they blew the whistle and somebody wrote an article about it, and finally the Army woke up and realized nobody was paying attention at Arlington and they went in and they looked and they found in three sections several hundred graves. And how many sections are at Arlington, Mr. Metzler?

Mr. METZLER. Seventy sections.

Senator MCCASKILL. All right. So we have done 3 out of 70.

Mr. METZLER. That is correct.

Senator MCCASKILL. And there is no indication we don't have the same problem in the other 67. None. So really, what happened here is you all just decided if you didn't talk about it—and do you honestly believe, Mr. Metzler, if you would have come to Congress and said, "We have a crisis." We immediately need resources and manpower so we can check the Cemetery, because we are afraid that we have lost bodies of our heroes, that we have lost the bodies of our fallen heroes, we have cremated remains that we don't even know who they belong to turning up in the fill, did you ever write that up? Did that ever go up the chain of command? Did the Chief of Staff of the Army ever see a document from you that we have a problem? We found cremated remains and we don't know where they belong.

Mr. METZLER. No——

Senator MCCASKILL. Did that ever occur, Mr. Metzler?

Mr. METZLER. We annotated the records. We buried the remains as unknowns in the Cemetery. I did not send a memo up to the Chief of Staff of the Army.

Senator MCCASKILL. This is, with all due respect, this is not about a lack of resources. This is not about that you have a complicated job. You have a very important job, and I agree that it is stressful and you have a lot of burials and there is a lot of protocol. But this is not complicated. It is called keeping track of who you bury where. That is not a complicated task.

And the notion that you would come in here and act as if you didn't know about it until a month ago is offensive. You did know about it and you did nothing. And you knew about it, Mr. Higginbotham, and you did nothing, and that is why we are here. And now somebody is going to come along and clean up this mess and families have been hurt for no good reason. If you would have sounded the alarm the minute you realized you had this kind of problem, I think we would be in a much better position now than we are today. Senator Brown.

Senator BROWN. Thank you, Madam Chairman.

So just getting back to the BOSS system a little bit, I am just trying to focus on this IT issue. You said that you didn't use the BOSS system because of many different reasons. I am trying to

still kind of figure it out. But in the TCMS program, it has a records database, correct?

Mr. METZLER. Yes, it does.

Senator BROWN. Well, so does the BOSS system, right?

Mr. METZLER. Yes, it does.

Senator BROWN. And you also have in the TCMS, you have gravesite capability, gravesite inventory capability.

Mr. METZLER. That is correct.

Senator BROWN. And so does, obviously, the BOSS system. And then you also have infrastructure upgrades in your system?

Mr. METZLER. That is correct.

Senator BROWN. They have it also in the BOSS system, correct?

Mr. METZLER. I am—now, I am not—

Senator BROWN. I will make it easy. They do.

Mr. METZLER. OK. I will take your word on it.

Senator BROWN. And they have a project management system in the TCMS, correct?

Mr. METZLER. Yes.

Senator BROWN. They also have it in the BOSS system. They also have a GIS in your system, correct?

Mr. METZLER. Yes.

Senator BROWN. And it is also in the BOSS system. So you are saying that it is not capable, that you couldn't adapt it. What is the difference? What wasn't working? Where was the breakdown?

Mr. METZLER. The scheduling was the biggest challenge that we had.

Senator BROWN. So you have a system that is compatible—I just listed five or six things—and the only difference is because of the scheduling, and I want to just, because you have flyovers, you have honors, the ceremonial significance of that. So the only difference was scheduling.

Mr. METZLER. That was the first major difference that we saw that we couldn't overcome.

Senator BROWN. Well, what were the other differences, then?

Mr. METZLER. Well, our system was going to be Internet-based so that we could provide the same information to all branches of the military—

Senator BROWN. Well, theirs is, too. We can go right online right now. I mean, theirs is on the Internet. So what is the difference?

Mr. METZLER. No, sir. Our information would be sent—the time that—whenever we took a funeral application and completed it and when the system, our system would then push that information out through an email message to the Army, to the Navy, the Air Force, Coast Guard, Marines, the Chaplain's Office, to anyone who was involved in that particular funeral. And then as updates came along with that funeral, the same thing would happen. The information would be pushed out to the—

Senator BROWN. So there is a scheduling and an email capability issue between the two systems. So I have two basic changes, scheduling and email capabilities. Was there anything else that was different?

Mr. METZLER. Well, the other item that was different is the maps were going to be posted electronically with each burial, the gravesite layout maps. When you do a burial, the first document

that is produced is a record of internment. The next document that is produced is the grave survey card. And the next thing is posting the map. All that would have been done electronically with our system.

Senator BROWN. Well, the cost for the BOSS system was \$1.2 million. The cost for your system is approximately \$10 million and it isn't even up and running yet. It is not—it has basically 60,000 people, I think you told us earlier, that have actually been inputted into the system, and you are on third base and you are going to bring it home soon but for the fact that you have had to do all these other things. Aside from email, scheduling, and maps, we are paying three times as much for a system that is already being used by an entity that has a tremendous amount more in terms of the data and accuracy of records than you do. How do you explain that?

Mr. METZLER. Well, sir, I don't know how the VA developed its numbers. I know that the VA has a dedicated IT staff—

Senator BROWN. So you don't have an IT staff at all?

Mr. METZLER. No, sir, I do not have an IT staff.

Senator BROWN. Have you ever requested an IT staff or IT capability or any assistance at all?

Mr. METZLER. What we have requested is through contract support.

Senator BROWN. Well, did you get that contract support?

Mr. METZLER. I mean, we requested IT programs through contracting.

Senator BROWN. Well, programs. Did you get the actual people to come and help you—

Mr. METZLER. No, sir. We have not requested IT staff on board at the Cemetery.

Senator BROWN. Well, you have over 300,000 honored dead in the Cemetery. You have a \$10 million plan here and you have asked for contracts, but you haven't asked for the staff to help implement the—

Mr. METZLER. We were working to have the staff to support the contracts to be a contractor.

Senator BROWN. You have been there for how many years?

Mr. METZLER. I have been here for 19 years.

Senator BROWN. So when were you going to get around to asking for the way to implement the programs that you are trying to do?

Mr. METZLER. We have been in that process, I would say, for at least the last 5 years, trying to get this accomplished.

Senator BROWN. How? If you haven't made the request, how have you been trying to get it accomplished?

Mr. METZLER. [No response.]

Senator BROWN. Your silence speaks for itself, because it—

Mr. METZLER. No, I am trying to come up with—I am trying to answer your question here, sir. Just give me a second.

Senator BROWN. I will tell you what. I was an attorney before I came here. I will tell you, this would be—I would have a lot of fun with you in a deposition because I don't feel we are getting the straight talk here.

And let me just, while you are thinking, I will just shoot to you, Mr. Higginbotham. I am looking at some of the contractors. We had

an OFI Solutions and Alphatech Interactive Design. These are digitized records, geographic info systems. One is \$1.1 million. The contractor was paid but we can't confirm if it was, in fact, deliverable. On the geographic info system, Interactive Design, \$226,000, contractor paid. Cannot locate deliverable. Do you have any knowledge of actually whether they delivered what we paid them for yet?

Mr. HIGGINBOTHAM. After consultation with counsel, I will assert my Fifth Amendment rights to that question, sir.

Senator BROWN. OK. Let me then ask another question, because I have enjoyed your forthright responses. I am just asking if you knew if it was deliverable or not. Were you responsible for signing contracts or negotiating them or awarding them in any way?

Mr. HIGGINBOTHAM. After consultation with counsel, I assert my Fifth Amendment rights to that question.

Senator BROWN. Madam Chairman.

Senator MCCASKILL. Let the record reflect that you have availed yourself of the privileges afforded you under the Fifth Amendment of the Constitution not to give testimony that might incriminate you. The Subcommittee respects your constitutional right to decline to answer questions on that ground and you are excused.

Senator BROWN. Thank you, Madam Chairman.

Mr. Metzler, on June 11, the Army at the direction of your replacement established a telephone number for the family members to call for any problems concerning a loved one's remains. Why does it take the Army to have to set up a telephone number to find problems when this is supposedly something that you had been working on for quite a while, identifying and reaching out to the families?

Mr. METZLER. Sir, I would address any issue that was brought to my attention. Up to that point, I knew of no family that had any concerns at Arlington Cemetery. Every issue that was brought to my attention was dealt with immediately.

Senator BROWN. I can't ask any more questions, Madam Chairman. I will wait for the next panel. Thanks.

Senator MCCASKILL. Senator Collins.

Senator COLLINS. Thank you, Madam Chairman.

Mr. Metzler, was Mr. Higginbotham responsible for the management of the information technology efforts at the Cemetery?

Mr. METZLER. Yes, ma'am. He was my designated person to work on that program.

Senator COLLINS. Were you aware that at least \$200,000 had been spent for the development of an Internment Scheduling System Version 2 even though a product had never been developed—

Mr. METZLER. I was—

Senator COLLINS [continuing]. And delivered?

Mr. METZLER. I was under the—aware that process was—that program was under development. Yes, ma'am. I was aware that was almost completed, and it was stopped, and I guess I shouldn't have used the baseball analogy, but that was what I was referring to. That program was being updated and had almost been completed when the investigation started, and that stopped everything dead in its tracks.

Senator COLLINS. What is your assessment of the information technology contracts that the Cemetery entered into?

Mr. METZLER. I am not very familiar with that, ma'am. That is really the contracting officers' responsibility. I just have a very general knowledge of it.

Senator COLLINS. Were you aware that millions of dollars were being spent on the IT contracts and yet you were not receiving the workable products that you needed?

Mr. METZLER. I was aware that various contracts had been awarded and that elements were being completed, such as the scanning of the records, such as the wiring of the Cemetery. One point I would make is that prior to 1991, or prior to 2001, excuse me, September 11, 2001, the Cemetery was not wired. So we were still on dial-up modems and working with T-1 lines. So part of our automation effort was to wire the Cemetery and to bring us into the Internet.

Senator COLLINS. Who was the contracting officer for the IT contracts?

Mr. METZLER. I believe it was split between the Baltimore Corps of Engineers and the Army's Contracting Center for Excellence (CCE).

Senator COLLINS. Were you ultimately responsible for the execution of these contracts, or was that your deputy's responsibility? Who was responsible—

Mr. METZLER. The contracting officer is ultimately responsible.

Senator COLLINS. The contracting officer.

Mr. METZLER. They are the individuals who sign the contract, can authorize payments, modify contracts—

Senator COLLINS. Did you ever suggest to the contracting officer that perhaps payments should be withheld since you were not getting the deliverable products that had been contracted for?

Mr. METZLER. I did not make that suggestion. Mr. Higginbotham, again, was my representative, and I had trust in him that he was working this problem.

Senator COLLINS. What I am trying to get at is in your opening comments, you talked about the amount of money in your budget, which did go up considerably over the past decade, was not going for staff but rather was going for IT contracts and for construction. So as a manager, since you are not happy with the results of the IT contract and a lot of the budget increase was going for that purpose, did you alert the Army chain of command that budget priorities were not appropriate and should be changed?

Mr. METZLER. Well, ma'am, our budget priorities were working the Cemetery and the appearance of the Cemetery and what we would call the fixed costs, and the majority of our money each year, around \$25 million, went to what we would call fixed costs—turning on the lights, paying the employees, paying contractors to maintain the Cemetery, and repetitive maintenance. We did have some increases for construction. Yes, we did have some IT initiatives, also, in several million dollars. To my knowledge, right now, there is about somewhere in the neighborhood of \$3.5 million unspent in IT money sitting either at the Cemetery right now in this year or sitting up at Baltimore and has not been executed.

Senator COLLINS. Doesn't that trouble you? You say that you are short on personnel, that you had a staffing reduction of 35 percent,

and yet you have millions of dollars just sitting there for IT projects that have not come to fruition?

Mr. METZLER. Yes, ma'am, it does bother me, but unfortunately, with the inspections that were going on, every initiative was put on hold and we could not continue our automation effort.

Senator COLLINS. We have talked a lot about the fact that the Veterans Administration has an Automated Cemetery Management System. Why couldn't that be adapted to Arlington Cemetery?

Mr. METZLER. Well, we did work on it for 2½ years. We tried it. We worked it daily into our scheduling system. And we just kept coming up with one flaw after the next. The scheduling was the biggest challenge that we had.

At Arlington Cemetery, we use all five branches of the military to assist us in providing military honors. Each branch of service have different requirements each day, so they are not always available to Arlington Cemetery. All that information was put into a manual system.

We were now trying to automate that so that when we put in a burial request in our system for someone who called in today, that it would tell us automatically if an element was available or not available for the military to support that funeral. The BOSS system couldn't accomplish that, and when we asked the VA to try to modify that part of the scheduling system, they were reluctant to change their system that was supporting 130 cemeteries, to change it just for Arlington. And that was the critical element, if you will, for Arlington Cemetery, is military honors is what distinguishes Arlington from the other services.

Senator COLLINS. I understand that, but it seems to me that the VA's system, despite its deficiencies, is better than the paper system that you are now using. Do you disagree with that?

Mr. METZLER. No, ma'am, I do not disagree with you. But we are trying to automate our system and that was the process that we were going through, through the ISS.

Senator COLLINS. But why not take the VA's system, which clearly meets some, although not all, of your needs and then customize it for the part that is different between Arlington and the VA Cemeteries?

Mr. METZLER. The VA system was not an Army system. It was the VA system. I could not export that system into the Cemetery and then modify it.

Senator COLLINS. Well, given the amount of money that you are spending to develop a new system, I have to believe the contractor would have been willing to license that system to you. You clearly were trying it out, at least. This just sounds like bureaucracy at its worst as far as taking a practical approach to the problems.

Madam Chairman, I know the vote is on and my time has expired, but thank you.

Senator MCCASKILL. Thank you.

We do have a vote right now, and Mr. Metzler, there are a number of other questions that we have about contracting, but we are going to go to the second panel and we will direct those questions to you in writing for the record at a separate time. And there are not a lot of them left. I think we have covered the ground. I think, primarily, the questions that remain are this notion that the BOSS

system was not adequate for purposes of locating and memorializing where bodies were located and why a separate scheduling system could not have been layered on top of that would have fit your needs.

I will just say that our records show, in preparation for this hearing, that Veterans Affairs says they were more than willing to work with you, and we have a specific communication from them in writing saying that they were willing to work with you and try to do whatever was necessary to make the BOSS system work for you.

Mr. METZLER. Well, ma'am, that is a changing attitude with the VA. I personally called their Chief of Technology. I personally called their Under Secretary and asked to see if that could have been done years ago and they were reluctant to do it at that time—

Senator McCASKILL. Do you have any documentation of that, Mr. Metzler?

Mr. METZLER. No, ma'am, other than the phone call that I made myself.

Senator McCASKILL. OK. Well, it would seem that something as important as whether or not you are going to embark on a multi-million-dollar purchase because an existing system is not adequate, it seems to me that ought to be something that is put in writing. It seems to me that is something that should have been worked up through the chain of command, the head of Veterans Affairs, the Chief of Staff of the Army.

The notion that the taxpayers had invested in a system that works perfectly well for the identification of burial remains, that it was not utilized, it seems to me that is more than a phone call. It seems to me that is something that needs to at least be memorialized in writing. The fact that it wasn't, I think, damages your credibility in this regard, that there really was an effort to use the existing system that is operating without a flaw today while we sit here among this mess—in this mess.

I appreciate your testimony today. I appreciate your appearance and I will go ahead and ask the second panel to come to the table for testimony. We will go ahead with your opening statements, and when my colleague or colleagues get back from the floor, I will leave to go cast my vote and then come back to question the panel.

Let me introduce the second panel as you all take your seats. Mr. Edward Harrington is the Deputy Assistant Secretary of the Army for Procurement. Mr. Harrington is a former senior U.S. Army officer with over 28 years' experience in weapon and information systems lifecycle acquisition, contracting, contract management, and military logistics operations worldwide.

Claudia Tornblom is the Deputy Assistant Secretary of the Army for Management and Budget in the Office of the Assistant Secretary of the Army for Civil Works, where she has served since 1987. In this capacity, Ms. Tornblom is responsible for policy direction governing development and implementation of the civil works budget and supports the Executive Director of the Army National Cemeteries Program, including policy oversight of construction projects for future development of Arlington National Cemetery.

Prior to this position, Ms. Tornblom served at the Office of Management and Budget.

Kathryn Condon is the recently-appointed Executive Director of the Army National Cemeteries Program. As the Executive Director, she exercises authority, direction, and control over all aspects of the Army National Cemeteries Program. In this capacity, she is responsible for both long-term planning and day-to-day administration and operations of Arlington National Cemetery and the U.S. Soldiers' and Airmen's Home National Cemetery. Ms. Condon has held several other military positions, including the Civilian Deputy to the Commanding General, U.S. Army Materiel Command.

Thank you for being here, all of you, and it is the custom of this Subcommittee to take testimony under oath, so I would ask you to stand.

Do you swear that the testimony that you will be giving before this Subcommittee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. HARRINGTON. I do.

Ms. TORNBLOM. I do.

Ms. CONDON. I do.

Senator MCCASKILL. We appreciate you being here and you may be seated.

We will begin with you, Mr. Harrington. We have 5 minutes allotted for each one of your statements. We are welcome to take more information into the record. And then we will follow up with questions after all three of you have given your opening statements. Mr. Harrington.

TESTIMONY OF EDWARD M. HARRINGTON,¹ DEPUTY ASSISTANT SECRETARY OF THE ARMY (PROCUREMENT), OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY)

Mr. HARRINGTON. Madam Chairman, Senator Brown, and Members of the Subcommittee on Contracting Oversight, thank you for the opportunity to appear before you today.

I am here today to provide an overview of the U.S. Army's review of contract actions supporting Arlington National Cemetery. Let me state at the outset that the Army is fully committed to rapidly correcting the contracting deficiencies at and for the Arlington National Cemetery.

As the proponent for the Army's Procurement Management Review Program, I am determined to oversee timely correction of these deficiencies, which will ensure that contracting for the Arlington National Cemetery will be conducted in accordance with Federal, Defense, and Army acquisition regulations, and in a manner that respects and honors the service and sacrifice of our fallen warriors and their loved ones.

On June 10 of this year, Secretary McHugh issued a directive to enhance the operations and oversight of the Army National Cemeteries Program. Based on the Secretary's guidance, I directed a Procurement Management Review to evaluate the full range of contracting activities, from requirements definition through contract

¹The prepared statement of Mr. Harrington appears in the appendix on page 67.

close-out. This Procurement Management Review was conducted on site at the Arlington National Cemetery, the Corps of Engineers Baltimore office, and the Contracting Center of Excellence here in Washington, D.C. It focused on the government Purchase Card records, Memorandums of Understanding, military interdepartmental purchase requests, interviews with the staff and leadership involved in the procurement process, and all available contract documentation.

This PMR analyzed more than 500 contracts worth approximately \$46 million awarded between 2005 and 2010, as required by the Secretary's directive. The Procurement Management Review team selected 114 contracts for detailed review. Of these contracts, 34 construction, IT support, and services contracts awarded by the Corps of Engineers Baltimore office represent roughly \$34 million in value. The remaining contracts, valued at approximately \$12 million, were awarded by the Contracting Center of Excellence for supplies and services, including IT, grounds maintenance, facilities, construction, and miscellaneous items.

The U.S. Army Inspector General's Special Inspection of the Arlington National Cemetery listed a number of deficiencies in contracting procedures and made recommendations based upon those deficiencies. The Procurement Management Review substantiated a number of findings in these areas that were highlighted in the Army IG's report.

Madam Chairman, my written statement provides further detail about the PMR findings. In summary, from requirements definition through contract closeout, there was a general breakdown in sound contracting practices, and statutory, regulatory, and policy requirements were not followed. The Army has identified the problems in regard to contracting and has initiated corrective actions. My office will continue to work closely with the Arlington National Cemetery, Contracting Center of Excellence, and Corps of Engineers leadership to ensure these corrective actions address root causes and confirm that these deficiencies will never be repeated.

The Army will perform a follow-up Procurement Management Review early in fiscal year 2011 at all three sites and report the status of the corrective actions. Further, the PMR of these sites will continue again in fiscal year 2012 and all subsequent yearly cycles to make sure proper contracting practices have been ingrained.

The U.S. Army is committed to excellence in all contracting activities. As Secretary McHugh has testified, the entire Army leadership is unequivocally committed to take every step necessary to correct yesterday's oversights and meet tomorrow's requirements.

I request that my written statement be submitted for the record. This concludes my statement. I look forward to your questions. Thank you, Madam Chairman.

Senator MCCASKILL. Thank you, Mr. Harrington. Ms. Tornblom.

TESTIMONY OF CLAUDIA L. TORNBLOM,¹ DEPUTY ASSISTANT SECRETARY (MANAGEMENT AND BUDGET), U.S. ARMY

Ms. TORNBLOM. Madam Chairman, Members of the Subcommittee, I appreciate the opportunity to appear to testify before this Subcommittee today on matters related to management of Arlington National Cemetery. I am Claudia Tornblom, Deputy Assistant Secretary of the Army for Management and Budget in the Office of the Assistant Secretary of the Army for Civil Works.

Under law and general orders, the Assistant Secretary for Civil Works is responsible for policy oversight and supervision of all aspects of the Army Corps of Engineers Civil Works Program. In addition, from 1975 until June 10 of this year, the Assistant Secretary was responsible for overseeing the program and budget of Arlington National Cemetery's account, which was called Army Cemeterial Expenses, and funds both Arlington National Cemetery and the Soldiers' and Airmen's Home National Cemetery.

As Deputy for Management and Budget, I advised the Assistant Secretary on the general policy framework that guides the formulation, defense, and execution of both the Corps of Engineers civil works budget and the Arlington National Cemetery Program and budget. This included providing policy guidance from the Secretary, from the Executive Office of the President, and from Congress. This guidance and decisions regarding the annual budget established the standards of service to be maintained by the Cemetery. Day-to-day operational control and responsibility rested with the Cemetery.

A budget priority over the last decade has been to advocate for the Secretary to receive sufficient—sorry, for the Cemetery to receive sufficient resources to carry out Army and administration policies. Those policies included improving service to the families of the deceased and visitors to the Cemetery, expanding burial capacity to keep the Cemetery available for new interments, and maintaining the grounds and facilities of the Cemetery to high standards of appearance and reliability.

Historically, the Cemetery's budget has been formulated, defended, and executed separately from the Army's military budget and program. This longstanding separation developed at least in part because Congress provided appropriations for the Cemetery from outside the Defense Appropriations Act.

One of the projects in the Cemetery's 10-year capital investment plan was an automation plan called the Total Cemetery Management System, or TCMS. The goal of TCMS, which has not been realized, was to automate burial records and gravesite records and maps to support project and financial management and to aid in the management of Cemetery operations, including the scheduling of services and ceremonies.

A critical part of this program you have heard a little bit about is called triple-validation. This process was to involve a full review of burial records, maps, and actual information engraved on the headstones in order to identify and reconcile discrepancies. Although the historical records from 1864 to 1999 were scanned to ensure their preservation, the follow-on steps of data entry into a

¹The prepared statement of Ms. Tornblom appears in the appendix on page 79.

retrievable system and validation of the data did not proceed as intended.

The Army has provided three reports to Congress on the Cemetery Automation Plan in 2005, 2007, and 2010. The 2007 report noted that there were discrepancies in burial records, but it did not clearly describe the potential scope of that problem. The 2010 report identified a total of \$10.3 million as having been spent on TCMS and related efforts. However, there are many questions, including my own, about the actual spending on the Cemetery's automation, and I would say, in retrospect, those reports were overly optimistic about what was being accomplished.

Ms. Condon has most appropriately asked the Army Audit Agency to conduct a full review of the Cemetery's budget process, including an accounting of the funds spent on TCMS and related activities.

Madam Chairman, Members of the Subcommittee, I hold Arlington National Cemetery in the highest regard as the Nation's premier burial place to honor all of those who served in uniform and those who have fallen in defense of their country. I have attended funerals at the Cemetery and seen firsthand the dignity and honor with which they are carried out.

Through recent months, I have asked myself repeatedly, what might I have done differently that could have changed the outcome that is so distressing to all of us and has so disappointed the American people. Despite my best intentions, and, I believe, those of others involved in these matters, our combined efforts fell short of what the Army and the Nation expected of us. I deeply regret this.

Since June 10, my efforts have been directed toward supporting the Executive Director of the Army National Cemeteries Program as she works to restore the public's confidence in the Army and in Arlington National Cemetery as an iconic symbol of the sacrifices of America's men and women in uniform.

I thank the Subcommittee for this opportunity to report on my role in the oversight of Arlington National Cemetery.

Senator BROWN. [Presiding.] Thank you. Ms. Condon.

**TESTIMONY OF KATHRYN A. CONDON,¹ EXECUTIVE DIRECTOR,
ARMY NATIONAL CEMETERIES PROGRAM, U.S. ARMY**

Ms. CONDON. Madam Chairman, Senator Brown, and Members of the Subcommittee, thank you for the opportunity to testify. My name is Kathryn Condon, and on June 10, the Secretary of the Army appointed me as the new Executive Director of the Army's National Cemeteries Program. It is now my responsibility to provide the direct leadership and guidance and management for both Arlington National Cemetery and the Soldiers' and Airmen's Home National Cemetery.

I want to start out by stating that all in the Army are deeply troubled by Arlington's dysfunctional management, lack of established policies and procedures, the unhealthy organizational climate, and regret the distress that this has caused our veterans and their families.

¹The prepared statement of Ms. Condon appears in the appendix on page 86.

From my first day on the job, when the call center was established to answer the concerns of family members regarding their loved ones' remains, to addressing the findings and recommendations for improvements at Arlington outlined in the Department of the Army's Inspector General reports, I have been charged to address and fix these and any other found discrepancies at Arlington.

It has been my mission, along with the Acting Superintendent, Mr. Patrick Hallinan, to actively influence and improve Cemetery operations and to restore the faith and confidence of the American public in Arlington National Cemetery. Every day, we have been establishing new standard operating procedures, ranging from establishing new delegations of authority for fund certification and approvals, to developing and implementing new standards for marking and updating maps, to the assignment of gravesites, and to the proper handling of remains, as well as ensuring the accurate layout of interment sections.

These changes have resulted in immediate improvements to Cemetery operations. With each day and with each issue, we are seeking ways to continuously improve all aspects of our operations at Arlington, to include the instructing and coaching of the staff to reach a higher standard of quality to maintain Arlington as our Nation's national shrine.

In the last 50 days, we have laid to rest nearly 1,000 of our Nation's finest. You have my promise that I, along with Mr. Hallinan and each and every member of Arlington Cemetery, that we will provide our family members and our fallen heroes with the honors commensurate with their service and sacrifice.

Thank you. I look forward to your questions, and I would like to submit my written statement for the record.

Senator BROWN. So noted. There will be no objections, but we will take it up again when the Chairman gets here so she can make sure it is done properly.

We might as well just start in. She will be back. Obviously, we are in the middle of a vote.

I know you are new, and I certainly welcome your addition and have expectations that you will be able to kind of get a handle on everything. Did you all hear the testimony prior, the panel before us?

Mr. HARRINGTON. Yes.

Ms. TORNBLOM. Yes.

Ms. CONDON. Yes.

Senator BROWN. I have to admit, just as I was literally running down to vote, I was able to think. I do my best thinking when I am running. I just don't know—I don't think I got a straight answer, really, or if I got an answer, it seemed to be just whatever, and it bothers me greatly. I guess the question to you is the Army Inspector General investigation report found the 211 errors in that three-section part of Arlington. How confident are you that there are no other errors in the remaining part of the Cemetery?

Ms. CONDON. Senator Brown, in the last 50 days, Mr. Hallinan and I have found other map discrepancies in other sections of Arlington National Cemetery. So I am confident that there are probably other map errors that have not been annotated to date.

Senator BROWN. You heard my conversation back and forth about the VA system versus the system at Arlington and the fact that they had basically matching systems except for email, mapping, and scheduling. And I understand the ceremonial nature of obviously what happens at Arlington. Did you find that—and the fact that we paid \$10 million for a system that is not really in effect yet. Did you find that troubling, that part of the conversation, that we have spent all this money and we don't have a system in place to accurately and properly verify and—

Ms. CONDON. Sir, I find that troubling, that we are still using paper records at Arlington National Cemetery.

Senator BROWN. So what is your plan?

Ms. CONDON. Sir, my plan—as you know, the Acting Superintendent, Mr. Pat Hallinan, was on loan for us very graciously from the Veterans Administration and what our plan is, we are going to look at the Veterans Administration BOSS system as well as looking at what we can find from the previous dollars that have been spent on the systems that were put on contract earlier.

Senator BROWN. I know there has been a request and even the VFW has stated that it is more important now than ever. It is not a question of who operates Arlington, but that they do it properly, and they are considering and others are thinking about transferring ownership to the VA. What are your thoughts on that?

Ms. CONDON. Sir, Arlington National Cemetery is both a national shrine and a military shrine, and as the previous panel did describe, the honors at Arlington are unique that other cemeteries do not have. And personally, sir, the dysfunctional management of the past was an Army responsibility and I think the Army should fix that and that is what I am here to do.

Senator BROWN. Thank you for that. The fact that there are ceremonies, obviously, in Arlington that are different than other cemeteries, do you think that was the—in listening, he said, well, the flyovers, the ceremonies, all these extra things that we do to bury our heroes, that is one of the reasons—it seems as if the main reason we were having all these filing problems and we couldn't properly color the maps with the crayons. Does that make any sense to you?

Ms. CONDON. Sir, frankly, I still, having only been on the job for a little less than 2 months, I am going to look at that, but no, that doesn't make sense to me. The scheduling of honors and ceremonies, we could probably work with the BOSS system, and I will promise that we will do that—

Senator BROWN. Thank you. And I know that the major deficiency identified in the Army Inspector General report was the fact that Arlington had not been formally inspected since 1997. It was supposed to be done every 2 years. Why did the Army fail to follow its own regulations in that inspection?

Ms. CONDON. Sir, I do not know why the Army did not—

Senator BROWN. If you could maybe dig into it and let us know, that would be helpful.

Ms. CONDON. I will take that one for the record.

Senator BROWN. Ms. Tornblom, I understand in your role as the Deputy Assistant for Management and Budget, you are responsible for approving all civil works budgets. Is that accurate?

Ms. TORNBLOM. For recommending approval to the Assistant Secretary, yes.

Senator BROWN. For the Total Cemetery Management System, the TCMS, and its subcomponents, how did you determine that budget estimates submitted by the Arlington National Cemetery were, in fact, accurate?

Ms. TORNBLOM. Well, it is clear in retrospect that they were not as well-founded as they should have been, and obviously we didn't ask enough questions and we did not require verification and demonstration of all the things we were being told. But I do know that one of the main purposes of that program was, as was described earlier, the triple-validation program to make sure that there was consistency and accuracy among all the records.

I understood the Chairwoman's question differently, perhaps, than Mr. Metzler did. We did know there were discrepancies and that is why the TCMS included the triple-validation program.

Senator BROWN. But—did Mr. Higginbotham—did he report directly to you on—

Ms. TORNBLOM. No, sir. No.

Senator BROWN. So did you have any knowledge of his involvement with any contracts or contractors or made recommendations for contractors to be used or approved by your department?

Ms. TORNBLOM. No. We had no role in the contracting. I did work closely with Mr. Metzler and Mr. Higginbotham as we developed the program and then had periodic oversight of its execution, primarily the design and construction program, because that is where a lot of the money was in large contracts that the Corps of Engineers was carrying out.

Senator BROWN. So when you said we should have asked more questions, we should have done this, specifically, who and what support did you rely on to ultimately make your decisions and not take the extra steps to move forward, because as I am noting here, when Mr. Higginbotham took the Fifth, I started talking about some of these contracts that were paid, but we can't even confirm that these items have been delivered. Is that something that is in your purview, or somebody else's?

Ms. TORNBLOM. No, sir, it is not.

Senator BROWN. Whose purview would that be under?

Ms. TORNBLOM. Well, as Ms. Condon has reported and as the Secretary has previously testified, oversight of the Cemetery was fragmented and no one entity had full visibility of the activities.

Senator BROWN. So what is going to be done, do you think, in the future to kind of make sure that these things don't happen again?

Ms. TORNBLOM. Well, the Secretary took the initial step of appointing Ms. Condon as the Executive Director and she has full support of everyone else in the Army to find out what the real problems are and get them solved, and I know she is dedicated to doing that and is moving forward.

Senator BROWN. I know in your discussions with the Subcommittee staff, you stated that in addition to your budget responsibilities over civil works and the two Army Cemeteries, that you were managing the programs at three organizations, but not involved in the actual contracting aspect, as you kind of hinted at right now. Can you explain in detail what your understanding of

what your responsibilities were as a program manager, for example, on the Arlington National Cemetery's information technology systems?

Ms. TORNBLOM. First, I want to clarify or correct something that I did say to the staff. I said I was a program manager, but what I was doing was distinguishing that from a project manager, because they were asking me project manager questions. As I left that discussion, I realized that I had not answered it correctly, because I am not a program manager, either. I am responsible for policy oversight of the Cemetery. The program manager for the IT program was Mr. Higginbotham.

Senator BROWN. Do you think that the IG report—do you agree, I should say, with the IG report that the IT decision making at Arlington National Cemetery should have—was left to an untrained employee such as Mr. Higginbotham and you think it should have been left to somebody who is more knowledgeable about the needs and parameters? Do you have any thoughts on that?

Ms. TORNBLOM. Mr. Higginbotham spoke knowledgeably about the program and he was understood by most of us to be knowledgeable. I have no knowledge of whether he had the technical expertise or certification that should have been in place.

Senator BROWN. It is interesting. I noted in some of my papers up here in prior testimony from Mr. Metzler saying that he is understaffed, he didn't have the appropriate monies, he has been cut, but his budget has gone up dramatically over the years and seems like he didn't fight for any modification of those numbers, didn't come and let us know that there were issues that he was concerned about. Knowing that, it is my understanding that the Army Audit Agency is now conducting an audit of the money flowing in and out of the Cemetery.

Before Congress appropriates any more money, we are on a pretty tight budget lately—for obviously the very worthwhile purpose of honoring our fallen, what can you do to ensure that independently audited financial statements have been provided to the public detailing the revenues and expenses of the Cemetery over the past few years? Either one.

Ms. CONDON. Sir, I will take that question.

Senator BROWN. Thank you, ma'am.

Ms. CONDON. What we are doing is our Army Audit Agency is doing a complete audit of all of the financials from the past and to this fiscal year, as well, because I started the job in the last quarter of this fiscal year. So I have put in place and the Army is going to conduct audits of the financials of Arlington National Cemetery.

Senator BROWN. One of the things that I am trying to get my hands around, I think everybody up here, you could sense the frustration. So you are a family member of a fallen soldier. You go and you go to the burial, obviously, and then you call up your people who weren't able to make it to the funeral and say, yes, Johnny is in Section 27, row whatever. Here is where he is at. So by going and doing these independent audits and determining and matching them, internal maps that they use to bury or rebury, we found, you found, and the IG found that there are problems.

I am trying to get my arms around, so now the fact that we actually know that there is a problem—I get it. There is a problem. I am the second new kid here. I am not the bottom anymore, but pretty close to it. But I understand that you are new. I understand that there are other people who aren't new and you have a task. So one of the things I want to know is what tools and resources do you need from me and this Subcommittee and us as a Congress so you can address this very serious issue.

How can we convey—how can I convey to the people back home in Massachusetts that, in fact, when those loved ones go to that particular plot, that their son or daughter is buried there? So I guess my question is, how do they verify? They say they have this triple or four-way mechanism to do it. Have they actually had to dig up bodies to determine whether they are, in fact, there? Is that something that they have done, do you know?

Ms. CONDON. Sir, in my tenure, we have not dug up anything, but let me give you an example of what we have done with the 211 discrepancies that were in the IG report. In part of those discrepancies, the map was marked buried but there were no records that anyone was actually buried there. Mr. Hallinan, as the Acting Superintendent, and myself, we directed that we test sites and we dug in five locations where there was that error. Each and every one of those locations, there was not anyone buried there. So that was our sample to make sure that it was truly a map discrepancy error. It was a human error.

We are currently in the process of testing ground-penetrating radar, and we are going to use technology. We are at the data collection right now doing one of the three sections and we are determining what we are going to find from ground-penetrating radar. If that gives us the results that we need, we will eventually do that for the baseline accountability of the entire Cemetery.

You asked what I need.

Senator BROWN. Yes.

Ms. CONDON. The bottom line, sir, is I really need time.

Senator BROWN. OK.

Ms. CONDON. I need time to put in the procedures to make sure that we validate, that we put in the technology, and right now, I can't tell you that I need more people or I need more money. But what I really need right now is time to fix the deficiencies that have been identified.

Senator BROWN. So you need us basically to kind of lay low for a little bit and give you some breathing space to kind of figure out what the problem is and tackle it?

Ms. CONDON. Yes, sir.

Senator BROWN. OK. That is fair.

I will take one final question and then I will turn it back to the Chairman, and they did want to submit their testimony for the record and I suggested we wait until you get back.

The thing that I am having another problem with is the whole IT situation and the amount of money that they have spent and we really have nothing to show for it. And I guess my question is, who was in charge of overseeing them? Like, who was in charge of overseeing Mr. Metzler and Mr. Higginbotham? Was anybody on this panel in charge of that?

Ms. TORNBLOM. In terms of being the official supervisor of Mr. Metzler, that was the Commander of the Military District of Washington. In terms—

Senator BROWN. But in terms of approving contracts and reviewing these very technical IT contracts, who is responsible for that?

Ms. TORNBLOM. Above Mr. Higginbotham and the contracting officers?

Senator BROWN. Yes.

Ms. TORNBLOM. Well, that—

Senator BROWN. It seems to me that there has been a—I am trying to find out, I guess, in plain English, where is the breakdown? Where is the fact that they are spending upwards of \$10 million, and at some point a buzzer or a red flag should have either gone off or raised that says, what? We have given them \$10 million. They have 60,000 people in this system that doesn't work and they are misidentifying graves and they don't know where people are and the maps are wrong. I mean, at what point does someone say, we have really got to get a handle on this. Who is in charge of them? Is there somebody that we can, in fact, bring in again? Is it any of you people? I know you are new, but is it any of you guys?

Ms. TORNBLOM. No, sir—

Senator BROWN. I want to go up the food chain, because it is not clicking for me.

Ms. TORNBLOM. If I may speak to that, I think the answer, based on what we know now, would be the Army's Chief Information Officer and the staff under that person.

Senator BROWN. OK. Hold on a minute, if you would. I would suggest that if we want to continue on, we get those folks in here if they are the ones responsible.

Ms. TORNBLOM. No, I am sorry. In the future, they would be responsible.

Senator BROWN. Well, who was responsible back then, then, when those two were in charge?

Ms. TORNBLOM. Well, as we have said, oversight was fragmented. We did not have clear oversight of some of the Cemetery's functions.

Senator BROWN. Yes, who is "we"? Like, who is—

Ms. TORNBLOM. Anyone, sir.

Senator BROWN. Anyone?

Ms. TORNBLOM. Right.

Senator BROWN. So they didn't have a boss? They didn't have people that they reported to that approved these contracts?

Ms. TORNBLOM. I think the problem is they had too many bosses. They had too many bosses, sir. That was the problem.

If I might say a little more, in the development of the TCMS, we worked, as Mr. Metzler said, for a couple of years with the Office of Management and Budget, not just the budget side, but their Office of Information and Regulatory Affairs, whom we understood, and I still understand to have some expertise in IT matters. It is clear now we relied too much on their involvement in the discussions, because they weren't really, I think, in a position to identify these technical problems.

One of the things that I would do different in retrospect, and I did, is I would have called in the Army IT experts. But it wasn't

until over a year ago, a little over a year ago when these inspections began that it became clear to me how bad the situation was.

Senator BROWN. Madam Chairman, I have asked a whole host of questions and I hope we can maybe, in your inquiry, we can find out, like, the next level, because I seem to be kind of getting the old "boogie-woogie" here, the old, no one is in charge, or too many people are in charge. Someone is in charge. I am in the military. I know who my commander is. I know who is in charge.

Ms. CONDON. Sir, I know who is in charge today.

Senator BROWN. I know you do. Thank you. And I have more confidence that you are here, and I appreciate it, because there is going to be a lot of pressure on you to deliver. And like I said, whatever you need from the Chairman and me and our colleagues, we need to know, because there was a clear breakdown of communication. It was, like, oh, let us just hide it. They won't know about it. Well, we know about it and now we are embarrassed. The whole country is embarrassed. It is embarrassing.

So, Madam Chairman, with that, I have to head off to another hearing.

Senator McCASKILL. [Presiding.] Thank you.

Senator BROWN. But thank you for your leadership on this.

Senator McCASKILL. Thank you, Senator Brown.

Mr. Harrington, let me start with you. I am a little worried we haven't received the report.

Mr. HARRINGTON. Ma'am, I apologize—

Senator McCASKILL. Where is the report?

Mr. HARRINGTON. The report is on its way to you right now, ma'am. It should be here right now. I apologize if it has been delayed, but it was on its way when I left my office this morning.

Senator McCASKILL. This is a report that Secretary McHugh ordered you to prepare, to conduct a review of all the contracts awarded at Arlington National Cemetery. It would have been great if we would have had it. We do have briefing slides that you prepared, so to the extent that I have had an opportunity to review those briefing slides, I want to talk about a couple of things that I know will be in the report when we eventually see it.

One is a fact that I find astonishing, that the National Capital Region Contracting Center couldn't locate more than half of the contract files that your team requested. So we know there were no (CORs), contracting officer representatives. We know that there was no one with direct line command responsibility for these contracts. We know that the person who was entering into the contracts was the same person overseeing the contracts, who was the same one deciding about the contracts, who was basically submitting these contracts no questions asked and they were getting approved. And now we find that half of the contracts, you can't even locate the physical contracts.

Can I get a response from you about that, Mr. Harrington, and—

Mr. HARRINGTON. Absolutely, ma'am. That is inexcusable. I have no excuse to offer you on that. That is absolutely shoddy contracting practice. It reflects all the way up the contracting chain, to include me. All I can express to you, ma'am, is that we have a series of corrective actions in process right now and we are going

to do all we can as soon as we can, starting about 3 weeks ago, to not let that happen any further.

Senator MCCASKILL. Ms. Tornblom, unfortunately, I don't want my questions to be confrontational to you, but you are the only one at the table that could have had an opportunity—

Ms. TORNBLOM. That is correct.

Senator MCCASKILL [continuing]. Had you asserted it, to bring some sanity to this contracting process that was clearly not working. Could you explain how Mr. Higginbotham was allowed to define requirements, select contractors, provide quality assurance evaluations, and certify that they were getting what was paid for, I mean, that one person was doing all of those things?

Ms. TORNBLOM. I did not know and have not seen data today to actually verify that was the case. Mr. Higginbotham was, as I said earlier, the program manager for the IT effort. He was not the contracting officer, and—

Senator MCCASKILL. Who was the contracting officer?

Ms. TORNBLOM. Well, it depends on whether the Corps of Engineers or the Center for Contracting Excellence was handling the contract.

Senator MCCASKILL. So—

Ms. TORNBLOM. The contracting officer would have been in one of those organizations.

Senator MCCASKILL. So in some instances, it would have been in your organization?

Ms. TORNBLOM. No. I am in the Office of the Assistant Secretary.

Senator MCCASKILL. OK. So do you to this day know who the contracting officers were on these contracts?

Ms. TORNBLOM. I do on some of them because I have been in meetings where it was discussed.

Senator MCCASKILL. Well, he was really operating as the contract officer, though. Nobody else was touching these things.

Ms. TORNBLOM. I understand he was operating as a contracting officer's representative, which is probably, ma'am, what you meant.

Senator MCCASKILL. That is exactly what I meant. He was operating as a COR, even though he was also the one who defined the requirements, selected the contractors, decided that no bids were necessary.

Ms. TORNBLOM. He did not select the contractors. I understand, however, that he did make some recommendations to the Baltimore District on selection of some small business contractors.

Senator MCCASKILL. Are you ever aware of a time that the contractor that he recommended did not get the work?

Ms. TORNBLOM. After the fact, I have learned that. I did not know at the time.

Senator MCCASKILL. OK. So it is a fact, for the record, that there was never a recommendation that he made for who should get a contract that wasn't accepted without question?

Ms. TORNBLOM. I do not know the answer to that question, ma'am. It is not something that I was or am now knowledgeable about.

Senator MCCASKILL. OK. Way back when, there was someone at—back in 2003 and 2004, there was a man by the name of Rory Smith—

Ms. TORNBLOM. Yes.

Senator MCCASKILL [continuing]. That was really in charge of the budget and had up until that point in time been the point of contact at Arlington National Cemetery for the budget. Am I correct?

Ms. TORNBLOM. Yes.

Senator MCCASKILL. And he got very frustrated at what he saw was a failure to perform and contracting processes that didn't comply with Army regulations, didn't comply with OMB regulations, and he tried to speak out. Are you aware of what happened to him after he spoke out?

Ms. TORNBLOM. I am aware that he retired.

Senator MCCASKILL. Are you aware that he was reprimanded and suspended—

Ms. TORNBLOM. After the fact, I learned that.

Senator MCCASKILL. And you brought him up, without name, in an email to OMB—

Ms. TORNBLOM. I am sorry?

Senator MCCASKILL [continuing]. And I would like to place into the record an email dated the April 22, 2004, an e-mail you sent to Bill McQuaid at OMB, subject, "ANC Automation." "Bill, as we prepare for Tuesday's meeting with OMB and VA on the subject, I feel the need to let you know my views on some of this. I have been shocked by the pejorative language you have been using, at least in discussions with my staff, when discussing Arlington National Cemetery's automation efforts. Please be aware that I will respond if I hear words like 'disaster,' 'stunned,' 'throwing money at contractors,' or 'no product to show for it.' Recall that you and others at OMB have been briefed in the past on ANC's automation activities, and as I recall, OMB's automation expert then praised ANC for the job they were doing. We have listened and responded to past guidance on this subject. I believe you have been influenced inappropriately by one disgruntled ANC employee who is trying to stir up controversy to retaliate against ANC managers who he has disagreements. OMB needs to remain aloof from such internal personal matters. There is a long history here that I do not intend to put in writing. We welcome OMB's interest in the Cemetery and looking forward to how you think we can improve the Cemetery's automation efforts. Enough said. Claudia."

So disaster, stunned, throwing money at contractors, no product to show for it, right on the money.

Ms. TORNBLOM. It is clear now that Mr. Smith was correct about those things. If you read that message carefully, you will see that I was ask—I was telling Mr. McQuaid to stop haranguing my staff with inflammatory language. That message was not intended to deal with the substance of the issues.

Senator MCCASKILL. Well, but you go on to say that OMB has said that—that you praised the job they are doing. You are basically saying—I mean, I think the context is clear if you read the entire email, Ms. Tornblom. You are basically saying, get off our back. You said it was OK. We don't want to hear that it is not working. We don't want to hear that you are stunned. We don't want to hear that it looks like you are throwing money and not get-

ting anything in return. And that is exactly what was going on. Did you ever sit down and talk to Mr. Smith yourself?

Ms. TORNBLOM. Mr. Smith and I had a professional working relationship. We interacted regularly over a period of many years. We had many discussions on different aspects of the Cemetery's program. We did not always agree.

Senator MCCASKILL. Did he tell you that nothing was getting done on these hundreds and thousands of dollars that were going out the door? I mean, clearly, he was trying to get someone's attention. It is not like somebody like Mr. Smith to jump the chain. Everybody knows what happens in the military when you jump the chain. He was jumping the chain, and the reason he was jumping the chain is he saw firsthand what was going on, and for some reason, nobody would listen to him. And here we are, 7 years later, and he was right spot on. I am stunned. It is a disaster. We were throwing money at contractors. And we absolutely have no product to show for it.

But looking back on it, would you have handled it differently now, knowing what you know, Ms. Tornblom.

Ms. TORNBLOM. Knowing what I know now, absolutely, ma'am.

Senator MCCASKILL. And how can we be sure that this is not happening somewhere else? Is there someone else out there in government that is trying not to be a whistleblower and go to the press, that is trying to get the attention of the people who are in a position to do something about this? You were in a position to do something. And what did he get? He got suspended and reprimanded.

Ms. TORNBLOM. I had no role in that, ma'am.

Senator MCCASKILL. Well, it is—

Ms. TORNBLOM. Nor no knowledge until after the fact.

Senator MCCASKILL. This is one nugget out of a long scenario of catastrophic incompetence. I mean, this is just one nugget. But it is one that you intersected with, and in fairness, I thought that you should have an opportunity to look at this in context and exactly say, now if this were to happen today, if OMB were to say to you for some area that you are supervising—even though you didn't have complete supervision, you had partial supervision—if OMB were to use these kinds of language with you today, how would you handle it differently?

Ms. TORNBLOM. If Mr. Smith had come to me and said, I have evidence that contracts are being mismanaged and that records are not being kept and that, basically, Army regulations are being violated, I would have acted. Nothing that clear was ever said to me. I expect the people I work with to follow Army regulations and policies, whether it is contracting, financial management, human resources, or in some other field.

Senator MCCASKILL. So you assumed that Mr. Metzler and Mr. Higginbotham were following policy and that Mr. Smith was just going rogue?

Ms. TORNBLOM. I have records of a number of conversations with Mr. Smith about things that he was unhappy with that Mr. Higginbotham was doing. In some cases, I agreed with Mr. Smith and supported him and took action almost immediately. In other

cases, I looked into it and found out some facts and ended up disagreeing with him.

Senator MCCASKILL. Was there ever a time that you lost confidence in the leadership at the Arlington National Cemetery?

Ms. TORNBLOM. Over the last year, yes.

Senator MCCASKILL. But before that, you had no problem with the leadership there?

Ms. TORNBLOM. There are always issues, ma'am. There are always disagreements and issues.

Senator MCCASKILL. But you didn't think they rose to the level of you getting out of your niche and trying to grab people by the neckties or by the cardigan sweaters or whatever you have to grab them by and say, we have to sit down. We have a real problem at Arlington.

Ms. TORNBLOM. I was not aware of most of the things that—any of the things that have been revealed over the last year in the media, except that I knew, as we all knew, that there were problems with the burial records. I understood those to be primarily historical problems and paperwork issues until the revelations of the last year.

Senator MCCASKILL. And how did you become aware of burial problems?

Ms. TORNBLOM. I believe the first one I became aware of was when Salon.com released a story about a grave in Section 68 where—that did not have a marker appropriately.

Senator MCCASKILL. OK. So you first became aware by someone at the Cemetery informing someone in the media?

Ms. TORNBLOM. That is correct.

Senator MCCASKILL. OK. Mr. Harrington, when I reviewed the slides, and this is also for you, Ms. Condon, it is clear to me—I am putting my auditor hat on now—that there is a whole lot about the BOSS system that can easily be transferred over to Arlington National Cemetery. The notion that you can't use an underlying successful system for keeping track of gravesites because it doesn't include the kind of scheduling needs you have is one of those that kind of go, well, that is fixable. I mean, with all due respect, what we are asking to automate here is not complicated.

I look at the kind of IT systems, Mr. Harrington, that you have responsibility over. I look at what we can do in our Army, whether it is the utilization of drones, whether it is the identification of very complex cost points. I look at the capability we have within the Army, and then I look at this and it is, frankly, jaw-dropping that we are actually messing around and saying that we have to go create a new system after we have spent all this money.

And what worried me about your slides, Mr. Harrington, it appeared to me that we are going down that road instead of going, wait a minute. We should have adopted BOSS in the first place. We should have made sure that we utilized a system that had already been developed by government employees without excessive contractor costs, that was working, and I guess what I need to hear from you is that Arlington National Cemetery is going to use BOSS.

Mr. HARRINGTON. Ma'am—

Ms. CONDON. Excuse me. Could I take that question?

Senator McCASKILL. Yes, you may, and we will let Mr. Harrington add anything to it.

Ms. CONDON. Senator Brown asked me a similar question when you were—

Senator McCASKILL. Gone.

Ms. CONDON [continuing]. Out to vote. As Mr. Pat Hallinan from the Veterans Administration is the Acting Superintendent with me. He is my partner—

Senator McCASKILL. Correct.

Ms. CONDON [continuing]. To fix Arlington. And, one of the things that—I have a dedicated, an IT review, as well, and one of the things we are looking at is the BOSS system from VA because it works from VA. In having Mr. Hallinan's expertise of running all 120 cemeteries before he was the Acting Superintendent, we are going to look at the BOSS system as can we modify that, as well as looking at what was done in previous contracts and to see if there were some deliverables that we can also use in that.

Senator McCASKILL. Mr. Harrington, the slides gave me the impression that you were going to continue down the road of developing—and maybe I just misread the slides, because your guys' Power Point slides don't speak English. They are acronym-heavy and they are very much in the language of, I call it Pentagonese.

Mr. HARRINGTON. Yes, ma'am.

Senator McCASKILL. And so—but from what I could tell from looking at the slides, since I haven't seen the report, it looked like you were headed down a road of developing completely new software for Arlington National Cemetery.

Mr. HARRINGTON. Well, Madam Chairman, I will tell you that we are assessing that right now. We have been meeting with Ms. Condon and her staff. If we have contract actions that are continuing that are inappropriate, we will stop them. The leadership in the Contracting Center of Excellence, the leadership in the Corps of Engineers, we have had the meetings with Ms. Condon so that those functional requirements that are unique to Arlington National Cemetery that can be implemented in the VA system are recognized. So our intent is to continue to assess those contract actions.

And frankly, ma'am, the contracting community had a role to play in this all the way through and we think we need to be more disciplined in our interactions with the requirements generation individuals—

Senator McCASKILL. Right.

Mr. HARRINGTON [continuing]. So that we help alert and raise the red flag when we see an action that is being taken that really seems to have no end to it.

So that is our role, ma'am. We will continue to engage, and we have worked with Ms. Condon and her staff, with the Contracting Center of Excellence and the Corps of Engineers, and we will look, and Ms. Condon, I know, has already established a policy that those two activities will be the primary contracting activities, and were there any other requirements surfacing, then it would take her waiver to exercise a contract action in another location. So we think we have the focus on the right two activities and those con-

tracts that are in force right now that do not need to be continued, we will stop those.

Senator MCCASKILL. Are there any other orphans out there besides Arlington National Cemetery? Clearly, what had happened here—I think Secretary McHugh basically testified to this—that it was a satellite, and because it had multiple reports, no one took full ownership. And if you don't have full ownership, then you can't take full blame if it goes badly. Therefore, you are not so motivated.

I mean, I am not casting aspersions toward you, Ms. Tornblom, but it is very hard for me to be completely mad at you because there are four or five other people that could easily have done the same thing I asked that you would have done. And because there wasn't one person whose head was going to roll, nobody's heads roll. It is the old finger pointing.

Are there any other orphans out there that you are aware of that don't have a direct report, that there is not going to be somebody who will be blamed if this kind of gross mismanagement were to occur another place in the Army?

Mr. HARRINGTON. Madam Chairman, I am not aware, but I would say to you that I am sure we will happen upon them. It is incumbent upon us in our effort to expand our procurement management review process to assess those types of occurrences and then to stop them as immediately as we can and to ensure that the procurement chain, the contracting chain, which mirrors the command chain, is robust and understands its obligations statutorily to ensure this process is autonomous and pure.

Senator MCCASKILL. It is my understanding that the Criminal Investigations Division of the Army is examining this. Is that correct, Mr. Harrington?

Mr. HARRINGTON. It is my understanding to that, also, Madam Chairman.

Senator MCCASKILL. And that there have been numerous allegations—unfounded at this point, I can't say that there has been documented proof—but there are allegations out there of fraud. Is that correct?

Mr. HARRINGTON. Yes, there are, Madam Chairman.

Senator MCCASKILL. So we have the whole bouquet.

Mr. HARRINGTON. Yes.

Senator MCCASKILL. We have waste. We have abuse. And we have fraud. We have the trifecta. And we have it concerning a national treasure and that is very, very unfortunate.

After we review the report, we will get back with you, Mr. Harrington—

Mr. HARRINGTON. Yes, ma'am.

Senator MCCASKILL [continuing]. About the contracting deficiencies. I certainly would encourage you, to whatever extent you can prevail upon Army leadership, and frankly, this is something I need to take up with Secretary Gates, there needs to be a look around to see if there are any other Arlington National Cemetery scandals that could be hiding in a corner where there isn't clear line of command, there isn't clear line of authority, there is not clear line of accountability, and there is contracting gone wild.

Mr. HARRINGTON. Yes.

Senator MCCASKILL. In fact, I think you can use this as a textbook to teach contracting people about the worst case scenario. Every document I would turn as I would read this, I would say, you have to be kidding me. And then I would turn another document and I would say, you have to be kidding me, especially for how long it went on. I don't think they were as forthcoming as they should have been, if they knew these problems were serious and significant for a long period of time.

Mr. HARRINGTON. Yes.

Senator MCCASKILL. Is there anything else that any of you would like to add for the record that you haven't been asked by either Senator Brown or myself?

Mr. HARRINGTON. No, Madam Chairman, not from me.

Senator MCCASKILL. Ms. Tornblom.

Ms. TORNBLOM. No.

Ms. CONDON. Ma'am, as of June 10, you have your one individual—

Senator MCCASKILL. I know I do, and I am looking at her.

Ms. CONDON [continuing]. Who is responsible, and you are looking at her.

Senator MCCASKILL. And you have direct report to the Secretary.

Ms. CONDON. I have direct report to the Secretary of the Army, and I will, any questions that this Subcommittee has, I will come back with progress reports. But as Senator Brown asked me what I needed from Congress, and what I really need, ma'am, is time. I need time to fix the deficiencies that we have found and any that I may find from now. So you have my promise that I will come back.

Senator MCCASKILL. Well, we will give you time, but we don't want it to get slowed down by bureaucratic nonsense—

Ms. CONDON. You have my promise that will not happen.

Senator MCCASKILL. And now I just want you to know, Ms. Condon, I am feeling old, because I feel like in some ways I have been here 10 minutes, but this is the second time I have run into you—

Ms. CONDON. Yes, ma'am, it is.

Senator MCCASKILL [continuing]. Because when I first arrived, I was trying to figure out how Army Materiel Command at Belvoir could be a temporary building, and I remember traveling out there somewhat unannounced to check out that very large permanent temporary building, and I recall that you were the one that had to answer very difficult questions from me at that point.

Ms. CONDON. Mm-hmm.

Senator MCCASKILL. Are you getting the short straw every time? Are they telling you that you have to go have Senator McCaskill yell at you? Is that what is happening? [Laughter.]

Ms. CONDON. Ma'am, I wanted to know if my mother called you ahead of time.

Senator MCCASKILL. There you go.

Ms. CONDON. Because she has the same questions. [Laughter.]

Senator MCCASKILL. There you go.

I appreciate all of you being here today. We will have more questions for the record. We will stay on this. We have more information that we continue to gather, and we probably have other wit-

nesses that we may call in before this is said and done. Please keep us posted on the progress.

Ms. CONDON. Will do, ma'am.

Senator MCCASKILL. I particularly would like to know section by section in the Cemetery when you are assured that you have identified all the mistakes that exist. There is no way, frankly, there is no way that Mr. Metzler's assertion that we know the problems that are there is true. I think you would—wouldn't you acknowledge that?

Ms. CONDON. Ma'am, Senator Brown asked me that same question and we have found other map discrepancies, in the tenure that I have been there.

Senator MCCASKILL. So as you clear sections and you feel confident that the problems that exist there, we would like to be apprised of that progress as it occurs.

Ms. CONDON. Yes, ma'am.

Senator MCCASKILL. OK. Thank you all.

This hearing is adjourned.

[Whereupon, at 12:48 p.m., the Subcommittee was adjourned.]

A P P E N D I X

HEARING ON MISMANAGEMENT OF CONTRACTS
AT ARLINGTON NATIONAL CEMETERY
July 29, 2010

Senator Claire McCaskill

Opening Statement

Arlington National Cemetery is the nation's most sacred burial ground for veterans and their families, a national shrine, and an emblem of the courage and sacrifice of so many throughout our nation's history. It is also a place where a small group of people, from the grounds crew to the Old Guard, work tirelessly ensure that our service members are honored.

Over the last year, I have learned of shocking stories about Arlington. Bodies accidentally buried in the same graves. Unmarked and mismarked graves. Urns of cremated remains being found in the Cemetery's landfill. And the heartbreaking tragedy of the families who now cannot trust the Cemetery to tell them where their loved ones are buried.

In June, the U.S. Army Inspector General released a report finding major flaws in the operation of Arlington National Cemetery. The Army Inspector General found hundreds of mistakes associated with graves and substantiated many of the reports that had previously appeared in the media.

The Army Inspector General found that the failure to implement an effective automated system to manage burials at the Cemetery contributed to these mistakes. The Army Inspector General also found that the contracts awarded to acquire components of the proposed system for the Cemetery failed to comply with applicable federal, Defense, and Army regulations.

Senator Brown and I called today's hearing to examine how contract mismanagement at Arlington National Cemetery resulted in this scandal.

My staff has prepared a memorandum summarizing what we have learned from our investigation. I ask for unanimous consent that the memo and the documents it cites be made part of the hearing record.

More than ten years ago, the Army began the development of a new system to automate the management of burial operations at Arlington National Cemetery. From the beginning, the acquisition process was plagued with problems.

One problem was that Cemetery and Army officials decided to create a new system instead of using or modifying the system already used by the Department of Veterans Affairs. This system, called BOSS, was developed by government employees and cost about \$2.4 million in total, including the costs of automating more than 2.2 million burial records. And it works.

Instead, the Cemetery asked the Army's Center for Contracting Excellence and the Army Corps of Engineers to award a series of contracts to develop their own system, called the Total Cemetery Management System, or TCMS.

The Cemetery has spent between \$5.5 and \$8 million on the TCMS program to date. And today, Arlington National Cemetery still does not have a system that can accurately track graves and manage burial operations.

One reason for this was the lack of management and oversight. The Army contracting officials who were responsible for these contracts awarded sole-source contracts with ensuring

that the contractors were able to do the work. They failed to make sure that the government was paying a fair price.

In addition, the responsible officials outside the Cemetery failed to conduct even the most basic oversight. Officials within the Assistant Secretary of the Army for Civil Works, who have been responsible for the Cemetery's budget for the last decade, merely reviewed the materials submitted by the Cemetery to Congress regarding TCMS. They did not see the red flags. They did not ask any additional questions that would have helped bring these problems to light earlier.

We have also learned that there has been no review of Arlington National Cemetery for the last decade. No review of the contracts. And, what is even more appalling to me, as a former state auditor, no one has performed any audit whatsoever.

And we now know that the problems with graves at Arlington may be far more extensive than previously acknowledged. At a conservative estimate, 4,900 to 6,600 graves may be unmarked, improperly marked, or mislabeled on the Cemetery's maps.

We are here today because we owe our veterans better. We owe their families better. We owe better to the Americans who expect their government to not fritter away their money on wasteful contracts. And the officials who let this happen – whether through ignorance, incompetence, or denial – need to be held accountable.

This week, I have received written testimony for the hearing from a number of veterans organizations, including the Veterans of Foreign Wars, the American Legion, the Reserve Officers Association, The Retired Enlisted Association, the Military Officers Association of America, and the National Association for Uniformed Services. I am grateful for their

participation in the Subcommittee's hearing. Although this is the Subcommittee on Contracting Oversight, what is most important is to get this right for all the veterans and their families who have sacrificed so much for our country.

In their statement, Veterans of Foreign Wars, one of the nation's largest and oldest veterans' associations, which also happens to be based in Kansas City wrote:

"What occurred at Arlington is a national disgrace, yet the VFW hopes it will serve as a wakeup call ... [T]he failure at Arlington National Cemetery ... was allowed to occur by a hands-off attitude by those more senior in the chain-of-command, who may have regarded their oversight responsibility more as an additional duty than a primary mission."

I hope today's hearing is a very loud, very clear wakeup call to everyone involved. Ultimately, the issue before the Subcommittee is whether the Army has failed in its duty to the men and women who have served our country so well. Today's hearing will give our members a chance to examine this important question.

Opening Statement by Senator Scott P. Brown

July 29, 2010

Subcommittee on Contracting Oversight

U.S. Senate Homeland Security & Governmental Affairs Committee

“Mismanagement of Contracts at Arlington National Cemetery”

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Today, as Ranking Member of this subcommittee, I would like to specifically thank Chairwoman McCaskill and her staff for scheduling this morning’s hearing on such an important topic.

As President Clinton stated in his 1993 Memorial Day remarks at Arlington National Cemetery, “The inscription on the Tomb of the Unknown Soldier says that he is, quote, “Known only to God.” But that is only partly true. While the soldier’s name is known only to God, we know a lot about him. We know he served his country, honored his community, and died for the cause of freedom.”

As a thirty-year member of the Massachusetts National Guard I understand some of the sacrifices our men and women in uniform make. And my respect for those who have made the ultimate sacrifice is unparalleled. We are all entrusted with the solemn obligation to ensure that our heroes buried at Arlington National Cemetery receive the utmost dignity and respect that this country can offer.

Today I intend to focus on the how the caretakers of our national shrine were allowed to violate our nation’s sacred trust. It is my intent not only to determine the causes of these

astonishing management and oversight lapses but also to look forward and identify real solutions.

The problems uncovered at Arlington National Cemetery have made national headlines and have tarnished a sacred trust with military families. The well publicized burial problems, including misidentifying gravesites, losing remains, double-burials and failure to notify families of any problems have eroded the confidence the families of our fallen heroes have that their loved-ones' remains will be respected. Evidence from the Army Inspector General Investigation Report that one set of cremated remains was improperly disposed of and re-buried as "unknown" is particularly egregious as a loved one's remains are essentially lost forever.

My thirty years in the National Guard have taught me the importance of an effective command and control structure. Today, I intend to examine who in the Department of Army was responsible for oversight of the cemetery and why these problems were allowed to develop and remain uncorrected for many years. My understanding is that the Army has been aware of the management issues since 1997 when the Military District of Washington IG inspected the cemetery.

The Army Audit report is clear that the management entrusted at Arlington National Cemetery failed to properly execute their duties. Cemetery management failed to address one of the primary causes of the burial problems: the reliance on an inaccurate cemetery map. In only three of the seventy sections of the cemetery, 211 discrepancies were identified between the map and gravesites. In an age where geo-location software is available for free on our mobile phones and with all of U.S. Army's vast resources available it is truly incomprehensible to me that we are unable to accurately map just over 600 acres of land in the heart of our nation's capitol. To address this problem, cemetery management attempted to automate the effort. Unfortunately, for

the families of the descendants and the American taxpayers the automation efforts have produced little for the millions of dollars spent. After seven years of effort, over 35 IT contracts totaling around \$10 million the cemetery still uses a system, implemented in 2003, that is inefficient and has significant functional limitations. We intend to examine in today's hearing why the cemetery's acquisition efforts were so futile, where the taxpayer's money went and how we get it back.

Unfortunately, I do not have a great deal of confidence that the Army or anyone else knows the full extent of the burial problems. But I do know that we cannot tolerate these problems any longer. Arlington represents to the world and our country the value we place on our veterans in life and death. The Army must restore the solemn trust America's heroes deserve. We expect no less.

Opening Statement of
Senator Susan M. Collins

“Mismanagement of Contracts at Arlington National Cemetery”

Subcommittee on Contracting Oversight
Committee on Homeland Security and Governmental Affairs

July 29, 2010

Nearly every American can picture the peaceful, rolling green hills, dotted with row upon row of bleached white headstones. This iconic image of Arlington National Cemetery is close to our hearts, for we know the landscape reflects the thousands of lives given in service to this great nation.

Although established in 1864, the cemetery includes the remains of veterans from every one of America’s wars from the American Revolution through the Iraq and Afghanistan conflicts. This place, then, has long been regarded as America’s hallowed ground.

Privates are buried there, as are Presidents. The tomb of the Unknown Soldier honors unidentified warriors from past wars. Sailors who died when the U.S.S. Maine was sunk in Havana in 1898 are memorialized there. Our collective history is read in the Cemetery, carved in stone that recites the names of veterans from the birth of our nation to today’s war against terrorism. We expect the utmost honor and dignity to be given to those buried at Arlington.

Tragically, we now know that this most basic of expectations was neglected. Gross mismanagement of these sanctified grounds has tarnished a sacred trust and shaken many military families.

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We learned the heartbreaking truth on June 10th when the Army Inspector General released a special report on operational and contracting deficiencies at Arlington National Cemetery. The findings were appalling: Investigators found unmarked graves, grave sites misidentified on cemetery maps, and at least four burial urns that had been unearthed and their contents discarded.

The cemetery had not been inspected or audited for more than a decade – an unbelievable lapse of oversight. The Army has admitted that it lacked a single point of responsibility and accountability for the operations and oversight of the cemetery.

That admission is the first step, but the families, fellow service members, and friends of our fallen heroes must have their trust restored. Right now, that bond is broken.

The IG's report documents further mismanagement of the cemetery and an utter lack of Army oversight spanning many years. The Army IG made 76 findings and 101 recommendations - some of which were the very same deficiencies from a 1997 IG inspection of the cemetery. Let me repeat that: The Army was alerted to some of these problems 13 years ago, yet nothing was done to make things right.

A main cause of burial problems was the ill-advised reliance on an inaccurate map of the burial plots. In just three of the 70 sections of the cemetery, more than 200 discrepancies were identified between the map and the gravesites.

To correct these disparities, in May 2002 the Cemetery management embarked on an ambitious project to update the mapping operation, but this goal was never met.

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Despite more than 35 IT contracts totaling more than \$5.5 million, the cemetery continues to use manual records and an electronic tracking system set up in 2003. There are many reasons for this tremendous waste of taxpayer funds, but a primary culprit in derailing the automation effort can be traced to a lack of effective contract oversight.

Through this hearing, it is my intent not only to determine the causes of these disturbing and painful lapses at Arlington, but also to identify solutions and establish a timetable for urgent action. We must take aggressive steps to remove the tarnish from this national landmark and to renew the promises made to our military families and to the American people.

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STATEMENT OF JOHN C. METZLER, JR.
TO THE
SENATE AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT
OF THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

JULY 29, 2010

- As the Committee is well aware, I was Superintendent of Arlington Cemetery over the last 19 years. Prior to Arlington, I had 17 years of cemetery service with the VA.
- I also had 6 years of earlier Government service, including my active duty in the Army, with one tour in Vietnam as a helicopter crew chief with the 1st Aviation Brigade.
- Over my 42 years of service to the Nation, my respect, admiration and gratitude for our men and women in uniform and their families has only increased. And I hold them in the highest regard.
- Personally, it is very painful for me that our team at Arlington did not perform all aspects of its mission to the high standard required.
- I was the senior government official in charge, and I accept full responsibility for all my actions and for all of my team's actions. And I want to express my sincere regrets to any family for whom these failures may have caused pain.
- As you evaluate these issues, it is important to fully appreciate that the complexity and breadth of operations at Arlington National Cemetery are unique and extraordinary. This complexity and breadth only increased during my tenure.
- Of the more than 330,000 burials at Arlington, which have taken place over the 146 years of its history, over 110,000 took place during the last nineteen years. There are only 2 or 3 large private or Department of Veterans Affairs' cemeteries in the world that have the complexity and a comparable volume of burials – approximately 6000 to 7000 per year.
- None of those cemeteries, however, require the attendant ceremonial coordination and support that is routine at Arlington. None of those cemeteries have 3,000 non-burial ceremonies per year that occur regularly at Arlington. None have burial records which go back over 100 years. Finally, none have over 4 million tourist visitors per year.

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- Activity at this level and of this sensitivity and importance. And it requires constant and exceptional attention and action. There are no timeouts or do-over's. Funeral ceremonies continue in virtually all circumstances.
- We conducted burial services at the Cemetery on 9/11 and the day after. During this year's record-breaking snowstorm, and with the Federal Government closed for 4 days, ANC continued with its burials as scheduled.
- It is undisputed that the overwhelming majority of funerals at Arlington have been conducted successfully, without error, and to the complete satisfaction of the families who grieve the loss of their loved ones.
- I do not highlight this point to excuse any possible findings that may have occurred. I understand that burial service at the cemetery must be as close to "zero defect as possible" every time. I understand completely that each burial is a sacred event for the families involved.
- An enormous amount of good has been accomplished in the tens of thousands of instances where all was done right.
- I know the Army is working hard to correct the IG findings at Arlington and to improve its operations. The task is a significant challenge in an environment of diminished staffing and resources.
- During the last 19 years, we did not receive all the funding we needed. And the dedicated staffing at the Cemetery was reduced about 35% - - from 145 to 95 federal civilian employees. And of these 95, only 35 persons performed administrative tasks.
- Those staffing losses were to be offset by increased opportunities for outsourcing to private contractors. As experience has shown, however, that approach does not always result in the most effective or efficient solution.
- There is no substitute for having dedicated staff in areas of particular importance – such as government contracting and information technology – which we did not have during my tenure.
- Future issues can be minimized and eliminated with both the funding and the staffing required to do this important work. In any event, I know the Army is committed to doing whatever it takes to make things right now and in the future.
- As difficult as it is for me to conclude my lengthy federal service under the current circumstances, I will always value the opportunity I have had to be the Superintendent of Arlington Cemetery.

I am prepared to answer any questions you may have as best I can.

STATEMENT BY

MR. EDWARD M. HARRINGTON
DEPUTY ASSISTANT SECRETARY OF THE ARMY (PROCUREMENT)
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
(ACQUISITION, LOGISTICS AND TECHNOLOGY)

BEFORE THE

SUBCOMMITTEE ON CONTRACTING OVERSIGHT
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ON

MISMANAGEMENT OF CONTRACTS AT ARLINGTON NATIONAL CEMETERY
SECOND SESSION, 111TH CONGRESS

JULY 29, 2010

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Introduction

Chairman McCaskill, Senator Brown, and members of the Subcommittee on Contracting Oversight, thank you for the opportunity to appear before you today. I am pleased to provide an overview of the U.S. Army's ongoing review of contracts and contracting actions in support of Arlington National Cemetery (ANC). As requested, my testimony will address the Army's Procurement Management Review of the management and oversight of contracts awarded and administered on behalf of Arlington National Cemetery (ANC) including Information Technology (IT) contracts and actions taken thus far to address the findings noted by the Office of Army Inspector General in their Special Investigation of Arlington National Cemetery Final Report of June 9, 2010.

Let me state at the outset that the Army is fully committed to rapidly correcting the management and leadership deficiencies and organizational problems at ANC. As the proponent for the Procurement Management Review (PMR) Program, on behalf of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology and the Army's Senior Procurement Executive, Dr. Malcolm O'Neill, I am determined to oversee timely correction of deficiencies in Army contracting support to ANC, which will ensure that future contracting for ANC will be conducted in accordance with Federal, Defense, and Army acquisition regulations.

Background

On June 10, 2010, Secretary McHugh issued a directive to enhance the operations and oversight of the Army National Cemeteries Program. Contained within

that directive is direction for the Assistant Secretary of the Army (Acquisition, Logistics and Technology) (ASA(ALT)) to review all contracts awarded or administered by the U.S. Army Corps of Engineers (USACE) and the Contracting Center of Excellence (CCE) during the past 5 years in support of the Army National Cemeteries which does not have a contracting officer. As a point of clarity, the CCE is now known as the National Capital Region Contracting Center (NCRCC) and is a subordinate unit of Army Contracting Command (ACC), which falls under US Army Material Command (AMC). But I will refer to it as CCE today for ease of identification. This review included an assessment of the roles of the Heads of Contracting Activities (USACE and CCE) and Principal Assistants Responsible for Contracting in executing and overseeing such contracts. The directive required that the results of this review be coordinated with the Executive Director [of the Army National Cemeteries Program].

Procurement Management Review (PMR) Establishment

Upon receipt of the aforementioned directive, I established a Procurement Management Review (PMR) team on June 17, 2010 to review the full range of contracting activities from requirement through close out, including accountability of records and finances. The review of ANC began onsite on June 23, 2010, and focused on Government Purchase Card records, Memorandums of Understanding (with various agencies, including USACE and CCE), Military Interdepartmental Purchase Orders, interviews with ANC staff involved in the procurement process, and any contractual documentation at ANC. The review of the USACE office in Washington, D.C., and the CCE began on June 28, 2010. This part of the review included contract documentation

from Fiscal Year 2005 to the present, as well as interviews with contracting officers and contract specialists, the applicable Heads of Contracting Activities, and the Principal Assistants Responsible for Contracting, who within the Army serve as the contracting activities' senior staff officials for the contracting function.

The review encompassed more than 500 contracts during this five-year period worth approximately \$46 million. Of this volume, 34 construction, IT support, and services contracts administered by the USACE represent roughly \$34 million. The remaining contracts, valued at about \$12 million, are under the administration of the CCE for supplies and services in the areas of information technology (IT), landscaping (grounds maintenance), facilities, construction, and miscellaneous items.

During the course of the review, we have worked closely with the Army Audit Agency, who will be reviewing ANC's financial data, and have also met with Army IG personnel to gather their insights.

I would like to share with you some of the recent workforce growth and oversight initiatives that have positioned Army on the path towards becoming a transformative enterprise capable of providing the highest quality level of contracting service and support. The Army is taking many steps to strengthen its acquisition workforce, which will also benefit agencies who use its acquisition services, including ANC.

Contracting Workforce Growth and Oversight

Gansler Commission

Over the last decade, Army contracting experienced a 22 percent reduction in workforce concurrent with an over 500 percent increase in contracted dollars and

actions. Dollars are up over 530% during last decade and actions are up over 650%. Currently the Army has over \$711 Billion in open contracts (including over \$200 Billion awaiting closeout) and over 600 thousand contract actions. At the same time Headquarters, Department of the Army oversight staff was also cut by over fifty percent. The explosion in workload and cuts in staff and oversight led in part to some of the contracting failures highlighted by the Gansler Commission Report.

The Secretary of the Army chartered the Gansler Commission in 2007 to evaluate Army procurement, identify mission failures, and recommend actions to implement long term improvements. The Commission recommended the Army increase its military and civilian contracting staff, restructure Army contracting, and provide increased oversight to facilitate contracting and contract management in expeditionary and CONUS operations and to provide training and tools for overall improvement of Army contracting activities. Congress authorized five new contracting general officer positions within the Office of the Deputy Assistant Secretary of the Army (Procurement), the Corps of Engineers, and the Army Contracting Command with its subordinate Expeditionary Contracting Command, and Mission and Installation Contracting Command. In addition the Army approved concept plans to grow the Army Contracting workforce by over 1600 civilian positions and 600 active duty military. The Army has implemented 20 of 22 recommendations the Gansler Commission made to the Army. Most are fully implemented; however workforce expansion will require years to fully implement.

Secretary of Defense "Grow the Acquisition Workforce" Initiative

In addition to the Gansler Commission's recommendations, in April 2009, the Secretary of Defense gave direction to grow and in-source the acquisition workforce. By Fiscal Year 2015 the Army contracting civilian workforce is slated to grow by more than 1,650 new hire contracting positions and 151 in-sourced contracting positions.

The growth brought about by the Gansler Commission recommendations and the Secretary of Defense's initiative will provide critically needed additional personnel to more effectively award and administer contracts, and also provide Army activities with sufficient staff to re-establish self-oversight functions that were lost due to staffing cuts.

Army Contracting Workforce Oversight

The Assistant Secretary of the Army (Acquisition, Logistics and Technology) is supportive of my development and submittal of a Concept Plan to Army leadership to increase the size of the Deputy Assistant Secretary of the Army (Procurement) (DASA(P)) civilian and military staff in order to provide sufficient personnel for more effective oversight over the Army Contracting workforce. This concept plan will be facilitated by funding the Army is programming in support of the Secretary of Defense's grow the workforce initiative.

Growth of the Army Contracting Workforce and re-establishment of the Army's oversight is on the way; however it takes between five to eight years to grow a trained and experienced contracting officer. In the meantime, the Army and its contracting workforce are fully committed to maintaining the highest standards of public stewardship while supporting the requirements of our customers.

Army Inspector General's Special Inspection Findings and PMR Results

The U.S. Army Inspector General's Special Inspection of ANC listed a number of deficiencies in contracting procedures at ANC and made recommendations based upon those deficiencies. The PMR substantiated a number of findings in the areas that were highlighted in the Final Report of the "U.S. Army Inspector General Agency Special Inspection of Arlington National Cemetery," dated 9 June 2010:

DEFICIENCY 5.1: Procurements, to include information technology, for ANC are not in compliance with applicable Federal, Defense and Army acquisition regulations.

PMR results are consistent with the cited deficiency with the following findings: Lack of documentation, incorrect procedures, construction contracting and closeout procedures not followed, and risk management not addressed

DEFICIENCY 5.2: The acquisition of information technology (IT) to automate ANCs antiquated paper recordkeeping systems and modernize cemetery IT operations did not comply with Office of Management and Budget (OMB) Circulars, Federal and Defense Acquisition Regulations.

PMR results are consistent with the cited deficiency with the following findings: No acquisition strategy for IT systems, deliverables not clearly defined, insufficient documentation, and lack of Government oversight

DEFICIENCY 5.3: Contracts supporting ANC lacked proper oversight and officials were inadequately trained and improperly applied various Federal, Defense and

Army Acquisition Regulation rules, many of which contributed to ANC's IT acquisition problems.

PMR results are consistent with cited deficiency with the following findings: Inadequate oversight of contractor performance by the COs and the CORs, lack of training and appointment/designation of CORs, lack of property accountability at ANC, and the USACE Contracting Office at the District of Columbia Integrated Programs Office (DC-IPO) functions in an administrative capacity only without following proper contracting procedures.

Additionally, the PMR results of the review of ANC as it pertains to the acquisition function identified the following: no evidence of internal policy or Standard Operating Procedures (SOPs), lack of communication between CCE/USACE Contracting Offices and ANC, Outdated/unsigned Memorandums of Agreement (MoAs) and Memorandums of Understanding (MoUs), and lack of property control procedures.

In our review of the Government Purchase Card Program – the review identified the following: Lack of management controls and oversight at ANC and CCE, and no evidence of ANC internal policies or guidance for program.

Based on the Army IG report, the PMR placed special review emphasis on IT contracts, particularly those associated with the Total Cemetery Management System (TCMS). IT contract requirements for ANC were awarded by several Army buying activities. Since 2005, CCE and USACE have been the primary contract support providers. Contracts awarded to support ANC are categorized in this report as being for operations support in the areas of Network Services to include Help desk, Telephones and Switch, Security Cameras, and Audio Visual Support, or to support the

TCMS. Service contracts were awarded to maintain daily operations, telecommunication switches/peripherals and preventative maintenance on the cable infrastructure.

The Deputy Superintendant of ANC submitted the requirements for IT operations and development of the TCMS system to the Contracting Officers at both CCE and USACE. The contract files did not contain market research to justify the position that sole source, non-competitive contracts be given to a select handful of vendors for developing the TCMS. Deputy Superintendent ANC recommended to the Contracting Officer that contracts be awarded under the Section 8(a) program. However, the files did not contain any documentation supporting the rationale. The files did not contain evidence that acquisition strategies or planning documents were prepared for the TCMS design, development or operational implementation. Although many contracts were awarded with the intent of formulating a TCMS, there was no documented acquisition strategy to support a way ahead. Additionally, most contracts reviewed did not clearly define deliverables traceable to the work performed. No performance standards were identified in any of the service contracts reviewed nor was there any performance based outcomes identified.

PMR CONCLUSION: The findings discovered during the PMR of ANC, CCE and USACE support the statement that, from requirements definition through contract closeout, there was a general breakdown in sound business processes, and statutory, regulatory and policy requirements were not followed. Contract administration is the responsibility of the contracting officer. Any field technicians or Contracting Officers Representatives (CORs) performing contract surveillance need to have the limits of their

authority delineated in writing. Any ANC employees performing as CORs need to be trained and designated by the contracting officer for existing and future service contracts. The contracting officer is the only individual authorized to make changes to the contract, and must be actively involved in contract surveillance through correspondence and face-to-face meetings with the designated COR. In a number of instances it appears that CORs were performing inherently Contracting Officer functions which are not authorized. For example, in some cases the COR issued requests for information, negotiated and executed change orders, and made contract award determinations. Most contracts files reviewed did not identify a COR and/or contain a COR appointment or designation letter.

The Department of the Army Inspector General report indicated that many of the ANC service contracts did not include appointment of a COR as required by Army policy. The current Army policy requires that a COR be appointed to all service contracts over \$2500 to ensure proper oversight. The COR must be nominated by the activity requiring the service contract. Before being appointed as a COR, the contracting officer must verify that the individual has the proper COR training and certification. An appointment letter specifying the COR duties is signed by the contracting officer and the contracting officer has the responsibility of ensuring the COR complies with those duties to include the submission of monthly reports. Given the volume of service contract actions across the Army, the Army is finding that in some cases, contracting officers are not complying with Army policy. As a result, this has been a special topic area of procurement management reviews at the Army level and at the local level. Additional training is being provided to contracting officers regarding

COR appointments and the Army is in the process of fielding a COR tracking tool that will allow us to verify that all service contracts are complying with Army policy. This new tracking tool was fielded to the former CCE in June 2010. Future PMRs of the former CCE will verify that the tool is being implemented and that CORs are being appointed as required by Army policy.

CORRECTIVE ACTIONS IN PROGRESS

Leadership of Army Contracting Command (CCE is now part of Army Contracting Command's National Capital Region Contracting Center (NCRCC)) and USACE have already put corrective action plans in place with distinct milestones to address the Army IG findings. The Executive Director of Army National Cemeteries Program has also been provided corrective action recommendations to implement among her staff as well as recommendations regarding establishment of memorandums of agreement with ACC and USACE to improve support. In fact, I met with the Executive Director of Army National Cemeteries Programs, and the senior contracting professionals for each of the organizations providing contracting support to ANC, the Executive Director of ACC and the Director of National Contracting Organization for USACE, earlier this week at ANC to ensure corrective actions have begun and are on track. My office will continue to work closely with ANC, ACC, and USACE to ensure corrective actions address root causes and are fully implemented in a timely manner.

PATH FORWARD

The PMR team will perform a follow-up review in FY11 at ANC, CCE (now known as NCRCC) and USACE and report the progress of the corrective actions to the ED ANC and the Senior Procurement Executive for the Army. Further, the USACE-Baltimore contracting office and NCRCC (including ANC contract actions) will be included in the FY12 PMR cycle and all subsequent yearly cycles until corrective actions are ingrained in the culture.

We are grateful for the insightful investigation and analysis conducted by the Army Inspector General, and the opportunity to appear before you today and discuss action taken since the IG's report to improve our contracting mission. As we deliberate the PMR findings, it is our intention to include what we found to inform future PMRs across the Army Contracting Enterprise.

Conclusion

The U.S. Army is committed to excellence in all contracting activities. I echo the words of Secretary McHugh, "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."

Thank you.

RECORD VERSION

STATEMENT BY

MS. CLAUDIA L. TORNBLOM

DEPUTY ASSISTANT SECRETARY OF THE ARMY
(MANAGEMENT AND BUDGET)
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

BEFORE

SUBCOMMITTEE ON CONTRACTING OVERSIGHT
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS
UNITED STATES SENATE

ON

MISMANAGEMENT OF CONTRACTS AT ARLINGTON NATIONAL CEMETERY
SECOND SESSION, 111TH CONGRESS

JULY 29, 2010

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Madam Chair, Members of the Subcommittee, I appreciate the opportunity to appear today to testify on matters related to the management of Arlington National Cemetery.

INTRODUCTION

I am Claudia Tornblom, Deputy Assistant Secretary of the Army (Management and Budget) in the Office of the Assistant Secretary of the Army (Civil Works). I have held this position since April of 2000, and I served as Acting Deputy from the retirement of my predecessor at the end of 1997.

SECRETARIAT OVERSIGHT OF ARLINGTON NATIONAL CEMETERY

Under law and Army General Orders, the Assistant Secretary of the Army (Civil Works) is responsible for policy oversight and supervision of all aspects of the Army Corps of Engineers Civil Works program. In addition, from 1975 until June 10, 2010 the Assistant Secretary also was responsible for oversight of the program and budget for the Army Cemeterial Expenses program, which includes Arlington National Cemetery and the Soldiers' and Airmen's Home National Cemetery.

On June 8, 2010 the Army Inspector General completed a thorough inspection of operations at Arlington National Cemetery. One of the important findings of that report was that oversight of the Cemetery was fragmented and that authority, responsibility, and accountability should be consolidated under one office or activity. On June 10, the Secretary of the Army consolidated oversight of the Cemetery under the new Executive Director of the Army National Cemeteries Program, Ms. Kathryn Condon, who reports directly to the Secretary. The Secretary also is establishing an Army National Cemeteries Advisory Commission, which will regularly review policies and procedures and provide additional guidance and support.

In my role as the Civil Works Deputy Assistant Secretary (Management and Budget), I advised the Assistant Secretary on the general policy framework that guides the formulation, defense and execution of the Cemetery's annual budget and program. This included analyzing and implementing policy guidance from the Secretary, the Executive Office of the President, and Congress. This guidance and decisions regarding the annual Army Cemeterial Expenses budget established the standards of service to be maintained by the Cemetery. Day-to-day operational responsibility rested with the Cemetery. In this regard, the Assistant Secretary's role in overseeing the Cemetery was parallel to the Assistant Secretary's oversight of the Corps of Engineers Civil Works program.

In carrying out my policy role, I coordinated regularly with the Cemetery's senior staff and advised the Assistant Secretary regarding both the development and defense of the President's Budget for Army Cemeterial Expenses and the implementation of the program ultimately appropriated by Congress. I helped to prepare the Assistant Secretary to testify before Congress in defense of the budget, developed the Army position on proposals to place memorials and monuments at the Cemetery, and handled other matters as they arose.

In recent years I also participated with the Superintendent of the Cemetery in periodic reviews of progress by the Army Corps of Engineers' Baltimore District in carrying out assigned planning, design and construction activities under reimbursable arrangements with the Cemetery, pursuant to the Economy in Government Act.

A priority of the Assistant Secretary's office over the last decade has been to advocate for the Cemetery to receive sufficient resources to carry out Army and Administration policies for the Cemetery, to improve service to the families of the deceased and the millions of people who visit the Cemetery every year, to expand burial capacity to keep the Cemetery available for burials as far into the future as possible, and to maintain the grounds and facilities at the Cemetery at a high standard of appearance and reliability.

THE ARMY CEMETERIAL EXPENSES BUDGET

Historically, the Army Cemeterial Expenses budget has been formulated, defended and executed separately from the Army's military budget and program. Each year, the Office of Management and Budget provides Cemeterial Expenses budget planning targets and workforce ceilings that are entirely separate from those provided for the rest of the Army. This long-standing separation developed because, similar to the Corps of Engineers water resources program, Congress provides appropriations for the Cemetery outside the Defense Appropriations Subcommittees. Prior to appropriations for Fiscal Year (FY) 2006, funding was provided in the Veterans Affairs, and Housing and Urban Development, and Independent Agencies Appropriations Act. After the Appropriations Committees of Congress reorganized their subcommittees, funding for FY 2006 and 2007, was provided in the Military Quality of Life and Veterans Affairs, and Related Agencies Appropriations Act. Appropriations now are provided as a separate account within the Military Construction, Veterans Affairs and Related Agencies Appropriations Act.

The President's Budget for FY 2011 is \$38,100,000, part of which supports an increase in the Cemetery's Federal workforce to 109 fulltime equivalent workyears, which will give the Cemetery a third burial crew, plus four additional administrative staff assistants. This workforce increase is generally consistent with the recent recommendations of the Army Inspector General, and is subject to any adjustments deemed necessary by the new Executive Director of the Army National Cemeteries Program.

Over the past decade, a number of significant projects to provide expanded in-ground burial and columbarium capacity have been completed or funded for implementation in whole or in part. These projects were part of the Cemetery's 1998 Master Plan and include Project 90 land expansion along Route 110, Columbarium Phases IV-A, IV-B and V, utility relocations, the Millennium Project land expansion. Projects also were undertaken to enhance the appearance of the grounds and headstones.

The FY 2010 and 2011 programs include funding for a new master plan to consider the

future of the Cemetery. This effort will be led by the new Executive Director of the Army National Cemeteries Program, with input from the new Army National Cemeteries Advisory Commission.

TOTAL CEMETERY MANAGEMENT SYSTEM

One of the projects in the Cemetery's Ten Year Capital Investment Plan was the Total Cemetery Management System (TCMS). In the President's FY 2000 budget, \$200,000 was included to begin developing a comprehensive automation plan for the Cemetery. Over the next several years, a number of business reviews were conducted to determine the cost and feasibility of undertaking an automation initiative. The analyses resulted in an Information Management Strategy that was presented in a briefing to the Office of Management and Budget in May of 2003. The vision was to use information technology to provide accurate, timely, and meaningful information that would enhance not only the Cemetery's business processes, but also the experience of families, visitors, and operations staff. This Information Management Strategy led to the TCMS concept. TCMS was developmental in nature and was distinguished from the normal Information Technology (IT) Infrastructure, Office Automation, and Telecommunications activities.

The TCMS concept was further refined in the development of Exhibit 300 and Exhibit 53 reports that were required by OMB for budget justification purposes and as part of the "e-Gov" management initiative. These exhibits were prepared for the 2006 and 2007 budget years and submitted to OMB in September 2004 and September 2005, respectively.

The goal of TCMS was to automate access to burial records and provide gravesite locations; to support project and financial management; to aid in the management of supplies, equipment, and other administrative services; and to enhance the experience of the public – both those visiting the Cemetery and those seeking information online. A critical part of this program was to be a full review of burial records and maps and correction of inconsistencies through a process called "triple validation".

The Army has provided three reports to Congress on the Cemetery's automation plan. On April 1, 2005, in response to the Conference Report (House Report 108-792) accompanying the FY 2005 appropriations act, the Assistant Secretary transmitted the Army's first overall plan for automation of the Cemetery to the Chairmen of the House and Senate Appropriations Subcommittees.

On February 5, 2007, as requested in the Conference Report (House Report 109-305) accompanying the FY 2006 appropriations act, the Assistant Secretary transmitted an updated automation plan to the Chairmen of the House and Senate Appropriations Subcommittees. This report noted that there were discrepancies in burial records. Identifying and rectifying the discrepancies was a critical part of TCMS.

On February 25, 2010, as requested in the Conference Report (House Report 111-366) accompanying the FY 2010 appropriations act, the ASA(CW) transmitted a second update to Congress on automation efforts at the Cemetery. As stated in that report, a total of \$10.3 million had been invested in efforts related to TCMS and other IT activities, including \$2.7 million for enterprise architecture planning, procurement of hardware and software, and integration of security/accreditation programs; \$3.7 million for network and telecommunication enhancements; \$1.1 million to scan all burial records; \$0.8 million for geographic information system studies and integration; \$0.8 million to initiate triple validation tasks; and \$1.2 million for operation and maintenance of IT infrastructure and system elements. In addition, this report stated that future work will take into account the findings and recommendations of the reviews that were being conducted by the Army's Inspector General, and, that prior to conducting any further work, the Army would collaborate with OMB to ensure that TCMS is implemented in accordance with the latest information technology guidelines and best government-wide practices.

In carrying out the above work, the Cemetery engaged the services of the Army Corps of Engineers and the Army Contracting Center of Excellence in awarding various contracts. The Cemetery has no in-house contracting officer.

CONCLUSION

Since June 10, the efforts of the Office of the Assistant Secretary of the Army (Civil Works) have been directed toward supporting the Executive Director of the Army National Cemeteries Program, as she works to restore the public's confidence in the Army and in Arlington National Cemetery as an iconic symbol of the sacrifices of America's men and women in uniform. Madam Chair, the Assistant Secretary and I hold Arlington National Cemetery in the highest regard as the Nation's premiere burial place to honor those who served this country in uniform.

I would like to thank the Subcommittee for the opportunity to report on my role in Arlington National Cemetery's program and budget. I will be pleased to respond to questions from the Subcommittee.

**STATEMENT BY
MS. KATHRYN A. CONDON
EXECUTIVE DIRECTOR
ARMY NATIONAL CEMETERIES PROGRAM**

Introduction

Chairman McCaskill, Ranking Member Brown and distinguished Members of the Committee, thank you for the opportunity to appear before you to discuss the Army's ongoing efforts to restore the confidence of the American people in the management and leadership at Arlington National Cemetery (ANC) --our "Nation's Most Sacred Shrine".

On June 10th, the Secretary of the Army appointed me as the Executive Director of the Army National Cemeteries Program. My task is to provide direct leadership and management for Arlington National Cemetery and the Soldiers' and Airmen's Home National Cemetery. In addition to ensuring that our Nation's fallen warriors are provided the honors commensurate with their service and sacrifice, my team and I focus every day on creating an organizational foundation that will allow the Army to better support one of its most sacred missions.

I am working to address the 76 factual findings and 101 recommendations for improvements at ANC outlined in the Department of the Army Inspector General reports. Broadly stated, the findings acknowledged 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 burial maps discrepancies.

I am privileged to enter the gates of Arlington National Cemetery to work on behalf of those who have served and sacrificed. It is a duty I do not take lightly and, from my work over the last 50 days, one that I can guarantee has the full weight of the Army Staff behind it. Great strides have been made and progress will continue to be made.

Immediate Army Actions

The Army established a core team – the Provisional Oversight Group (POG) – to focus on immediate requirements and assist in developing a long-term management plan for the Army's National Cemeteries. Additionally the Army Staff and local commands have, without hesitation, lent their expertise to solving the complex problems I am addressing. Since the Secretary of the Army's press conference and directive on June 10th, I have focused on the following actions:

- On June 11, 2010, a call center was established at ANC to resolve any family member concerns regarding a loved one's remains. Cumulative calls total nearly 1,000 with 800 coming in the first week. Over 85% of the calls have been resolved successfully and efforts are continuing to address the remaining concerns.
- To address the 211 discrepancies between maps and burial records noted in the DAIG report, a number of steps have been taken. None of the research thus far has resulted in findings other than erroneous administrative markings on the burial maps.
 - As of July 23, 2010, the Arlington National Cemetery management team has reconciled the records for 139 of the 211 discrepancies

between the burial maps and burial records in sections 59, 65 and 66. Before all of these 211 discrepancies are considered resolved, the records reconciliation is being validated using ground penetrating radar. This will help ensure a complete reconciliation and validation of all the discrepancies identified in the Department of the Army Inspector General's report.

- All studies outlined in the SECARMY's directive of June 10, 2010, have either been completed or are in progress. We have expanded requirements, as appropriate, to establish necessary baseline information essential to manage and improve operations. Studies include:
 - Manpower: The US Army Manpower Analysis Agency and the US Army Force Management Support Agency conducted a manpower study of the current organizational structure to determine minimum essential staffing (manpower) and equipment requirements for ANC.
 - Contracting: The Deputy Assistant Secretary of the Army for Procurement conducted a Procurement Management Review (PMR) to analyze contracts awarded over the last five years by Army Contracting Command (ACC) and US Army Corps of Engineers (USACE) in support of ANC.
 - Audit: The Army Audit Agency is conducting a review of ANC financial management.

- o IT: The Army's CIO/G-6 is conducting a review and evaluation of the information technology systems, applications, and information assurance process.
- o Other: Army Materiel Command is providing an assessment of ANC Motor Pool / Safety operations; US Army Corps of Engineers is providing an Environmental Assessment Study; and Army Budget Office and Office of General Counsel are reviewing proposed controls for authorization and approval of funds.
- Additionally, I have taken swift action to resolve issues by simply "managing by walking around." In addition to my own actions, the Acting Superintendent, Mr. Patrick Hallinan, is actively influencing cemetery operations every day. Mr. Hallinan has been detailed to Arlington National Cemetery as the Acting Superintendent, from the Department of Veterans Affairs, where he serves as the Director, Office of Field Programs, National Cemetery Administration. Mr. Hallinan's 33 years of cemetery experience enabled him to quickly establish and implement Standard Operating Procedures (SOP), which have resulted in immediate improvements to cemetery operations.

Way Ahead

The actions outlined above represent a small sampling of our efforts at ANC. I am acutely aware that I am personally responsible and accountable for Arlington National Cemetery and the Soldiers' and Airmen's Home National Cemetery.

With each day and with each issue, I am seeking ways to continuously improve all aspects of our operations:

- The Army continues to work toward implementing the Secretary's directive to establish the Army National Cemeteries Advisory Commission to provide independent oversight, and a regimented review of near and long-term activities at ANC. The establishment of this key, strategically focused group will help address long-term requirements of the Cemeteries as I work with the POG on tactical and operational level issues.
- As Army Staff sections and agencies finalize the various studies outlined above, I am sure there will undoubtedly be new issues identified. However, I am confident that I have the right team on the ground, the support of our Army, and the support of our Congress that I will need to promptly and effectively address all issues encountered. Resolution of map discrepancies, establishment of IT solutions, and implementation of SOPs across all aspects of cemetery operations will help to reestablish a baseline of accountability within the cemetery.

Conclusion

Madam Chair and Members of the Committee, there is one area that has never been in question – the overwhelming commitment of the cemetery's employees to our fallen Soldiers, Sailors, Airmen, Marines, Coast Guardsmen,

their families, and their legacies. In the last 50 days, we have laid to rest nearly 1,000 of our Nation's finest.

I appreciate your deep interest in resolving the complex problems recently identified and your generous support of our servicemembers, their families and our veterans.

**STATEMENT OF
CLARENCE HILL
NATIONAL COMMANDER
THE AMERICAN LEGION
TO THE
SUBCOMMITTEE ON CONTRACTING OVERSIGHT
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ON
MISMANAGEMENT OF CONTRACTS AT ARLINGTON NATIONAL CEMETERY
JULY 29, 2010**

The American Legion thanks you for the opportunity to participate in this necessary hearing convened for the purpose of examining reports of pervasive mismanagement and potential waste, fraud and abuse in connection with contracts for services at Arlington National Cemetery (ANC).

Arlington National Cemetery is our Nation's most sacred shrine representing the embodiment of the sacrifices that were made to uphold our country's ideals and freedoms. The American Legion is dismayed and disheartened by the events documented in the recent US Army Inspector General Agency's Report of Investigation (ROI) [SAIG- IN (ROI 10-004)]. Our testimony below addresses The American Legion's response to the recent scandals involving Arlington National Cemetery which took place from July to November 2009 and the implications for our nation's current military members, their families, military veterans, and relatives of the fallen.

Response

Although we are appreciative of the recent actions taken by Army Secretary John McHugh, we are deeply disturbed that such a caustic atmosphere surrounding the chain of command has been tolerated by the Department of the Army for almost two decades. In light of the ROI, The American Legion now understands that the recent shameful events that occurred at Arlington National Cemetery, which include the improper handling of remains; loss of accountability of cremated remains; unmarked gravesites; unintended double burial of remains; and the failure to notify next-of-kin of the trans-internment of remains; are disgraceful consequences of a long-term failure in leadership and a fundamental breakdown in the chain of command which have been festering for 18 years. In addition, the lack of teamwork and professionalism that existed among the ANC leadership from 1992 to 2009 is deplorable. The idea that ANC leadership were putting their personal differences in front of their solemn duties is beyond the pale and for that matter, incomprehensible. Their sole and perpetual focus should have been dedicated to ensuring that our Nation's heroes, who gave the ultimate sacrifice in the defense of this country, were treated with the utmost dignity, honor, and respect. Nothing less is acceptable.

The ROI entries that are especially troubling to The American Legion are the ones stating that incidents or mistakes that occurred at ANC were not treated as "serious" by the senior leadership and instead they were seemingly viewed as "inevitable" by the same leadership.

To specifically address the question of pervasive mismanagement and potential waste, fraud and abuse, The American Legion is appalled to learn that, according to the ROI, a member of ANC's senior leadership knowingly made false statements in a number of investigations and intentionally misled Fort Belvoir's Information Assurance Manager in a situation closely connected to the much needed effort to procure information technology for ANC. The failure of ANC leadership to automate records in this day and age is unfathomable; particularly in light of the fact that ANC spent millions of taxpayer dollars over the course of seven years and still has nothing to show for it. The American Legion encourages the Department of Defense to hold all those who made these irresponsible decisions and false statements fully accountable for their reprehensible actions as documented in the ROI.

Implications for our Nation's Veterans and Military Families

These regrettable events which have made the evening news over the last year or so send exactly the wrong message to families of the fallen, current military members, veterans, America as a whole and the World. During these trying times when our national character is being tested, we must be extra diligent in how we handle situations regarding the most high-profile final resting place in the land.

Family members who have loved ones interred at Arlington National Cemetery need 100% assurance that the remains and/or gravesite of the fallen will be attentively cared for without exception. This can certainly be said of any cemetery; however, Arlington is our Nation's most renowned resting place for American Heroes and it is the Nation's home for Valor. It deserves conscientious attention precisely because it constantly receives special attention from visitors from all corners of the United States and the World and rightfully so.

Our Nation owes those interred in Arlington an infinite amount of gratitude. Treating every single individual who is put to rest in Arlington with the utmost of dignity, honor, and respect is the very least we can do as Americans to show our heartfelt and never-ending thankfulness. Only this expression of sincere appreciation can come close to providing a fraction of the much needed solace to those family members who mourn a husband, wife, son, daughter, mother, or father or some other family member who gave their life in defense of our country.

It is absolutely imperative for those currently bearing arms in the defense of this country to have complete faith and confidence in the idea that they are serving a grateful nation. These brave Americans can only be expected to courageously fight and serve under fire if they are afforded the peace of mind of knowing that the American people and government will support them in every best way possible throughout every phase of the battle including eternal rest if they should answer the ultimate call of duty.

Veterans are naturally deeply disturbed by the ROI. To veterans, Arlington is a symbol of all those Americans who gave the ultimate sacrifice in military service, whether they are buried in Normandy or Long Island National Cemetery or any National or U.S. Military Cemetery. Any failure at a National Cemetery, particularly in cases where the same failures are repeated

multiple times, as documented in the ROI, is a sign of disrespect and complacency and it is inexcusable.

It is important to reiterate, that in these times when the American way of life is being challenged with indiscriminate violence by our enemies, the military service member, the military family, the veteran, the government employee, and our nation as a whole must show a unified and unyielding front of pride, strength, solidarity, and resolve. Anything less would be a benefit to the enemy who seeks to divide us and subsequently weaken us. These are some of the very reasons why the suitable operation of Arlington National Cemetery is at the very core of America's soul. The American Legion unequivocally believes in the importance of the careful preservation of the memories and incidents of America's wars. Current and future generations need to know the true price of war, why freedom should be considered so precious and should be aware of the very ultimate sacrifices that were made by everyday Americans in the fight to successfully preserve the way of life we hold so dear.

Going Forward

The American Legion is pleased to know that former senators Bob Dole and Max Cleland are leading an independent panel to eliminate deficiencies in the operation of ANC and we look forward to their findings and proposed solutions. We thank them for their good work.

We also acknowledge that the majority of ANC employees perform their jobs with dedication and with a high professional standard; currently under an extraordinarily high operational tempo of 27 to 30 funerals a day. These professionals are a credit to Arlington National Cemetery and to the Nation. The American Legion applauds their service and wholeheartedly thanks them for the difficult and noble work they perform on a daily basis.

The American Legion has faith in the leaders of our military. And as such, we are encouraged by Secretary McHugh's recent actions to bring accountability and superior leadership back to the senior level positions at Arlington. The American Legion is optimistic after recently learning that Kathryn Condon has been appointed to the newly created position of Executive Director of the Army National Cemeteries Program; this is especially due to her extensive experience as the senior civilian leader for the Army Materiel Command where she oversaw 60,000 employees stationed in over 145 locations worldwide.

Also, The American Legion thanks Veterans Affairs (VA) Secretary Eric Shinseki for accommodating Secretary McHugh's request by authorizing Patrick K. Hallinan, the Director of the Office of Field Programs for the VA, to serve as the temporary ANC superintendent during the Army's nationwide search for a new superintendent. The American Legion is especially enthusiastic about this announcement due to Mr. Hallinan's 31 years of cemetery service and who currently oversees 130 national cemeteries. The American Legion appreciates Mr. Hallinan's accomplishments, including the development and implementation of the National Cemetery Policy and believes that his expertise will no doubt help alleviate many of the issues at hand.

The American Legion Recommendations

The American Legion believes that incorporating Mr. Hallinan's insight in the present operations of Arlington National Cemetery is a step in the right direction and incorporating additional leadership and expertise from the Department of Veterans Affairs may be a course of action that needs to be broadened and further developed in an effort to achieve the necessary improvements that we all seek.

The Department of Veterans Affairs, through the National Cemetery Administration, is responsible for the upkeep of 131 National Cemeteries, as well as 33 soldier's lots and monument sites nationwide.

There are currently 93 Veterans Cemeteries in the 50 States, as well as Guam and Saipan, with 5 more under construction, as of June 20 of this year.

The American Battle Monuments Commission (ABMC) currently takes care of 24 cemeteries. The vast majority are in Europe, 11 in France, three in Belgium, two in England, two in Italy, and one in Luxembourg, and one in the Netherlands—but the ABMC also has jurisdiction over cemeteries in Mexico, Panama, the Philippines, and Tunisia.

The Department of the Interior, through the National Parks Service, has jurisdiction over 14 National Cemeteries. The majority of these cemeteries are associated with American Civil War Battlefields and 12 of the 14 are closed to new burials.

Finally, the Department of Defense, through the Department of the Army, has jurisdiction over just 2 National Cemeteries: Arlington National Cemetery, and the U.S. Soldiers' and Airmen's Home National Cemetery in Washington D.C.

On the basis of the facts listed above, The American Legion encourages this Committee to seriously consider the possibility of VA taking an increased role in the day-to-day leadership, management, and operation of Arlington National Cemetery.

In related matters, The American Legion urges the Congress to codify eligibility criteria for burials at Arlington National Cemetery and that such burials be restricted to service members who die on active-duty; to our most decorated veterans to include recipients of the Purple Heart; former members of the armed forces separated from the military with a physical disability of 30 percent or more before October 1, 1949; and to veterans who spent full careers in uniform, and to their spouses and eligible children; to former prisoners of war; and for the President or former Presidents as Commanders in Chief of the Armed Forces. The American Legion believes there should be no waivers for unqualified persons except under unique and compelling circumstances that comport with codified non-partisan waiver procedures as established by Congress and that eligibility for interment of cremated remains of honorably discharged veterans in the Columbarium at Arlington should also be codified.

In conclusion, we leave you with the following positions: The American Legion supports the establishment of additional national and state veterans' cemeteries and columbaria wherever a

need for them is apparent and petitions Congress to provide required operations and construction funding to ensure VA burial in a national or state veterans cemetery is a realistic option for veterans and their eligible dependents. The American Legion supports restoration of a veterans' burial allowance and an increase in the burial benefit; along with restoration of the pre-1990 Omnibus Budget Reconciliation Act criteria to provide eligibility for a government-furnished headstone or marker allowance and restoration of the burial plot allowance for all honorably discharged veterans. In instances where an eligible veteran dies in a state veterans hospital or nursing home, The American Legion supports action requiring the Secretary of Veterans Affairs to pay for the cost of transporting the remains to the place of burial determined by the family within a 75 mile radius.

Once again, The American Legion thanks you for the opportunity to participate in this important hearing.



STATEMENT FOR THE RECORD

Legislative Hearing

**MISMANAGEMENT OF CONTRACTS AT ARLINGTON
NATIONAL CEMETERY**

SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Committee on Homeland Security and Governmental Affairs

UNITED STATES SENATE

July 29, 2010

Submitted for the Official Record of the Hearing

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One Powerful Voice®

Madam Chair McCaskill, Ranking Member Scott Brown and Members of the Subcommittee on Contracting Oversight, the Military Officers Association of America (MOAA) respectfully requests that this Statement on Mismanagement of Contracts at Arlington National Cemetery (ANC) be entered in the official record of this hearing.

With 370,000 members, MOAA is the largest professional association for officers in the nation. MOAA does not receive any grants or contracts from the federal government.

Background. Senator McCaskill invited MOAA's National President, VADM (Ret.) Norb Ryan, USN in a July 21 letter to submit testimony for the record on the subject hearing.

During its 80 year history, MOAA has often requested information and advice from ANC officials. The majority of MOAA's membership is eligible for interment in ANC. Over the years, our members and the survivors of deceased MOAA members have desired clarification on the rules governing eligibility for interment at ANC; sought information to schedule military funeral honors and memorial services; supported MOAA legislative objectives to expand ANC's in-ground capacity; commented on ANC policies regarding headstones, potential for interment in older Cemetery sections and related memorial issues; and expressed concern over interment of unauthorized persons, among other matters.

In general, MOAA is pleased with the responsiveness of the ANC professional staff on these matters and in particular with now-retired Superintendent John ("Jack") Metzler.

MOAA was deeply disappointed to learn of the reports of mismanagement and allegations of waste, fraud and abuse at ANC. We appreciate that the Subcommittee is holding hearings on this matter.

The U.S. Army Inspector General's (IG) Report on the Special Inspection of Arlington National Cemetery (June 2010) details the findings, deficiencies and recommendations of its investigation of ANC policies, procedures, management, operations and "information assurance".

MOAA has no experience or expertise in Army or Federal contracting issues and accordingly offers no comment on the primary purpose of this hearing.

MOAA, however, is particularly interested in the Army IG's findings and recommendations for its "Objective 1" tasking: "assess policy and procedures for the operation of ANC.

Rules Governing Interment in Arlington National Cemetery

The Army IG reported that “all governing documents concerning operations at ANC are outdated and the cemetery has codified few aspects of daily operations.” The IG’s “Deficiency 1.3” noted that 32 Code of Federal (CFR) 553 governing the Department of the Army requires updating before Army Regulations can be updated.

§ 553.15 Persons eligible for burial in Arlington National Cemetery. MOAA has long maintained that the placement of the interment rules in a fairly obscure federal regulation is not in the best interest of those who have worn the uniform of the nation and who may or may not be eligible for interment in our nation’s most hallowed resting place for its national heroes.

MOAA continues to support the codification in public law of the rules governing access to ANC. The rules are not well understood, even at times within the defense establishment including, apparently, the Army. The IG noted a “lack of internal organizational SOPs and published policy guidance” for ANC and that “policy was disseminated circumstantially and verbally, never captured on paper.”

Informal, word-of-mouth policies and procedures increase the chance of error and cause confusion over who is actually eligible to be buried in ANC.

Moreover, since ANC is a national shrine and the interment rules apply to all of the Armed Forces, certain veterans and public officials, MOAA maintains that the rules should be set out in public law. We do not believe that one military Department, the Army, should own responsibility for the rules of interment.

Recent Legislative Initiatives

In 1998, the House of Representatives upon the recommendation of the Committee on Veterans Affairs (HVAC) passed by unanimous vote a bill to codify in public law the rules for interment in ANC. The House passed similar legislation in 1999 by a near-unanimous vote.

The measure passed by the House in 1999, H.R. 70, would have established in law authorization for burial in ANC to:

- members of the Armed Forces who die on active duty;
- retired members of the Armed Forces, including Reservists who served on active duty;
- former members of the Armed Forces who have been awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross, or Navy Cross, Distinguished Service Medal, Silver Star, or Purple Heart;

- former prisoners of war;
- members of the National Guard / Reserve who served on active duty and are eligible for retirement, but who have not yet retired;
- the President or any former President;
- the spouse, surviving spouse, minor child and at the discretion of the Superintendent of Arlington, unmarried adult children of the above categories.

MOAA agrees with this framework with the exception of the last 'bullet'. The discretionary authority for burial of unmarried children of the listed categories should be vested in the Secretary of Defense or his designee at the Department level.

September 11, 2001 and Captain Charles Burlingame, USNR (Ret.)

Retired Navy Reserve Captain Charles Burlingame piloted the American Airlines jet that was crashed into the Pentagon by terrorists on Sept. 11, 2001. CAPT Burlingame completed a full career in the Navy Reserve, was qualified for retirement from the Navy, and would have been eligible for interment in ANC, except for the fact that he had not yet reached 60 years of age.

Under 32 CFR 553.15, the Army initially declared that CAPT Burlingame was ineligible for interment in ANC. A huge national outcry followed and an exception was granted for his remains to be buried in ANC alongside other American heroes.

Later in the Fall of 2001, then-Chairman of the HVAC Christopher Smith (R-NJ), introduced H.R. 3423, a bill to change existing law by eliminating the age requirement for retired reservists who would otherwise be eligible for in-ground burial at ANC. In addition, H.R. 3423 would have authorized in-ground burial of reservists who die in the line of duty while on training duty.

As a proposed standalone provision of law governing ANC interment rules, H.R. 3423 was never taken up.

The confusion and uncertainty over the eligibility of CAPT Burlingame for burial in ANC illustrates the perennial problem over the rules governing the nation's most hallowed ground.

During the same time that the 1999 bill, H.R. 70, was passed by near-unanimous House vote, that the Senate was in general agreement with the legislation but desired additional flexibility to accommodate worthy exceptions.

The Senate would have endorsed the H.R. 70 framework provided it included a provision to give the Secretary of Defense the authority to approve the burial of any veteran in ANC after consultation with the Chairmen of the House and Senate Veterans

Affairs Committees; and, in addition, a provision to authorize the President to approve the burial of any citizen who has made a distinguished contribution to the United States.

Unfortunately, when House and Senate Veterans Affairs Committees' conferees met to resolve their differences over codification of the rules, they were unable to reach a compromise.

MOAA continues to recommend that Congress take up the issue of the codification of the rules governing ANC burial at the earliest opportunity. The American people need to be reassured that the rules are clearly defined, properly codified and available for all to see.

MOAA recommends that the Subcommittee work with the Senate Committee on Veterans' Affairs to sponsor legislation to codify the rules governing interment in ANC. The legislation should include eligibility of "gray area" reserve servicemembers – those who have completed reserve service requirements and are eligible to retire, except for not yet having attained age 60 – and National Guard and Reserve servicemembers who die in the performance of inactive duty training or traveling to / from such duty, and their eligible dependents, for burial in ANC.

CONCLUSION

The Military Officers Association of America appreciates the Subcommittee on Contracting Oversight holding hearings to examine the management of Arlington National Cemetery. Thank you for the opportunity to submit testimony on behalf of our membership.



Written Testimony
of
The National Association for Uniformed Services (NAUS)

prepared for the Senate Committee on
Homeland Security and Governmental Affairs
Subcommittee on Contracting Oversight

Submitted by Rick Jones, NAUS Legislative Director

Thursday, July 29, 2010, 10:00 am
Room 342, Dirksen Senate Office Building

National Association for Uniformed Services

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The Servicemember's Voice in Government

Established in 1968

Chairman McCaskill, Ranking Member Brown, and members of the Subcommittee:

The National Association for Uniformed Services (NAUS) is pleased to submit written testimony to the Subcommittee on Contracting Oversight on the mismanagement of contracts at Arlington National Cemetery and related matters.

As you know, the National Association for Uniformed Services, founded in 1968, represents all ranks, branches and components of uniformed services personnel, their spouses and survivors. The Association includes personnel of the active, retired, Reserve and National Guard, disabled veterans, veterans community and their families. We love our country and our flag, believe in a strong national defense, support our troops and honor their service.

For the record, NAUS has not received any federal grant or contract during the current fiscal year or during the previous two fiscal years in relation to any of the subjects related to this statement.

Arlington National Cemetery

Madam Chairman, Arlington National Cemetery is hallowed ground and a very important symbol to our Nation, our military families and our friends and allies around the world. From the Memorial Entrance at the gates of Memorial Bridge to the Tomb of the Unknowns, simple white headstones outline the rolling hills across the Potomac and define the final resting home of America's fallen heroes.

Arlington National Cemetery not only honors the past service of the men and women of our Armed Forces, these sacred grounds continue to serve as an active burial place for today's military men and women.

While the administration of this historic place is the responsibility of the U.S. Army, Arlington belongs to the American people. It is indeed a national treasure.

U.S. Army Inspector General Report

The recent findings of mismanagement raise serious questions about the competency of Arlington's administration and has caused great discomfort to our members, their families and patriotic Americans across the country. The release of the Inspector General's report citing the problems and failures in the cemetery is emotional and upsetting.

It is hard on families and friends to read reports about unmarked gravesites, improper handling of cremated remains and problems in day-to-day management and operation of this national shrine.

Last November, Secretary of the Army John McHugh directed the Army Inspector General to examine alleged improprieties at Arlington National Cemetery. The release of the completed report was posted online in June and revealed shocking mistakes in the operation and administration of the cemetery.

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According to the Inspector General's report, mistakes included the loss of accountability of remains, remains found in gravesites believed unoccupied, unmarked gravesites, discrepancies in burial documentation, improperly marked gravesites, improper handling of cremated remains and failure to notify next-of-kin about changes in gravesites.

The investigation substantiated persistent failures by the administration of the cemetery to establish corrective action or to take any positive, timely action on matters of unmarked graves.

In one troubling instance, a family member reported to the cemetery that there was no headstone or marker on his loved one's gravesite. He received a letter saying that a headstone had been ordered but on returning a year later, there was still no headstone. When he called, he was told the matter would be attended to and to expect a return call on the issue. Another year passed with no response. Evidence established that the grave went unmarked for more than seven years from 2002 until the placement of a headstone around January 2010.

In another emotional case, the wife of the interred visited her husband's gravesite only to find the headstone marked by the name of another decedent. The IG examination showed that, again, no action was taken to either determine what caused the double burial or to prevent the occurrence of a similar situation. In further mismanagement, the cemetery failed to notify the next of kin when the double interment was corrected.

In another part of the IG report, the Inspector General investigation reveals that an examination of three sections of the cemetery found more than 211 gravesites unmarked. The report finds 117 gravesites with remains, but with no headstone. In addition, it finds 94 improperly marked with headstones but not occupied. There have been more than 330,000 individuals buried since the Civil War with more than 100,000 interred since 1990.

Army Inspector General Reports Failed Contract

In a deeply disturbing report, the Army Inspector General reveals repeated failures from 2003 to 2010 in contracts aimed to establish reliable programs to computerize Arlington burial records. The IG report discloses that despite seven years of multiple contracts, Arlington still prepares and maintains manual records.

In an early effort to digitize burial records, Arlington paid a contractor in 2004 at least \$800,000 for work that resulted in the delivery of approximately 60 CDs that contained scanned files of hand-written documents. The IG reports that the records were not presented in a standardized format, were not put into a database and six years later, the IG reports that the CDs "had neither been used nor implemented as part of any ANC function."

Though ANC let numerous IT contracts, there was a systemic disregard for preparing technical requirements to the contractors or for the involvement of key personnel in the development of the systems. NAUS is informed that more than \$5.5 million was spent over the past seven years in unsuccessful contracts to computerize burial records.

NAUS supports Appropriate IT Plan to Automate Operations

It is past time that Arlington National Cemetery update procedures and use Informational Technology (IT) to support and maintain administrative systems. There is a clear need to establish appropriate burial processes, to upgrade Arlington's systems' infrastructure and to hire the right people needed to operate them.

While the National Association for Uniformed Services does not, repeat, not recommend transferring management responsibility to another department, we do recommend that the Army confer and collaborate with officials at the Department of Veterans Affairs National Cemetery Administration (NCA). The NCA has been using a computerized system to manage interment records for many years. Since 2004, one of the NCA systems, the Nationwide Gravesite Locator, available online, contains more than 3 million records of veterans and dependents buried in VA's more than 120 cemeteries. A great deal can be learned in the various contracts that developed VA systems, if the bureaucratic stovepipes that serve to separate inter-departmental information sharing are effectively removed.

The National Association for Uniformed Services also appreciates Secretary McHugh's leadership to establish of a call center to immediately address family member concerns regarding burial discrepancies at the cemetery. The phone number is (703) 607-8199 and is presently available from 8 a.m. until 9 p.m.

NAUS also wishes to recognize the dedicated staff that remain devoted to their mission and to keeping Arlington maintained as one of the most sacred grounds on earth. During this time, funeral operations continued and the workload increased as World War II and Korean veterans were buried and casualties from Iraq and Afghanistan were received with dignity and respect.

Appreciation to Present Written Testimony

Madam Chairman, The National Association for Uniformed Services appreciates the Subcommittee's hard work to look into these troubling matters. We ask that you continue to work in good faith to strengthen the programs at Arlington National Cemetery. Your attention to the details on how this system expended and justified payments to contracts deserves close inspection.

We must not allow the whole system at ANC to remain untended. Secretary McHugh and various congressional committees are working toward responsible action, which we fully support. These matters cannot be allowed to melt down or to grow in size, amplified to a point where they may run beyond corrective response.

As you conduct your review, the National Association for Uniformed Services is committed to work with you and your colleagues. We look forward to help straighten out the activities at the cemetery and to restore the integrity of the system damaged by these operational mistakes.

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Statement for the Record

Reserve Officers Association

before the

**Senate Homeland Security and Governmental Affairs
Ad Hoc Subcommittee on Contracting Oversight**

July 29, 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 the 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 overseas contingency operations, 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, 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, unless they are receiving retirement pay.

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 (ADT), Active Duty for Special Work (ADSW) for less than 30 days whether under Title 10, 32 or 14 authority, 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.

As the Active Component defines "line of duty" broadly, it is likely there will be Pentagon resistance to eligibility under IDT orders. ROA suggests as a first step that ANC burial entitlement be allowed when an IDT death is related to hazardous assignment, training or conditions simulating war, or an instrumentality of war.

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 retirees" and also confirms that the rules at ANC are not well understood. 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, 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.

**VETERANS OF FOREIGN WARS
OF THE UNITED STATES**

STATEMENT FOR THE RECORD OF

JOSEPH E. DAVIS
DIRECTOR OF PUBLIC AFFAIRS
VETERANS OF FOREIGN WARS OF THE UNITED STATES
WASHINGTON OFFICE

FOR THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
SUBCOMMITTEE ON CONTRACTING OVERSIGHT
UNITED STATES SENATE

WITH RESPECT TO

Mismanagement of Contracts at Arlington National Cemetery

WASHINGTON, DC

July 27, 2010

Madam Chairwoman, Ranking Member Brown and members of the subcommittee, on behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, thank you for the opportunity to present our views about Arlington National Cemetery (ANC).

What occurred at Arlington is a national disgrace, yet the VFW hopes it will serve as a wakeup call to all government organizations that provide a service to the public.

First and foremost, the respect Arlington National Cemetery has and continues to provide to the families of our fallen is above reproach, but confirmed reports of mismanagement and possibly fraud revealed that not everything below the surface was well. Former Army Secretary Pete Geren and his successor, John McHugh, were correct to call for an investigation into the allegations made in a series of articles by reporter Mark Benjamin of *Salon.com*.

The Army Inspector General (IG), in a report released June 10, 2010, confirmed that those who were entrusted to care for our dead failed in their duties. The ANC superintendent and his deputy were held accountable, but what concerns the VFW is that the number of gravesites identified by the IG as being unmarked or improperly marked could be exponentially higher than the 211 identified. This could bring further anguish to potentially thousands more American families.

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Second, the failure at Arlington National Cemetery does not rest solely on the shoulders of the former superintendent and his deputy, both of whom retired earlier this month. The failure was allowed to occur by a hands-off attitude by those more senior in the chain-of-command, who may have regarded their oversight responsibility more as an additional duty than a primary mission. The caustic relationship between the ANC superintendent and his deputy had to be well known to senior Army officers and possibly civilian leaders, because on at least two occasions -- in 1992 and 1997 -- both were written up for not being able to work together, and for "gross mismanagement and failed leadership". The VFW is pleased that Army Secretary McHugh has restructured the entire reporting chain, and is making the necessary changes to return ANC to its revered and trusted status. A lingering concern is how long these conditions at Arlington would have been allowed to exacerbate had it not been for one reporter who doggedly stuck to his story.

Third, the former deputy superintendent was untrained as a contracting officer, yet he served as the point-of-contact for a failed information technology project to computerize ANC's burial records. More than \$5.5 million was spent, yet ANC continues to use 3 x 5-inch index cards in its filing system. Electronic recordkeeping is off-the-shelf technology that has been in existence for close to two decades, so red flares should have been going up long before the *Salon.com* articles first appeared in July 2009. The VFW believes the fault, again, goes back to failed leadership, management and oversight.

Finally, the VFW believes how ANC operates is more important than who operates it, so we would look favorably upon a transfer of mission from the Department of the Army to the Department of Veterans Affairs (VA). With a fully automated nationwide system of 131 national cemeteries in 39 states and Puerto Rico, the VA's National Cemetery Administration is the recognized expert in the maintenance and operation of national cemeteries, not the United States Army, whose mission is to fight and win our nation's wars.

Should Congress consider a transfer of ANC responsibilities, the VFW would also recommend transferring the Army's other active national cemetery, the Armed Forces Retirement Home-Washington, plus all property, civilian employees, responsibility and funding. We would insist, however, that assigned military units, such as the Army's Old Guard, remain intact in both mission and responsibility to render proper courtesies to those who have the honor of being interred at Arlington.

The transfer of responsibility should only pertain to Arlington National Cemetery and the Armed Forces Retirement Home-Washington, not the U.S. Military Academy at West Point cemetery or those in caretaker status at Army installations that date back to America's Revolutionary War.

This concludes the VFW's testimony. Thank you for the opportunity to present our concerns.

-vfw-



Written Testimony

Submitted by

THE RETIRED ENLISTED ASSOCIATION

Before

**The United State Senate's Committee on Homeland Security and Governmental
Affairs' Subcommittee on Contracting Oversight's Hearing**

On

"Mismanagement of Contracts at Arlington National Cemetery"

July 29, 2010

DISCLOSURE OF FEDERAL GRANTS OR CONTRACTS

The Retired Enlisted Association does not currently receive, nor has it received during the current fiscal year or either of the two previous years any federal money for grants or contracts. All the Association's activities and services are accomplished completely free of any federal funding.

Chairman McCaskill, Ranking Member Brown and distinguished members of the Subcommittee, The Retired Enlisted Association thanks you for taking on this serious problem and calling this hearing. Arlington National Cemetery (ANC) is sacred ground. It has been the final resting place for many of America's heroes for almost 150 years. It is crucial that it be a place of honor and comfort to all Americans and to do that it must be managed in an efficient and competent manner. The management problems (including the contracting deficits that are your particular concern and focus) that have been made so vibrantly clear in the Army IG's Report need to be corrected. TREA is very grateful that you have allowed us to give you our thoughts and suggestions on how to correct the pending problems.

The Retired Enlisted Association is a Veterans Service Organization founded over 45 years ago to represent the needs and points of view of enlisted men and women who have dedicated their lives and careers to serving in all the branches of the United States Armed Services, as well as the members who are doing so today. Arlington National Cemetery is a place of tremendous importance and symbolism to them all. The Army Inspector General is correct when he says: "**Arlington National Cemetery is unique among national Cemeteries in the scope of its mission and visibility of its operations.**" (emphasis added)

Reading the IG report one can see that the great majority of Arlington National Cemetery's personnel are serious about their jobs and doing the best they can. However a lack of structure, adequate and flexible funding, sufficient staff and available expertise is clearly making the job even more difficult than it needs to be. The report said: "**The inspection team found that although cemetery employees complete the daily requirements, it is often done through 'brute force' in that all employees rightfully view honoring the fallen and supporting Families as the priority mission and all employees will all do what it takes to ensure mission accomplishment/success.**" (emphasis added) In other words they are running like mad just to stay in place.

Part of the problem is clearly the growth in the work that needs to be done. The IG report states that in 1972 Arlington National Cemetery held 2,740 funerals (11 a day 5 days a week.) By 1998 the work load grew to 5,980 funerals a year (23 a day). And now the number has grown to 6,970 a year. 11% of service members who have died in our present conflicts are being buried in ANC. ANC's personnel must also focus on the needs of the huge and growing number of tourists who come to visit the grounds every year. To handle such increases the staff at ANC should have a smooth running system behind the scene. But they do not.

It is obvious that the Army never created a clear chain of command both inside the Cemetery itself or supervising the Cemetery from above. Therefore the staff of Arlington National Cemetery is working without sufficient personnel and training and supervision.

The findings of the IG, the Washington Post and this Committee's investigations show that numerous burial grave sites do not match the available maps and paper records. This failure is the one that, of course most concerns TREA's membership. It is clear from your Senate records that in 2005 an outside contractor found and reported these discrepancies to ANC's managements. They were not corrected. Of course, paper record keeping can be accurate and precise but the records kept at ANC were not.

The IG report demonstrates that the Contracting Officers (CO) are not well versed in the many requirements of federal contracts. There were numerous and repeated mistakes found. The COs clearly did not understand what was needed from qualifying companies for SBA 8(a) noncompetitive contracts; nor of sole source contracts; or which clauses needed to be included in all contracts; or how to determine fair and reasonable pricing; and much much more.

Several contracts were granted to 8 (a) companies to create (or purchase and adapt) an appropriate IT system that would allow the cemetery to finally digitize its records systems. The Administrator in charge of this project had little IT experience and thus could not judge the quality of the systems the Cemetery purchased. It is painfully obvious that the quality was subpar since after numerous contracts, 7 years of work, and the spending of at least \$5.5 million records at ANC are still on paper.

(Indeed, the IG report said that there are software products available that are used by civilian and VA cemeteries that ANC might consider buying.)

TREA would urge this Subcommittee, the Army, and Arlington National Cemetery if they decide to pick up this project again and when they are issuing landscaping, tree care and other contracts to seriously consider contracting with **Service Disabled Veteran Owned Small Business**. Like 8 (a) businesses the contract will help businesses that the Federal Government

wishes to help foster while getting good value for the taxpayers' dollar. They are also projects/ services that any Service Disabled business owner would be honored to perform. Often he or she could use the technical training and experience that they received while serving in the military to both build a business and continue to serve the military family.

In conclusion, The Retired Enlisted Association urges Congress to require the Army to create a properly organized administration for Arlington National Cemetery that will oversee and supervise a well trained and dedicated work force. Only that will assure that the honored mission of Arlington National Cemetery is always properly accomplished. We note that Chairman McCaskill has called the present situation an example of "heartbreaking incompetence." We again, thank this Committee for holding this important hearing and continuing to focus light on this issue until it is solved.

MEMORANDUM
July 27, 2010

To: Subcommittee on Contracting Oversight Members and Staff
Fr: Subcommittee Majority Staff
Re: Mismanagement of Contracts at Arlington National Cemetery

On July 29, 2010, the Subcommittee on Contracting Oversight will hold a hearing entitled, "Mismanagement of Contracts at Arlington National Cemetery."

This memorandum examines in detail the contracts awarded to plan, design, and implement a new automated burial management system, known as the Total Cemetery Management System (TCMS), at Arlington National Cemetery. The memorandum is based on a review of more than 5,300 pages of documents submitted by the U.S. Army, including unredacted supplementary materials prepared by the Army Inspector General as part of their inspection and investigation of Arlington National Cemetery, materials submitted by whistleblowers, and the Subcommittee's interviews of current and former government officials involved in management and oversight of the Cemetery.

The documents and information obtained by the Subcommittee show that a series of errors and improper actions wasted millions of dollars and delayed implementation of a functioning system by years. The acquisition process was so poorly managed by the Cemetery, Army contracting and budget officials, and the contractors that, today, more than a decade after the Army began development of TCMS, Arlington National Cemetery still does not have an automated system that can accurately track graves and manage burial operations at the Cemetery.

The Subcommittee has also learned that the problems with graves at Arlington may be far more extensive than previously acknowledged. The Subcommittee has obtained information suggesting that 4,900 to 6,600 graves may be unmarked, improperly marked, or mislabeled on the Cemetery's maps.

I. BACKGROUND

The first military service member was buried at Arlington National Cemetery (ANC or the Cemetery) in May 1864. Today, more than 330,000 individuals have been laid to rest at the Cemetery, including service members from every major conflict and war. The Cemetery conducts approximately 6,400 funerals a year, an average of 27 to 30 funerals per day.¹

Arlington National Cemetery is one of two national cemeteries managed by the U.S. Army. Under the National Cemeteries Act of 1973, the control of all other national cemeteries

¹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04).

was transferred to the Department of Veterans Affairs. Today, the Department of Veterans Affairs operates 131 national cemeteries.²

On July 16, 2009, the online magazine Salon.com published the first of a series of articles regarding mismanagement at Arlington National Cemetery. In August 2009, in response to Salon's investigation and additional concerns raised by whistleblowers, the Secretary of the Army directed the Army Inspector General to review the operation, management, and effectiveness of leadership of the Cemetery. In November 2009, the Secretary of the Army directed the Army Inspector General to include an assessment of the Cemetery's compliance with information technology and contracting regulations, and to investigate allegations relating to hostile work environment, inappropriate hiring practices, and improper burials at the Cemetery.

In June 2010, the U.S. Army Inspector General released a report finding major flaws in the operation of Arlington National Cemetery. The Army Inspector General found hundreds of mistakes associated with graves at Arlington National Cemetery, including unmarked or improperly marked graves, incorrect information in the Cemetery's records about whether graves were occupied, and mishandling of cremated remains, including multiple occasions where urns of cremated remains were found in the Cemetery's landfill.

The Army Inspector General found that the failure to implement an effective automated system to manage burials at the Cemetery contributed to these mistakes. The Army Inspector General also found that the contracts awarded to acquire components of the proposed system for the Cemetery failed to comply with applicable federal, Defense, and Army regulations.

II. FAILURE TO IMPLEMENT SYSTEM TO TRACK GRAVES

More than ten years ago, the Army began the development of a new system to automate the management of burial operations at Arlington National Cemetery. Documents and information obtained by the Subcommittee show that a series of improper actions and errors have wasted millions of dollars and delayed implementation of a functioning system by years.

From the beginning, the acquisition process was plagued with problems. Cemetery and Army officials decided to create a new system instead of using or modifying the system already used by the Department of Veterans Affairs. This was followed by a series of contracts to develop TCMS components which were marked by cost overruns and poor performance. Today, Arlington National Cemetery still does not have a system that can accurately track graves and manage burial operations.

A. Decision To Create a New System

² Pub. L. 93-43, "National Cemeteries Act"(June 18, 1973); U.S. Department of the Army, *Report of Investigative Findings and Recommendations Pursuant to Army Regulation 15-6, Arlington National Cemetery Gravesite Accountability* (Oct. 8, 2009).

From 1999 to 2003, Arlington National Cemetery used a modified version of the Burial Operations Support System (BOSS), the automated burial operations management tool developed and used by the Department of Veterans Affairs, to schedule funerals, manage burials and inurnments, and order headstones.³ BOSS was developed in the mid-1990s by government employees at the Department of Veterans Affairs. It cost \$1.2 million and took approximately 2 years to implement. By 2004, the Department of Veterans Affairs had completed an additional \$1.2 million effort to automate burial records for the approximately 2.2 million individuals in Veterans Affairs cemeteries.⁴

In 2003, Cemetery and Army officials moved forward with a plan to develop their own automated burial management system. The proposed system, which later became known as the Total Cemetery Management System (TCMS), would include a records database, gravesite inventory, infrastructure upgrades, a project management system, and a Geographic Information System (GIS). In 2004, the Cemetery submitted a report to the Office of Management and Budget (OMB) regarding its decision to develop a unique system.⁵ In the Cemetery's report, known as a "Section 300", the Cemetery explained:

ANC studied BOSS in detail and has actually implemented and used the system on-site since April 1999. Due to the specific requirements of ANC in the fulfillment of its mission operations (e.g. honors associated with buried individuals), and the fact that the VA cannot tailor its system (which is deployed in numerous cemeteries nationwide and which uses a shared database) for the specific unique requirements of ANC, it was determined that a new system was required to satisfy the Cemetery's performance gaps and requirements.⁶

At a hearing in 2005, the Assistant Secretary of the Army for Civil Works and Cemetery officials told Congress that they had jointly determined that BOSS could not accommodate the unique needs of Arlington National Cemetery.⁷

However, the Cemetery failed to report to OMB a study conducted by the U.S. Air Force which recommended that the Cemetery modify BOSS to better address its needs instead of creating a new system. The Air Force stated that the Cemetery's current challenges with the

³ OMB Exhibit 300 Report Submitted by Arlington National Cemetery (ANC) for Total Cemetery Management Report (Sept. 13, 2004); U.S. Department of Veterans Affairs, *Briefing for Subcommittee and Senate Committee on Veterans Affairs Staff* (July 21, 2010).

⁴ Department of Veterans Affairs, *Briefing for Subcommittee Staff* (July 21, 2010).

⁵ OMB Exhibit 300 Report Submitted by Arlington National Cemetery (ANC) for Total Cemetery Management Report (Sept. 13, 2004).

⁶ *Id.*

⁷ House Committee on Appropriations, Subcommittee on Military Quality of Life and Veterans Affairs and Related Agencies, *Hearing on Cemeterial Expenses Budget Fiscal Year 2006* (April 6, 2005) (Response to questions for record).

BOSS system were caused by the Cemetery's processes, not the software design, and thus could likely be resolved through negotiation with Veterans Affairs. The Air Force also found that the Cemetery's requirements for their proposed system were not adequately defined and that no one at the Cemetery fully understood the capabilities of BOSS.⁸

In addition, officials from the Department of Veterans Affairs told Subcommittee staff that BOSS had the capacity to accommodate Arlington's requirements, including their unique scheduling requirements. According to the Veterans Affairs officials, there were numerous meetings regarding whether and how BOSS could be adapted for Arlington National Cemetery, and that they offered to work with Cemetery officials to make any necessary changes. The Veterans officials told Subcommittee staff that they don't recall ever telling Cemetery officials that they didn't think BOSS could be adapted for the Cemetery.⁹

Other Cemetery officials have offered alternative explanations for why the Cemetery chose to develop its own system instead of using or modifying BOSS. The former Information Technology manager at the Cemetery told the Army Inspector General that the Deputy Superintendent, Thurman Higginbotham, simply did not want to "associate" Arlington National Cemetery with cemeteries administered by the Department of Veterans Affairs.¹⁰ According to the former IT manager:

[T]he only reason Mr. Higginbotham wanted his own Interment Scheduling System is because ... he did not want any association with the VA. The VA has an Interment Scheduling System that they call it BOSS Burial Operation Scheduling System (sic). The difference between the two is that on the Arlington side is ... you have to coordinate with the different branches and so forth. That was the piece that was missing from the BOSS system and instead of working with VA to create a piece within their own system so they could schedule the different services from the different branches, he decided he needed ISS.¹¹

B. Contracts for Total Cemetery Management System Components

The documents and information provided to the Subcommittee show that the Cemetery has spent between \$5.5 and \$8 million on the TCMS program to date.¹² Despite these

⁸ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

⁹ U.S. Department of Veterans Affairs, *Briefing for Subcommittee and Senate Committee on Veterans Affairs Staff* (July 21, 2010).

¹⁰ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-44).

¹¹ *Id.*

¹² U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010) (Case 10-04) (\$5.5 million spent on IT

expenditures, Arlington National Cemetery still does not have a system that can accurately track graves and manage burial operations.

Contracts to Develop a Scheduling System

In November 2002, the Capital District Contracting Center at Fort Belvoir awarded a \$64,000 contract to Standard Technology, Inc. (STI) to develop the Interment Scheduling System (ISS), a database for Cemetery officials to schedule burials. The contract was modified three times to increase the funding to \$130,000 and extend the delivery date to September 30, 2003.¹³

Almost immediately, Cemetery officials found that ISS did not work. According to the former Information Technology manager for the Cemetery, ISS was “extremely unstable ... it can’t interoperate ... you can’t do anything with it.”¹⁴ An engineering firm that received a separate contract to evaluate ISS agreed, finding that ISS was “not well designed or implemented.”¹⁵ The contractor continued:

It is recommended that this system not be expanded with additional functionality or interfaced any further to outside systems. If additional functionality and user expansion is desired, it is estimated that the extent of re-factoring of the system as a whole will ultimately end up costing about the same, or probably more, and take longer than simply redesigning and implementing the system based on the TCMS requirements and the documented use cases (business process requirements) developed with the initial ISS product.¹⁶

Despite this recommendation, Cemetery officials decided to maintain and expand the current version of ISS. In 2005, Alpha Technology Group, Inc. (ATG) received nearly \$1.7 million in contracts to support ISS. ATG received nearly \$4 million in additional contracts from

contracts from 2002-2009); U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Exhibit A-19) (IT contracts totaling over \$7.9 million from 2001-2009).

¹³ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

¹⁴ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-44).

¹⁵ R&K Engineering, Inc., *Arlington National Cemetery Interment Scheduling System Technical Evaluation* (Dec. 20, 2004). R&K Engineering, Inc. was a subcontractor to Interactive Design.

¹⁶ *Id.*

2006 to 2009 for services at the Cemetery, including contracts for repeated attempts to fix problems with ISS.¹⁷

In 2006 and 2007, the Cemetery began work on a new version of ISS. According to Cemetery officials, ISSv2 would “provide the same functionality as the current ISS ... [and] increase the accuracy of interment data.” ISSv2 would also include a master calendar for scheduling funerals.¹⁸

In 2007, the Cemetery and Army officials reported to Congress that ISSv2 was currently being “tested and modified” and would not be used until various problems were fixed and additional components developed.¹⁹ They stated:

The application was pre-released to ANC in a test environment to allow the primary users a chance to test the new application. ... Most users are excited about the release of ISSv2. Due to the decision to delay the release of the application until the other key components ... are complete, ... ISSv2 is now anticipated to be released approximately four months after funding is secured for the other key components.²⁰

According to the former IT manager for the Cemetery, the Cemetery never received a working version of ISSv2 from the contractor, Offise Solutions, an 8(a) small and disadvantaged business started by a former employee of STI.²¹ She stated:

We are now testing it and it is crashing. ... I’m running the scenarios that are based on how you bury people here at Arlington Cemetery and if I can’t get two people in the same grave that are a husband and a wife, you’ve got a problem. ... I don’t know, quite honestly, how that contract was paid as but the deliverable was never given to us. We could not operate on that.²²

In 2009, the Cemetery Deputy Superintendent, Thurman Higginbotham, requested that the U.S. Army Corps of Engineers-Baltimore District award new contracts in another attempt to fix ISS. Mr. Higginbotham recommended that the contracts be awarded to Optimum Technical Solutions, a company started by two former employees of ATG. Because Optimum Technical Solutions was not an 8(a) company and could not receive an immediate sole-source contract,

¹⁷ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

¹⁸ Arlington National Cemetery, *Fiscal Year 2008 Report to Congress* (undated).

¹⁹ *Id.*

²⁰ *Id.*

²¹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-44).

²² *Id.*

however, the Corps conducted limited market research and sought additional sources before awarding a \$193,000 contract for a four-month project.²³

Although the Corps had previously awarded contracts for construction projects at the Cemetery and worked with the Cemetery to award contracts for a geospatial imagery pilot project, it had not previously awarded contracts for the development of ISS. Because Mr. Higginbotham stated that it was an emergency, however, the Army Corps agreed to award to transition from ISS to a new "Interment Management System."²⁴ According to the Army Inspector General, no one at the Cemetery other than the Deputy Superintendent was aware of the proposed Interment Management System, and the system had not been approved for development.²⁵

In March 2010, Mr. Higginbotham told the Army Inspector General that Optimum Technical Solutions had finished the new version of ISS but that it could not be deployed at the Cemetery because the Army Corps refused to extend the contract. Mr. Higginbotham blamed the ongoing investigations of the Cemetery by the Army Criminal Investigations Division (CID) for the Army Corps' decision.²⁶ According to Mr. Higginbotham:

But when the CID went up to Baltimore, the Corps of Engineers, about the contract that was issued to Optimum, they divorced us. ... Claiming they didn't have the expertise in order to award these types of contracts, so they stopped. ... So what do we do now? They've shut the contractor down. So he can't do any further work and we're sitting out there with an application that we are almost ready to roll out and the guy can't move.²⁷

The Army Corps told Subcommittee staff that they soon realized that they did not have the technical expertise to oversee the Optimum Technical Solutions contract. They informed Cemetery officials that the Cemetery would need to find another contracting activity to manage the IMS project. At the end of the first four-month contract they awarded an additional four-month "bridge" contract to allow the Cemetery to find another contracting activity. Army Corps officials told Subcommittee staff that they did not believe that Cemetery officials made any effort to locate an alternative contracting entity to provide contracting support after the "bridge" contract expired.²⁸

²³ U.S. Army Corps of Engineers, *Briefing for Subcommittee Staff* (July 19, 2010).

²⁴ *Id.*

²⁵ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

²⁶ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-35).

²⁷ *Id.*

²⁸ U.S. Army Corps of Engineers, *Briefing for Subcommittee Staff* (July 19, 2010).

Contracts to Digitize and Validate Burial Records

The Cemetery also failed to digitize its paper burial records and track graves. In 2004 and 2005, the Center for Contracting Excellence awarded a series of sole-source contracts to Offise Solutions, the same contractor involved in the creation of the failed ISSv2, to scan and digitize the Cemetery's 300,000 paper records. The Army Inspector General concluded that this project was also a failure.²⁹ According to the Army Inspector General:

Evidence reflected that the contractor delivered approximately 60 CDs that contained mostly scanned files of burial documentation, and that the contractor was paid at least \$800,000 for this work. These records were not delivered in a standardized format and were not stored as part of a database. ANC could not use the data developed under this effort. Evidence reflected that ANC received digitized records sometime in 2004, and that these records were never implemented or used by ANC other than in a test environment for a few months in 2008.³⁰

In 2004, USACE-Baltimore awarded contracts totaling \$226,000 to a company called Interactive Design for a pilot program to map and validate records for 300 graves in two different sections of the Cemetery.³¹ Interactive Design developed high resolution photographs of the gravesites, converted burial information into electronic form, verified the accuracy of the information, and created a database.³² The Army Inspector General was unable to locate any products created by Interactive Design under this contract.³³

III. MANAGEMENT AND OVERSIGHT PROBLEMS

The TCMS program experienced significant problems with program management and oversight. From the beginning of development, the TCMS program lacked the unified, comprehensive management and oversight necessary to keep the program on track.

A. Inadequate Contract Management by Army Officials

²⁹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

³⁰ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04).

³¹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

³² Bill Hume, Interactive Design Group, *Briefing for Subcommittee Staff* (July 13, 2010).

³³ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

Every IT contract for TCMS was awarded by either the Army Contracting Center of Excellence (now the National Capitol Region Contracting Center) or the U.S. Army Corps of Engineers-Baltimore District.³⁴ The Army Inspector General found numerous problems with their performance, including:

- “[T]here was no acquisition strategy, no integrated IT system, and a series of IT regulator violations.”
- “In general, none of ANC’s IT contracts reviewed supporting TCMS efforts contained affirmative determinations of responsibility which are essential to ensure that the contractors selected are capable of performing, ... [as is] required under Federal Acquisition Regulations.”
- “For the IT contracts, the 8(a) vendors were identified by ANC and merely submitted to the SBA as the recommended sole source. No government contracting officials conducted an independent review of the 8(a)’s capabilities or assessed the vendors recommended for a noncompetitive award.”
- “The majority of contract files lacked a proper determination of fair and reasonable pricing intended to ensure that the government did not overpay for services/items.”
- “The Deputy Superintendent, ANC, had no training, no designation letter and stated that he was not a COR [Contracting Officer’s Representative]. However, each IT contract effectively listed the Deputy Superintendent as the COR by identifying him as the government point of contact responsible for monitoring all IT contract performance.”³⁵

The Army Inspector General also found that contractors may have performed inherently governmental functions relating to the Cemetery’s IT contracts. Under Federal acquisition regulations, only government employees may determine whether contract costs are reasonable.³⁶ The Army Inspector General found that contractors at the Army Center for Contracting Excellence wrote price analyses and determinations of fair and reasonable pricing. The Inspector

³⁴ U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010).

³⁵ U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010) (Tab F). In meetings with Subcommittee staff, officials from the U.S. Army Corps of Engineers stated that only one of their contracts with the cemetery failed to assign a COR. (U.S. Army Corps of Engineers, *Briefing for Subcommittee Staff* (July 19, 2010).

³⁶ Federal Acquisition Regulation (FAR) 7.503(c)(12)(vii).

General also found that contractors had prepared documents for release of solicitations and quotations and also appeared to respond to requests from any government officials.³⁷

In meetings with Subcommittee staff, officials from the U.S. Army Corps of Engineers stated that only one of their contracts for the Cemetery failed to designate a COR.³⁸

B. Ineffective Oversight from Army

The Inspector General found that a key problem with the oversight of Arlington National Cemetery was the lack of a single entity with responsibility and accountability for the Cemetery. Since 1973, the Army has repeatedly transferred and divided oversight of Arlington National Cemetery among multiple Army organizations. In 1986, the Army assigned responsibility for the administration, operation and maintenance of Arlington National Cemetery to the Commander of the Military District of Washington, while the Assistant Secretary of the Army for Civil Works retained responsibility for the Cemetery's policy.³⁹ In 2004, the Army issued General Order 13 (GO-13), which assigned responsibility for the Cemetery's program and budget to the Assistant Secretary of the Army for Civil Works, burial policy to the Assistant Secretary of the Army for Manpower and Reserve Affairs, coordination of memorials and ceremonies to the Commander of the Military District of Washington, and public affairs to the Office of the Chief of Public Affairs.⁴⁰

The Army Inspector General found that the division of responsibility between the Assistant Secretary of the Army for Civil Works and the Commander of the Military District of Washington created "perplexity" regarding the operational oversight of Arlington National Cemetery. As a result, the Army Inspector General concluded that the Cemetery officials were largely permitted to operate without substantive oversight from the Army.⁴¹

In addition, Subcommittee staff has learned that the responsible officials failed to conduct even the most basic oversight of the Cemetery. Claudia Tornblom, the Deputy Assistant Secretary of the Army (Management and Budget), the official within the office of the Assistant Secretary of the Army for Civil Works who has been responsible for the Cemetery's budget for the last decade, stated that she merely reviewed the materials submitted by the Cemetery to

³⁷ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

³⁸ U.S. Army Corps of Engineers, *Briefing for Subcommittee Staff* (July 19, 2010).

³⁹ U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010).

⁴⁰ Headquarters Department of the Army, General Order No. 13, Army National Cemeteries (Oct. 29, 2004).

⁴¹ U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010).

Congress regarding TCMS and did not ask any additional questions.⁴² According to published accounts, however, Ms. Tornblom actively advocated for the project over concerns raised by OMB officials.⁴³ In an email sent to OMB on April 22 2004, Ms. Tornblom wrote:

I have been shocked by the pejorative language you have been using, at least in discussions with my staff, when discussing ANC automation efforts. Please be aware that I will respond if I hear words like “disaster,” “stunned,” “throwing money at contractors,” or “no product to show for it.”⁴⁴

Ms. Tornblom told Subcommittee staff that she asked for her first briefing on TCMS acquisition in November 2009, three months after the Army Inspector General began his inspection. According to Ms. Tornblom, she requested the briefing because she did not know what was going on.⁴⁵

The Commander of the Military District of Washington also ignored reports of management problems at the Cemetery. In June 2008, Gina Gray, who then served as the Cemetery’s public affairs officer, gave Major General Richard Rowe, the Commander, a binder of information regarding issues at the Cemetery. According to the Defense Department Inspector General, who investigated allegations that she had been reprimanded for reporting misconduct at the Cemetery, Ms. Gray told MG Rowe about “major problems” at ANC, including contract fraud and mismanagement.⁴⁶ There is no evidence of any action taken by MG Rowe in response to her allegations.

The Subcommittee has also learned that there has been no review of Arlington National Cemetery for the last decade. When asked about their failure to look at ANC’s contracts, Army Contracting Command officials told Subcommittee staff that, with over 285,000 contract actions and \$97 billion in contract spending through Army Contracting Command in FY2009 alone, small dollar value contracts like the IT contracts at ANC, were less likely to receive such attention.⁴⁷ In addition, the Cemetery has not been the subject of an audit of any kind since

⁴² Claudia Tornblom, Deputy Assistant Secretary of the Army (Management and Budget), *Briefing for Subcommittee Staff* (July 15, 2010).

⁴³ *Arlington Budget Chief Blew Whistle in 2003*, Salon.com (July 27, 2010).

⁴⁴ *Id.*

⁴⁵ Claudia Tornblom, Deputy Assistant Secretary of the Army (Management and Budget), *Briefing for Subcommittee Staff* (July 15, 2010).

⁴⁶ U.S. Defense Department Office of Inspector General, *Whistleblower Reprisal Investigation Arlington National Cemetery* (June 29, 2010) (Report No. CRI-HL109655).

⁴⁷ U.S. Army Contracting Command and National Capitol Region Contracting Center, *Briefing for Subcommittee Staff* (July 16, 2010).

1998, when the Army Audit Agency reviewed the Cemetery's capacity to handle issues associated with Y2K.⁴⁸

IV. MISMANAGEMENT OF GRAVES

Documents and information provided to the Subcommittee indicate that there may be thousands of mistakes associated with graves at Arlington National Cemetery. This number has continued to increase as more information has been disclosed over the last year.

A. Additional Information from the Army Inspector General

In the publicly-released report, the Army Inspector General identified hundreds of errors at Arlington National Cemetery. These included "several" gravesites that had gone unmarked, "at least four occasions" when urns containing cremated remains were found in the Cemetery's landfill, "repeated instances" of improperly marked graves, 117 gravesites marked on the Cemetery's map as occupied but without a headstone or burial record; 94 gravesites marked on the map as unoccupied but having a headstone or burial record; and the improper burial of an urn of cremated remains in an already-occupied grave.⁴⁹

In documents obtained by the Subcommittee, the Army Inspector General provided additional information regarding burial mistakes at the cemetery.⁵⁰ The Inspector General detailed numerous incidents, including the following:

- In 2008, the cremated remains of a Master Sergeant were mistakenly interred in the grave of a Staff Sergeant located in Section 67. The Inspector General found that Cemetery officials failed to thoroughly investigate the unintended double burial and to determine what corrective actions might be necessary to prevent such incidents from occurring again.
- In 2003, Cemetery officials uncovered an unmarked casket of remains in a grave that was believed to be unoccupied in Section 68. After discovering the mistake, Cemetery officials failed to investigate and determine the identity of the remains and failed to order a headstone to mark the remains until media reports of unknown remains in an unmarked grave in 2009.

⁴⁸ U.S. Army Audit Agency, *Memorandum: Audit of Automated Information Systems – Year 2000* (Sept. 23, 1998).

⁴⁹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04).

⁵⁰ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Annex 2 – Discrepancies and Mistakes Associated with Internments, Disinternments, and Transinternments at ANC).

- In 2009, Cemetery officials encountered remains in a grave that was believed to be unoccupied in Section 64.
- Cemetery officials have discovered urns of cremated remains in the Cemetery's landfill on at least four separate occasions beginning in 2002. The latest incident occurred in March 2010, when an urn was discovered and returned to its grave in Section 25.⁵¹

In March 2010, Mr. Higginbotham told the Army Inspector General that he was dissatisfied with the Cemetery's response to the discrepancies found in these sections. He also told the Inspector General that he would not be comfortable burying anyone in the sections where errors had been found.⁵² Mr. Higginbotham stated:

I would have went out and everyone of those graves that are marked as 'buried' with no documentation I would have opened up. ... I would not bury anybody in those gravesites until we could actually go over them and validate that nobody is in them.⁵³

B. Other Errors with Graves at Arlington

The Subcommittee has also learned that the problems with graves at Arlington may be far more extensive than previously acknowledged. The Subcommittee has obtained information suggesting that 4,900 to 6,600 graves may be unmarked, improperly marked, or mislabeled on the Cemetery's maps.

The Army Inspector General found 211 errors in a survey of only three sections of the Cemetery: Section 59, Section 65, and Section 66.⁵⁴ If the same rate of error exists throughout the Cemetery's 70 sections, there may be more than 4,900 errors in graves at the Cemetery.

Documents and information obtained by the Subcommittee suggest that similar problems are likely to exist in several other sections. In 2004, Arlington National Cemetery awarded a contract to Interactive Designs, Inc., to conduct a pilot survey of 300 gravesites in Section 48 and Section 7A to verify that the Cemetery's records were accurate. According to the contractor who performed the survey, there are "many" locations where ANC's records do not accurately reflect the current status of the gravesite. In one example, the contractor identified a gravesite where

⁵¹ *Id.*

⁵² U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-35).

⁵³ *Id.*

⁵⁴ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04).

ANC records stated that the gravesite was reserved for a future occupant. However, the gravesite had been occupied for the previous four years.⁵⁵

If the same rate of error exists throughout the cemetery (330,000 total gravesites), there could now be as many as 6,600 errors at Arlington National Cemetery, including unmarked, misidentified, or misplaced graves.

V. RECENT DEVELOPMENTS

In response to the Army Inspector General's report, on June 10, 2010, Secretary of the Army John McHugh announced a number of changes to the management and oversight of Arlington National Cemetery.⁵⁶ These included:

- The creation of a new position, Executive Director of the Army National Cemeteries Program, to supervise all business and operations of Arlington National Cemetery and the only other national cemetery administered by the Army, the U.S. Soldiers' and Airmen's Home;
- The appointment of Kathryn Condon, Special Assistant to the Under Secretary of the Army and former civilian Deputy to the Commanding General of Army Materiel Command, to fill this position;
- The placement of Arlington National Cemetery Deputy Superintendent Thurman Higginbotham on immediate administrative leave;⁵⁷
- The detailing of Patrick Hallinan, Director of the Office of Field Programs at the Department of Veterans Affairs, to assist Ms. Condon; and
- The creation of the Army National Cemetery's Advisory Commission, chaired by former Senators Max Cleland and Bob Dole, to review all activities at Arlington National Cemetery.⁵⁸

⁵⁵ Interactive Design, Inc., *TCMS Closure Report: Lessons Learned and Procedural Guidelines from the Development of the Pilot TCMS* (March 4, 2005).

⁵⁶ U.S. Army, *Directive 2010-04: Enhancing the Operations and Oversight of the Army National Cemeteries Program* (June 10, 2010); U.S. Army, *Transcript of Press Conference* (June 10, 2010) (online at <http://www.army.mil/-news/2010/06/10/40580-arlington-cemetery-announcement/index.html?ref=home-headline-title0>).

⁵⁷ Mr. Higginbotham resigned from the Army effective July 2, 2010.

⁵⁸ U.S. Army, *Directive 2010-04: Enhancing the Operations and Oversight of the Army National Cemeteries Program* (June 10, 2010); U.S. Army, *Transcript of Press Conference* (June 10, 2010) (online at <http://www.army.mil/-news/2010/06/10/40580-arlington-cemetery-announcement/index.html?ref=home-headline-title0>).

Secretary McHugh also ordered the Assistant Secretary of the Army for Acquisition, Logistics, and Technology to conduct a review of all contracts awarded for Arlington National Cemetery within 45 days.

