

**STATEMENT OF
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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 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.