FOCUSED ISSUES ON DIGNIFIED BURIALS: A NATIONAL CEMETERY UPDATE

HEARING

BEFORE THE

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

OF THE

COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

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CONTENTS

October 30, 2013

	Page
Focused Issues On Dignified Burials: A National Cemetery Update	1

OPENING STATEMENTS

Hon. Jon Runyan, Chairman, Disability Assistance and Memorial Affairs	1
Prepared Statement of Hon. Runyan	39
Hon. Dina Titus, Ranking Minority Member, Subcommittee on Disability Assistance and Memorial Affairs	3
Prepared Statement of Hon. Titus	40

WITNESSES

Patrick K. Hallinan, Executive Director of Army National Cemeteries Program, U.S. Department of Defense	5
Prepared Statement of Mr. Hallinan	41
Glenn Powers, Deputy Under Secretary for Field Programs, National Cemetery Administration, U.S. Department of Veterans Affairs	11
Prepared Statement of Mr. Powers	45
Todd Kleismit, Director of Community & Government Relations, Ohio Historical Society	27
Prepared Statement of Mr. Kleismit	48
Ray Kelley, Director of National Legislative Service, Veterans of Foreign Wars	29
Prepared Statement of Mr. Kelley	49
Ami Neiberger-Miller, Director of Outreach and Education, Tragedy Assistance Program for Survivors	31
Prepared Statement of Ms. Neiberger-Miller	51
Diane M. Zumatto, National Legislative Director, AMVETS	32
Prepared Statement of Ms. Zumatto	61

STATEMENTS FOR THE RECORD

Mr. Paul LaRue, Washington High School Educator/Researcher, Washington Court House, Ohio	63
Mr. Jeff Richman, Green-Wood Cemetery Historian	71

MATERIALS SUBMITTED FOR THE RECORD

Letter From: Steve L. Muro, Department of Veterans Affairs, Under Secretary for Memorial Affairs, Washington, DC	75

FOCUSED ISSUES ON DIGNIFIED BURIALS: A NATIONAL CEMETERY UPDATE

Wednesday, October 30, 2013

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
SUBCOMMITTEE ON DISABILITY ASSISTANCE
AND MEMORIAL AFFAIRS,
Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:11 a.m., in Room 334, Cannon House Office Building, Hon. Jon Runyan [Chairman of the Subcommittee] presiding.

Present: Representatives Runyan, Titus, O'Rourke, Negrete-McLeod.

Also Present: Representatives Stivers, Daines, Brooks.

OPENING STATEMENT OF CHAIRMAN RUNYAN

Mr. RUNYAN. Good morning and welcome, everyone. This oversight hearing in the Subcommittee on Disability Assistance and Memorial Affairs will now come to order.

We are here today to examine the issue facing our military and veteran cemeteries. Our goal in this hearing is to learn more about the operations of the National Cemetery Administration in recent months as well as seek the administration's commentary on several focus issues that I will highlight momentarily.

We also wish to welcome Mr. Hallinan in his new role as the executive director of the Army National Military Cemeteries and to hear about his work and his vision for continuing the honorable mission of Arlington National Cemetery.

Previously Mr. Hallinan worked side by side with former director, Ms. Katherine Condon, and together they provided revitalization, leadership, and structure to an operation that had been plagued by mismanagement.

Prior to that, he worked alongside Under Secretary Muro with the National Cemetery Administration where he developed various positions from laborer to cemetery director.

So, Mr. Hallinan, welcome and we look forward to hearing from you today.

The endeavors of the NAC and ANC are among the most honorable in government. People within these organizations work day in and day out to honor our veterans and servicemembers with dignified burials, to assist families and loved ones who must deal with their loss and tremendous grief.

I would like to take a moment to acknowledge a few people that have come to sit in the audience for our hearing here today. Ms. Lauri Laychak who lost her husband, Dan Laychak, on 9/11 in the Pentagon is here today.

Through Tafts, Lauri mentors other widows whose spouses have been buried within Section 60 of Arlington National Cemetery.

Ms. Paula Davis is a surviving mother who lost her only child, army private Justin Davis, in Afghanistan in 2006 at age 19. He is also buried in Section 60 of Arlington National Cemetery.

And Ms. Rose Duval who is a Vietnam veteran herself, a surviving mother of an air force technical sergeant, Scott Duffman, who died in Afghanistan in 2007, who is also buried in Section 60 of Arlington National Cemetery.

Ms. Laychak, Ms. Davis, Ms. Duval, we truly thank you for engaging in this issue not only for your loved ones in Arlington National Cemetery but also for the interest of so many families and friends who have suffered tragic loss and who in earnest Arlington National Cemetery and the National Cemetery Administration to assist them in honoring and memorializing their loved ones.

As I have said before, the Nation's solemn obligation to honor those who have served does not cease at the end of their service, retirement, or ultimately upon death. It is the responsibility of the National Cemetery Administration and the Arlington National Cemetery to see this commitment through.

Significantly today this Committee is interested in hearing from the National Cemetery Administration and several focused areas of which is the burial access initiative for rural veterans in an attempt to provide service to veterans who do not live in close proximity to a national cemetery.

The NCA has proposed to establish national veterans' burial grounds in rural areas where veterans' populations is at least 25,000 within a 75 mile area. This initiative targets Idaho, Montana, Nevada, North Dakota, Maine, Utah, Wisconsin, and Wyoming.

I look forward to hearing more about the progress of this initiative.

In addition, other issues have come to light since our last hearing, one of which is a matter of great sensitivity. The Subcommittee has been made aware of a terrible incident that occurred in Indiana in May of 2013 that a veteran shot and killed a woman in what was reported as a random act of violence. He wounded several others and ultimately took his own life.

Although the law restricts an individual who commits a capital crime from being buried in an NCA cemetery or within Arlington National Cemetery, this murderer was interred in Fort Custer National Cemetery. This has understandably been engaged in deeply and hurt many people including those injured as well as the murder victim's family.

What can be done in situations such as this and what authority should exist to correct the unlawful interments and occur by way of errors? This is a matter that the Committee seeks information upon today.

One other area that will be addressed in today's hearing is the concern that we hear from volunteer historians, local governments, and funeral professionals who seek to identify and recognize veterans buried with no next of kin.

In April, we held a hearing and spoke about the NCA regulation that has prevented these groups from obtaining headstones and

markers for veterans. At that time, the Committee was informed that NCA was looking at regulation rewrite to correct what had become an overly restrictive policy that prevents well-intentioned volunteers or government entities from obtaining these markers.

This is a matter of ongoing concern and we will hear testimony on this today.

I would like to welcome our witnesses. As noted, these panelists play significant roles in ensuring that the Nation fulfill its responsibilities to honor those who have served us all.

We hope throughout discussion and questioning such will occur today. We work collectively not only to meet the challenges, but to exceed the standards.

Mr. Patrick Hallinan is representing the Army National Cemetery Program which includes perhaps the most recognizable site in honor of our fallen at Arlington National Cemetery.

Mr. Glenn Powers, deputy under secretary of Field Programs is here on behalf of the National Cemetery Administration which oversees 131 cemeteries nationwide.

We will also be hearing from Mr. Todd Kleismit, director of Community and Government Relations for the Ohio Historical Society; Mr. Ray Kelley who is the director of National Legislative Services with the VFW; Ms. Amy Neiberger-Miller who is the director of Outreach and Education with the Tragedy Assistance Program for Survivors; and Ms. Diane Zumatto who is the legislative director for AMVETS.

Finally, statements for the record have been received from Washington High School educator Mr. Paul LaRue and Greenwood Cemetery historian, Mr. Jeff Richman.

With those introductions complete, I also thank Members who are not on this Committee but who have expressed an interest in today's hearing. I would like to ask unanimous consent Representatives Stivers, Brooks, and Daines be allowed to participate in the hearing today. Hearing no objection, so ordered.

I thank all of you for being here today and I now yield to the Ranking Member for her opening statement.

[THE PREPARED STATEMENT OF CHAIRMAN RUNYAN APPEARS IN THE APPENDIX]

OPENING STATEMENT OF HON. DINA TITUS

Ms. TITUS. Thank you, Mr. Chairman, and thank you for holding a hearing on this important topic.

I also want to thank the witnesses who have come today and for their tireless advocacy on this issue.

It is my belief like yours, Mr. Chairman, that option of a burial in a VA national cemetery in one's home state is a solemn obligation that our government should fulfill.

The National Cemetery Administration has grown dramatically since its creation in 1986 when 14 cemeteries were established to provide a permanent resting place for those killed during the Civil War.

On July 17th of that year, Congress enacted legislation that authorized the President to purchase additional cemetery grounds to be used as national cemeteries for our servicemen and women.

In 1873, all honorably discharged veterans became eligible for burial in these sacred places. Since then, the NCA has expanded its geographic diversity to better serve veterans across the country and currently operates 131 national cemeteries in the United States.

New York has seven active national cemeteries. Three other states have six each and Puerto Rico has two.

While access has grown significantly and we do appreciate that, there is still a very large population of veterans who do not have the option of being buried in one of our Nation's prestigious national cemeteries in the state that they call home.

The state with the largest veterans' population without a national cemetery happens to be my state of Nevada which is home to a growing population of over 300,000 veterans and I represent Las Vegas where 170,000 veterans reside.

In total, there are 11 states with a combined veteran population of 1.8 million that are not served by a national cemetery. Now, more than half of those states are in the west, Nevada, Idaho, Utah, Montana, Wyoming, and North Dakota.

Now, that sounds bad enough, but if you look at a map, those states are very large states. So it is a huge swath of the country where there is no access to a national cemetery or, if there is, it is very, very, very far away.

Now, while I applaud the VA's efforts to reach under-served populations, I am also concerned that the NCA is not working closely enough with local veterans' communities as they determine new locations for the so-called rural initiative.

For example, I wonder has the VA asked the Nevada and Idaho veteran communities if they agree that the rural initiative should be out in Elko or in Twin Falls. I am hopeful that the NCA will engage our local veterans with regards to the placement of these shrines, especially in western states that have been overlooked for far too long by the NCA.

It is also very concerning to me that the NCA surveys only the families of veterans who have chosen to utilize a national cemetery while totally ignoring those who chose a different option to a final resting place.

This is going to skew the results of any so-called poll that you do. If the NCA hopes to offer options that serve all veterans and their families, the self-selecting survey is going to fail to provide any honest feedback for those determinations.

So I hope to hear an update from NCA on any plans you have to better address our western veterans' lack of an option to be buried in a national cemetery.

Let's remember all these veterans and servicemembers served our Nation not just those kind of east of the Mississippi.

As such, with over 130 national cemeteries, I think it is time that we look very seriously about opening one that is going to be available to the 1.8 million, 1.8 million veterans who do not have this option.

Thank you, Mr. Chairman. I yield back.

[THE PREPARED STATEMENT OF HON. DINA TITUS APPEARS IN THE APPENDIX]

Mr. RUNYAN. Thank the gentle lady.

At this time, I would like to welcome our first panel to the witness table. And first we are going to hear from Mr. Hallinan and then we will hear from Mr. Powers. Your complete written statements have been entered into the hearing record.

And, Mr. Hallinan, I know we had a conversation. Your testimony is a little long and I will be lenient with the red light because we really do want to hear what you have to say. So with that, you are now recognized.

STATEMENTS OF PATRICK K. HALLINAN, EXECUTIVE DIRECTOR OF ARMY NATIONAL CEMETERIES PROGRAM, U.S. DEPARTMENT OF DEFENSE; GLENN POWERS, DEPUTY UNDER SECRETARY FOR FIELD PROGRAMS, NATIONAL CEMETERY ADMINISTRATION, U.S. DEPARTMENT OF VETERANS AFFAIRS

STATEMENT OF PATRICK K. HALLINAN

Mr. HALLINAN. Mr. Chairman, I appreciate your leniency and that of the Subcommittee.

Chairman Runyan, Ranking Member Titus, and distinguished Members of the Subcommittee, thank you for the opportunity to provide an update on operations at Arlington National Cemetery and our efforts to sustain the sacred trust of our veterans and their families.

Since Ms. Condon provided her final testimony as executive director of Army National Military Cemeteries to this Subcommittee a year ago, I have been honored and humbled by my selection as the new executive director.

The transition of leadership has been smooth and effective, providing a continuity of operations as we build upon the successes of our recent past to better serve veterans, families, and the visiting public.

I am pleased to testify alongside my former colleague, Mr. Glenn Powers, deputy under secretary for Field Programs of the National Cemetery Administration.

I would also like to thank Mr. Steve Muro, the under secretary for Memorial Affairs, my friend and colleague for many years, for his support of Arlington National Cemetery.

Through the positive working relationship of Arlington National Cemetery, the National Cemetery Administration, we have trained staff, shared ideas and best practices, and provided opportunities for employees to permanently move across organizational boundaries.

Building upon the foundation of dedicated efforts, each of us are privileged to serve the Nation as caretakers of our Nation's sacred shrine at Arlington.

We remain committed to the constant improvement of operations. During the past seven months, my team has identified and created industry leading standards with laudable business practices and institutionalized them at Arlington.

We have designed and implemented stringent chain of custody controls and multiple points of redundancy to ensure accountability and zero defect tolerance.

We have instituted processes that have reduced the time for the placement of headstones from multiple months after service to an average of 45 days.

We continue to perfect information technology and provide interactive capabilities to the general public.

In August of this year, I approved the 2013 Arlington National Cemetery master plan which identifies the way forward to repair and replace our aging infrastructure and complete two significant expansion projects to increase burial capacity at Arlington and extend the active life of the cemetery.

We continue to perfect our organizational inspection program which will capture army doctrine, the current standards and practices in place at Arlington, and facilitate the implementation of those standards and practices at all 40 army post cemeteries nationwide.

My team is dedicated to improving the Arlington experience for our visitors and perfecting our logistical and administrative best practices. We are focused on our core mission.

The pace of requests and burials at Arlington remains at an all time high and our workforce is meeting that challenge.

Arlington will fill our current vacancies to include key positions, refine cemetery operations, expand our robust training program, and institutionalize cemetery experience.

As the director of the Army National Military Cemeteries, I will provide training and assistance to our post cemeteries while implementing an inspection program across those army cemeteries in keeping with the high standards of Arlington.

The progress we have made at Arlington could not have been achieved without the excellent support and assistance of the secretary of the army and the big army.

Additionally I wish to acknowledge the military district of Washington joint forces, our army, navy, marine corps, air force, and coast guard for their superb service day in and day out.

With the guidance of the advisory council at Arlington National Cemetery along with the invaluable efforts of our chaplains and Arlington ladies, we form a committed and united team, providing our Nation's fallen with the honors they have earned through their service to our Nation.

Arlington National Cemetery team is building on the foundation of success achieved with the 100 percent accountability for all decedents interred or inurned at Arlington National Cemetery and the soldier and airmen's home national cemetery.

Using established accountability process and geospatial mapping, an intensive two-year effort to achieve 100 percent accountability efforts at Arlington were completed in the summer of 2012.

Our personnel certify each burial service-conducted daily using a duplicative verification of grave location and decedent remains. Additionally, we digitally photograph every remain's container and digitally associate that image with the burial record in our authoritative system of record.

To sustain 100 percent accountability and export our best practices to other army cemeteries, Arlington is perfecting and expanding our organizational inspection program.

Arlington National Cemetery continues to use and refine our detailed inspection program as well as standards and measures program to self-evaluate operations, performance measures at Arlington, and the soldier and airmen's home national cemetery.

Our team began our detailed effort in 2013 to transform the Arlington National Cemetery, focus process and programs into an appropriate inspection program applicable to the other 40 army post cemeteries.

We have an expected completion date 31 December 2013. Upon completion of the inspection program, we will begin a systematic train and assist and inspection program across all army cemeteries.

The Army National Military Cemetery led inspection program will complement and not replace the local installation commander's programs.

With our ongoing work with the organizational inspection program, updates to our authoritative regulations and policies, we also look to improve and expand our training programs.

Arlington National Cemetery established a training program for new employees in 2013. This recurring training program centered on ANC's standard measures and programs which will form the backbone of the Army National Military Cemeteries Program.

The training will be conducted at Arlington National Cemetery and will provide authoritative training and best practices, standards and procedures, complementing the information found in the army regulations and Department of Army pamphlet.

This in-person, on-the-ground training will provide a clear picture of operational standards and norms for our national military cemetery.

Attendees that successfully complete the training will receive Army National Military Cemeteries' certificate of training.

In March of 2013, Arlington National Cemetery began directly ordering government headstones and niche covers from the Department of Veterans Affairs' contractors to result in a more timely and accurate ordering of headstones.

Prior to conducting a funeral service, cemetery representatives work with the family and primary next of kin or a person designated to direct disposition of remains using an automated headstone designer tool to create a proposed headstone template.

After the template is agreed upon, we wait two weeks from the date of the service to allow families the opportunity to change the terms of endearment or other items of personal preference on a headstone.

Following this designed intentional wait time, our interment service branch staff reviews, approves, and submits the order to the Department of Veterans Affairs' contractor. The average time from date of interment to the setting of headstones is now 45 days. Previously it took four to six months.

Ongoing planning and design for cemetery expansion and the infrastructure in the future, the army remains committed to maintaining Arlington National Cemetery as an active cemetery for as long as possible to continue to honor and serve our Nation's military heroes.

In support of that commitment last year, we completed the construction of Columbarium Court 9. This new columbarium added

20,296 burial niches for cremated remains and extended the cemetery's projected capability to access cremated remains from 2016 to 2024.

During our May 9th, 2013 Columbarium Court 9 dedication, Arlington National Cemetery with the support of the Missing American Project inurned with honor six unclaimed remains from all branches of our Armed Forces, a most fitting tribute to these deserving servicemembers.

This columbarium was special in two ways. Not only is it the largest columbarium court at the cemetery, but it was constructed and funded entirely from the recovery of unliquidated prior year funds, demonstrating our commitment to appropriately manage and utilize all available funding to improve the cemetery.

Thus far, we have been honored to place over 225 servicemembers or family members in Court 9.

Working closely with the U.S. Army Corps of Engineers, National Park Service, Commission of Fine Arts, and the National Capital Planning Commission, our advisory committee, we have completed planning for the millennium project, the expansion project in the northern part of the cemetery.

There were several iterations of design concepts for this project as the cemetery tried to balance the need for increasing burial capacity while at the same time being environmentally responsible, incorporating and protecting the area's natural beauty and historic nature into the design.

A construction contract was awarded in September and work will commence shortly. When construction is completed, it will add approximately 27,282 new burial opportunities.

With the millennium project construction on the way, we have begun planning an expansion on the southern side of the cemetery into land formerly occupied by the navy annex. We are in the early stages of the project planning and the demolition of previous facilities not scheduled to be completed until early 2014.

As evidenced with the millennium project, the dedication of the project team, continuous stakeholder involvement, we will create a project concept that is both appropriate to the expansion of the cemetery and a place of honor for our veterans and their families.

Although it is too early to tell what the final development will yield for the navy annex, we project that with the millennium expansion and the re-purposed former navy annex site, the cemetery will have the first interment space available through the mid 2050s.

Arlington continues to work diligently to complete the most critical repairs to our aging infrastructure. Previously we know to work on water lines, flagstones, heating and cooling systems, but much work still needs to be accomplished.

We have recently begun work on the second of five phases of our water line replacement. We have work on the way to address several years of deferred maintenance on our parking garage and we will begin shortly to address additional phases of flagstone replacement, both of which improve the safety and appearance of the cemetery.

Our priorities for maintenance and repair work continue to focus on the mission, safety, and environmental protection.

With your great support, we have been able to make many improvements to the aging infrastructure of the cemetery, improving the safety of our grounds and protecting the environment.

More work is required, some of which may be emergent. For instance, on May 30th, my staff arrived at the cemetery to find a sinkhole in the middle of one of our roads. Investigation of the sinkhole revealed an area of many previous superficial repairs over time that resulted in the undermining of a culvert and ultimately failure of the roadway.

We were fortunate in this case that this was not an active part of the cemetery. It is these unexpected issues that we continue to find which impact our priorities and, fortunately, with your strong support, we have been able to address.

Technology at Arlington, Arlington National Cemetery continues to implement technology to streamline cemetery operations, improve our visitors' ability to explore the rich history of this national shrine.

We have made improvements to Arlington's interment scheduling and geographic information systems to manage day-to-day operations.

Just over a year ago, Arlington launched ANC Explorer, a free web-based application that has transformed how visitors explore the cemetery. ANC Explorer allows families and the public to locate grave sites, events and other points of interest throughout the cemetery, to generate front and back photos of headstones or monuments, and to receive directions to these locations.

We have installed kiosks with ANC Explorer in our welcome center and have one outdoor kiosk in the cemetery with the intention to add additional outdoor kiosks later this year.

I am excited to report that in less than one year, we have reached over 60,000 downloads of our first version of this app.

This spring as part of Arlington National Cemetery's 150th anniversary commemoration, we will be releasing an updated version of ANC Explorer that will include enhanced functionality and tours that could be customized by the user.

Our GAS operational technology and application received a number of awards from the Federal Computing Week, Computer World, Government Computer News. ANC Explorer was named app of the year at the 2013 Federal Computing mobile summit.

We are always looking for opportunities for families and the public to explore this national treasurer. Arlington has partnered with Google to include Arlington National Cemetery in their street view construction and collection.

On October 20th, Google street view team collected images, walking paths, and driving the roads of the cemetery. Once the images are stitched together, visitors can take a 360 degree virtual tour of the entire cemetery on their SmartPhone or their computer.

Section 60, on Sunday, October 6, 2013, my senior staff and I conducted a roundtable discussion with 21 Gold Star families. The discussion addressed issues associated with cemetery maintenance and Section 60's memento pilot program.

The meeting was positive and generated several suggestions for improving communications between the family and Arlington National Cemetery.

We have agreed to hold a Gold Star family roundtable twice a year. We are working to identify flexibilities in the existing policies.

For example, as the cemetery enters the non-growing season where mowing of the grounds is less frequent, the cemetery will allow small photographs and small hand-crafted items not affixed to the headstones to be left at the grave sites.

Arlington National Cemetery policy which is similar to that of other national cemeteries allows artificial flowers to be left at the grave site October 10th through April 15th. Allowing additional items to be left at the grave site during this time period is consistent with that policy.

We will continue standard grounds maintenance during the time period and remove decayed flower items, items that are affixed to the headstone, or those that pose a safety hazard to visitors and staff such as tobacco, alcohol, and ammunition, glass items.

Every other Friday, cemetery personnel will also remove items considered to detract from the dignity and decorum of Arlington National Cemetery.

I am committed to keeping the Gold Star families informed and provide notice prior to the implementation of any changes.

Our core mission is to take care of the families at their time of need and to schedule services desired with appropriate honors as quickly as possible. This process requires working with the families to document eligibility and with the services to schedule resources.

We have implemented several measures to streamline the eligibility determination and scheduling process to reduce the amount of time families must wait between first contact and the actual service.

Since December 2010, we have collected a metrics and data to better understand the interment services demand at Arlington National Cemetery. Requests for burial at Arlington National Cemetery occur at a robust pace and we expect the demands will remain constant as veterans and eligible servicemembers from conflicts during the late 20th century reach advanced age.

Over the last year, Arlington experienced significant personnel turnover in the scheduling branch and despite our best efforts to fill all vacancies, the temporary loss of personnel significantly impacted our ability to schedule a funeral service particularly inurnments.

In March 2013, we noted an increase in the scheduling delay due to this loss of personnel. In response, Arlington sought and received authorization to hire against the vacant positions.

By late June, the vacant positions were filled and when requested the secretary of the army approved the use of overtime pay and temporarily assigned personnel to assist in reducing the growing volume of requests.

To reduce the impact to families, the secretary of the army authorized me to direct reallocation of additional personnel from existing end strength. This leadership focus significantly reduced the total of those pending scheduling.

The lapse of appropriation has caused Arlington National Cemetery to utilize available prior year funding to continue burial operations for our veterans and their families at our normal level.

Available prior year funds allowed for the continued burial operations during the 16-day shutdown. Visitor operations continued with only minimal impacts.

While NCA did not have to furlough employees during this period, it did have an impact on our day-to-day operations, halted travel, training and purchasing.

However, sustainment, restoration, modernization of facilities continued as well as construction or design of Arlington's major construction projects.

In conclusion, Mr. Chairman, through diligent efforts, adherence to established policies, the standard operating procedures and by leveraging technology, Arlington will do all it can within its power to sustain the sacred trust we have recently reclaimed.

In conjunction with our partners at the military district of Washington, with the great support of the services, the Arlington staff can assure the Nation of this. Every burial service at Arlington National Cemetery will be conducted with the honor and dignity our servicemembers have earned and their families will be treated with respect and compassion.

I appreciate the support of the Subcommittee and I look forward to answering any questions you may have. Thank you.

[THE PREPARED STATEMENT OF PATRICK K. HALLINAN APPEARS IN THE APPENDIX]

Mr. RUNYAN. Thank you, Mr. Hallinan.

And next we will hear from Deputy Under Secretary Powers. You are now recognized.

STATEMENT OF GLENN POWERS

Mr. POWERS. Thank you, Mr. Chairman.

Before I begin, I would just like to let you know that I talked to Under Secretary Muro today and, as you know, he had to return to California for some family issues, but he apologizes and wanted to be here.

Mr. RUNYAN. Understood, because we had some scheduling conflicts in the past few weeks.

Mr. POWERS. Chairman Runyan, Ranking Member Titus, and distinguished Members of the Subcommittee, I appreciate this opportunity to provide an update on initiatives that directly support our historic mission of honoring veterans and their families with final resting places in national shrines.

Ensuring veterans have access to the benefits they have earned remains one of Secretary Shinseki's top priorities. To that end, we continue to lead the largest expansion of the national cemetery system since the Civil War.

Before the end of this decade, NCA will open 18 new facilities. Together these sites will offer burial options to over 680,000 currently unserved veterans, better serve over two million more, and bring us closer to our strategic target of providing 95 percent of veterans with a burial option within 75 miles of their homes.

In fiscal year 2013, NCA acquired land for and began designing new national cemeteries in central east Florida, Tallahassee, Florida, and Omaha, Nebraska.

Over the next few months, we expect to acquire land for planned sites in western New York State and southern Colorado, and we are planning new columbarium only cemeteries in Los Angeles and Alameda, California, Chicago, Indianapolis, and New York.

To meet the needs of rural veterans, we are establishing national veterans' burial grounds in Idaho, Maine, Montana, Nevada, North Dakota, Utah, Wisconsin, and Wyoming.

In areas without a national cemetery presence, we have joined with states, tribes, and territories to build, expand, or improve veterans' cemeteries managed by those entities.

There are now 89 VA grant funded cemeteries in 44 states, Guam and Saipan. These cemeteries performed over 32,000 burials in the last fiscal year. Another six are under construction.

We also partner and share best practices with our colleagues at Arlington National Cemetery, the National Park Service, and the American Battle Monuments Commission.

This morning, I am pleased to be testifying alongside my colleague, Pat Hallinan. As Executive Director of Army Cemeteries, he shares our commitment to honoring and memorializing the men and women who have worn the Nation's uniform.

We uphold the sacred trust on behalf of all Americans who insist on high standards of appearance and customer service in veteran cemeteries and who ask us to be caretakers of history, as well.

At NCA, we are stewards of the graves of union and confederate dead at over 100 Civil War era properties and we provide perpetual care for grave sites of more than 3.9 million veterans, family members, and the fallen from every conflict.

Making certain their resting places are properly identified is one of our most important responsibilities. We provide historically accurate headstones to mark graves and we replace headstones that become unreadable or get damaged.

We are actively reviewing and rewriting regulations that impact the headstone and marker benefit with an eye towards making the definition of applicant less limiting while ensuring that family members are included in the decision-making process when possible.

The public will have an opportunity to comment on these proposed revisions.

In addition to serving veterans, we remain dedicated to employing them. Nearly three-quarters of NCA employees are veterans and since 2009, we have hired more than 450 returnees from the wars in Iraq and Afghanistan.

On November 15th, we will graduate our first class of cemetery caretaker apprentices who are formerly homeless veterans. Having completed the successful pilot, we are making this a permanent avenue for competitive employment of homeless veterans in our national cemeteries.

We appreciate your enduring support which has enabled us to make significant progress towards our strategic goals. With your continued help, we can remain dedicated guardians of those buried in our national cemeteries, ever mindful of the fact that they gave their tomorrows, so that we might have today.

Thank you again for the opportunity to appear before the Committee and for your support of our national cemeteries. I am ready for any questions.

[THE PREPARED STATEMENT OF GLENN POWERS APPEARS IN THE APPENDIX]

Mr. RUNYAN. Thank you, Mr. Powers.

And I am probably going to give Mr. Hallinan my first question and it will probably take up my whole five minutes, but he has probably heard me ask the same thing of Ms. Condon in the past.

We have taken note of the tremendous improvements through your and Ms. Condon's leadership at Arlington and I think one of the greatest concerns is the ongoing trajectory of the improvements and, frankly, I think when we go back to the discussions we had a couple years ago, the operating procedures that you and Ms. Condon have put in place.

So basically three questions. First, what challenges do you face in your new role as executive director? Secondly, how will you work to sustain and improve on the gains made at Arlington? And, third, we hope you have a long tenure in your current position, but what recommendations would you give to set up for the next person that would take your place?

Mr. HALLINAN. Mr. Chairman and Ranking Member Titus, Members of the Subcommittee, when it comes to challenges, I see the most serious pending challenge now to be the deferred maintenance at Arlington National Cemetery and the issues we have with the infrastructure.

As I noted in my opening statement, just yesterday, I had a water line break. We encounter issues that are emergent, we are not aware of. We have identified an estimated $75 million in infrastructure repair that is needed. I believe that to be a conservative estimate. We have reduced that number by $25 million. So basically we are looking at $50 million, but I still think that remains one of the biggest challenges as we move forward.

As far as sustainability for the progress we have made, and we have made significant progress and I appreciate your acknowledgment and kind words, the ability to hire the very best people to serve at Arlington is a key factor, I believe. It is the Nation's most sacred military cemetery and it is an honor to work there. I feel that personally. When we bring new staff on, it is important that they become part of that culture, so the interview process, the selection process is key.

The training programs are in place. We have manned staff to train and equip. We set a standard. We have trained to standards. So we are holding people to those standards. We are holding staff accountable.

So I think the key pieces for sustainability for progress going forward whether it is the handling of remains, the maintenance of the grounds, the repairing of the infrastructure, or filling positions in the future are in place.

Succession planning is also part of my responsibility. The superintendent position was just closed. That position has been vacant. I anticipate filling that position hopefully in this coming December,

to have the interview process and selection process completed. There is a deputy position that needs to be filled also.

Cross training of staff, a formal training program, coaching and mentoring, Mr. Chairman, while I am in place over the next couple of years, I feel personally that my 40 years of cemetery experience, the many positions I have held in leadership throughout the VA in my government career will be of value as these people are selected and brought on.

I could assure this Subcommittee that we are looking for only the best people and we will do our very best to train them and ensure that there is a positive future for Arlington National Cemetery.

Mr. RUNYAN. Just so the Committee knows, you talked to me about an experience that you had with one of your contractors actually paying respect to families and/or the fallen as they were doing their work if you remember that.

If you can enlighten the Committee on that because it says something about the type of people you are bringing in there and the respect and attention, the detail that they have under the new leadership at Arlington.

Mr. HALLINAN. Well, Mr. Chairman, that specific example goes to the change of culture, not just with the entire workforce at Arlington National Cemetery, but to include our contractors as well.

While we hold ourselves at a higher standard, we hold our staff to the highest standards which means I need to hold myself to the highest standard. We also hold all contractors to the same standard.

While I was out at the cemetery, we teach our staff how important it is to go the extra mile to keep the cemetery maintained properly, I observed the contractor while I was driving with my own personal vehicle, so he did not know at that time it was the superintendent that was driving past, stop his vehicle, his mower, get off the mower and walk out into the section and pick up some debris that had blown across the cemetery.

So that individual contractor felt it important to police the grounds and help maintain that cemetery to a national shrine standard. And that is the culture that has been instilled in the permanent workforce and that is starting to permeate my contracting staff also.

So I saw that as a positive sign that it has reached right on down to the contractors that are on site because we hold them just as responsible and just as accountable.

Mr. RUNYAN. Thank you.

With that, I recognize the Ranking Member, Ms. Titus.

Ms. TITUS. Thank you.

Thank you, Mr. Hallinan, for all the improvements you are making at Arlington and for staying open during the shutdown so that people could come and visit the cemetery even if they could not go to other places.

I would like to address my questions, though, to Mr. Powers. You heard me say in the opening remarks that of the 11 states that do not have national cemeteries six are in the west and those are very large states so the distance that you have to travel is much greater than just that number indicates.

So I would like to focus on that, your so-called rural initiatives, how you choose where you put those rural initiatives, what input you get from local veterans. What is the effect of having a rural initiative on the possibility of having a national cemetery built in the future?

And then how do you choose Elko because as I understand it, that you are supposed to pick a site that serves 25,000 veterans within a 75 mile range. Elko hasn't gotten but about 19,000 people in the city and about 4,000 of those are veterans. And if you have ever been to Elko, you know there is not much within a 75 mile range of there.

So could you answer those four questions for me?

Mr. POWERS. Thank you, Ranking Member Titus.

As we have spoken about before, our emphasis is on time and distance, so our strategic goal is to serve 95 percent of veterans with an interment option within 75 miles of their homes.

As to the rural initiative that you refer to, with the implementation of the rural initiative, NCA will have a presence in all 50 states.

A quick review of the map indicates that most NCA facilities look like they are east of the Mississippi River as you pointed out, but 40 percent of these are closed to first interments, many of them being Civil War cemeteries that in some cases never really offered interments after the Civil War, because they were to small.

We operate 36 national cemeteries west of the Mississippi River with about 85 percent of them open for first interments and there are 21 grant funded state and tribal cemeteries west of the Mississippi River.

How will a rural initiative affect the ability of a location to get a national cemetery? Once again, the criteria for a national cemetery is different than that developed for a rural initiative facility.

We look at our national cemetery criteria to determine where we should locate our newest national cemeteries. And as we discussed, we are continuing expanding. We have expanded in the last decade. We will continue to expand in the next decade.

That criteria is different than that for a rural initiative facility. At one point in time, our veteran population threshold criteria was 170,000 unserved veterans within a 75 mile radius of their homes. Now we are down to requiring only 80,000 unserved veterans within a 75 mile radius for a national cemetery.

We also discussed opportunities for the states and tribes to receive grants to fill in the gap between the populations of unserved veterans that would support a national cemetery and those that would support a rural cemetery.

The states have a lot of flexibility in the determination of where those cemeteries should go when they apply for grant funding to establish state veteran cemeteries.

The rural initiative was designed to focus on rural areas and serving rural veterans because the Secretary has asked all of VA to better serve rural veterans. And to that regard, we looked at populations, as you said, of 25,000 or less. I have not been to Elko.

Ms. TITUS. That is what I figured.

Mr. POWERS. Our planners looked at our veteran population data to determine where these locations should go. And at the same

time, even though our emphasis has always been to look at the most veterans that we can serve with our resources, the rural initiative has also become an opportunity, as I stated before, for VA and NCA to have a national presence in all of the 50 states.

Ms. TITUS. Well, I think that the states built some of these cemeteries on their own in the west because they did not have a national cemetery. There is a very nice little state cemetery in Boulder City, but that certainly is a distance from Las Vegas and does not accommodate those 301,000 veterans who live—well, 170,000 who live in the Las Vegas area.

I am just curious. What was the input from Nevada veterans on the choice of having this rural initiative in Elko since it obviously does not meet that 25,000 veterans to serve that you say is part of your criteria?

Mr. POWERS. Ranking Member Titus, I will have to get back to you on the specifics of the discussions that our planners would have had with the state cemetery directorate in Nevada.

We talk to all the state cemetery directors. I have been involved in presentations at the state cemetery director conferences where we discussed these initiatives and how we work in partnership with the states and with the Federal grant funding to better serve veterans and to reach that goal, which is your goal that you stated—to serve more veterans and provide a burial option for veterans who are unserved.

Ms. TITUS. What can Nevada veterans do to get a national cemetery there where the population exists? If you are talking about doing more in the next decade, what do we need to start doing now to be sure we are on that list in the next decade?

Mr. POWERS. Well, right now looking at the criteria for a national cemetery——

Ms. TITUS. Well, we already meet that.

Mr. POWERS. Well, we look at unserved veteran population and the veteran population of the Las Vegas area is adequately served by the southern Nevada veteran cemetery in Boulder City.

Ms. TITUS. Have you surveyed the veterans in southern Nevada to see if they think they are adequately served?

Mr. POWERS. When we talk about adequately serving them, we are talking about the time and distance factor. In reference to a survey to determine what veterans who use state cemeteries feel about the appearance of their cemeteries, about the customer service and the standards at those cemeteries, our veteran cemetery grants program is currently working on rolling out a survey similar to the survey that we rolled out at our national cemeteries for a number of years to gauge those reactions.

There is not one in place now, but we will have one in place in the future so that we can measure the service at state cemeteries.

Ms. TITUS. I appreciate that. And I think that it is fine to have a state cemetery, but I think you also—veterans—you want me to go back and tell Nevada veterans, well, you can have a state cemetery or you can have a rural initiative if you can get your family up to Elko, but you do not really deserve a national cemetery?

Mr. POWERS. I do not think anyone feels that anyone does not deserve a national cemetery. It is where we can place the resources so that we could impact the most veterans. But if we were only

doing that, we would only have that national cemetery program, not give the states the flexibility, not have created the rural initiative and an urban initiative.

And going back to one of your questions, we have talked to the new state director. We have mentioned that she has the flexibility and we would be more than willing to work with her through our state grant program to identify if the veterans of Nevada thought that it was necessary to construct another state cemetery on the north side of Las Vegas or a columbarium-only cemetery which can be designed, created, and built at a lesser expense.

If that could be done and it can serve the Las Vegas veterans better, we can offer the state can apply for grant funds from Veterans Cemetery Grants Program.

We talked to Kat Miller, the Director of the Nevada Department of Veterans Services about this last week and we would be happy to continue those conversations.

We have had those conversations before with many states. The last time I testified was with the Chairman in southern Minnesota when the veterans of southern Minnesota wanted to get a state cemetery. These interactions work. And we are able to gauge what the veterans want, what the veterans of that state want and how we could best approach serving them in the way that they deserve.

Mr. RUNYAN. I thank the gentle lady.

I recognize Mr. Stivers.

Mr. STIVERS. Thank you, Mr. Chairman. I appreciate the Members of this Committee allowing me to sit in on this hearing today.

I want to thank Mr. Powers and Mr. Hallinan for what you do to honor our veterans' service and find a final resting place that is deserving of their service and sacrifice for our country.

My first question is for Mr. Powers. You may know I am the sponsor of the Honor Those Who Served Act which is H.R. 2018 involving headstones.

At a Subcommittee hearing in April of this year, Mr. Muro testified that the VA is currently reviewing its regulation that allows only the next of kin or a person authorized by them in writing to apply for a VA headstone.

Congressman Daines and I are very interested in this subject due to civic minded folks in both Ohio and Montana that have actively sought to procure headstones for deceased veterans in our areas.

And I am just curious what the NCA has done in recent months to review and remedy the regulation. What is happening is it is preventing folks from receiving headstones if you cannot identify a next of kin whether they are homeless veterans, whether they are folks who have been deceased for generations and you cannot identify next of kin.

And I am just curious what you are doing to review the overly restrictive application process and try to fix this so that our veterans can have honorably marked graves.

Mr. POWERS. Thank you, Congressman.

We are actively engaged in a comprehensive review of the subject you talked about which is a rewrite of the existing regulations.

A regulation was published in 2009. The regulation addressed a concern that well-intended people were asking for headstones and

markers but we were removing the families from the equation. And we found out that some headstones and markers were ordered without the families being aware of the ordering.

However, as you pointed out, we have determined from the information that we are gathering from your constituents, from the veteran service organizations, particularly your constituents, and you have a number of them in Ohio, that I believe we are going to hear from today.

Mr. STIVERS. You will.

Mr. POWERS. We will hear about some of the great activities that they have done in Ohio to recognize veterans.

Mr. STIVERS. And I would urge you to look at H.R. 2018. It, you know, essentially lays out a process that allows the families first to make the decisions. And if you cannot identify next of kin, it allows veteran service organizations, military historians, other civically engaged folks that can find documentation to present it to the VA to get a headstone.

I understand that it is inappropriate to circumvent the families, but I think if you take a look at what we proposed in H.R. 2018, and Congressman Daines is a co-sponsor, we would love to have you—whether that is the final look, but I would love you to look at that for consideration.

Mr. POWERS. And we have. I will tell you right now that Mr. Muro had NCA senior leaders quite recently engaged for a number of hours reviewing the proposed regulation.

The bottom line is we need to do this right.

Mr. STIVERS. Yes.

Mr. POWERS. The correct way. And it involves an extensive rewrite of a number of regulations over time. We also believe it involves re-crafting our forms that people use to request this benefit to make them more explanatory about the information we need to make the benefit determination.

In the case of historical headstones, this includes the specific type of documentation we would require.

Mr. STIVERS. I think that is great and we want to give you some time to do it, but I am going to continue to pursue H.R. 2018. I do not want to have to put it in the law, but if it does not get fixed any other way, we will fix it. But I would urge you to take a look at your policies. I know you are.

I want to thank you on behalf of what you are doing for our veterans. I am not meaning to beat up on you. I know that we want to make sure we fix it for our veterans because if you are a homeless veteran and nobody can identify next of kin, you deserve your service to be honored with a headstone like everybody else. Same thing with historical military service.

So I appreciate what you are doing. I would just urge you to continue to work on it and we will continue to pursue 2018. I hope to find a success in your regulation rewrite and just acknowledge that it is fixed and not have to pursue it in the end. But I will continue to pursue it as long as we have to.

Mr. POWERS. Okay. Thank you.

Mr. STIVERS. Thank you.

And I have one more question. I only have seven seconds left. But, Mr. Hallinan, your predecessor, Ms. Condon, was really help-

ful on a bill that we passed out of the House last year, the Place of Remembrance, H.R. 5738 or 35, which would deal with the fragments that are unidentifiable by DNA test, to give them a final resting place that honor their service.

You know, she said that they would work to try to get that done. I hope that work is continuing because we do still continue to have fragments of our military folks who served honorably where they are unidentifiable and I want to make sure that they have a final resting place deserving of the service and sacrifice of those military members.

And so, you know, an ossuary is a good idea. I know you have been working on it. We would love for that to continue to take place. And I think we still have, you know, an active conflict going on in Afghanistan where every day we have unfortunately unidentifiable fragments of our soldiers, sailors, airmen, and marines. And I would like to continue to urge you to work on that.

And it is unfortunately shameful that and the Dover military report documented that there were fragments of our military members that were put in the St. George's Landfill. And we need to make sure that never happens again and that there is a resting place for this conflict and future conflicts immediately and an ossuary, you know, is an acceptable solution. And I hope that you will pursue it. And, you know, we are willing to do it again in statute if we have to, but I do not think that is necessary given that I think you are pursuing what your predecessor started. And I would just love you to—and I know I am way over. I appreciate your indulgence, Mr. Chairman—if you could just tell us if that is something you are continuing to work on.

Mr. HALLINAN. Well Mr. Congressman, I am very pleased to tell you that we have continued to aggressively look into the design and construction of an ossuary at Arlington National Cemetery. We are in agreement that it is an appropriate venue and place at Arlington. We have looked at a number of designs. We have identified a number of locations that will not take burial space away, active burial space away. So we are in support and agreement. And we have sent those recommendations up to Headquarters of the Army.

Mr. STIVERS. Thank you, Mr. Hallinan. And I will continue to weigh in with them, too. But thank you.

Mr. HALLINAN. You're welcome.

Mr. STIVERS. Thank you, Mr. Chairman. I yield back my nonexistent time and appreciate your indulgence.

Mr. RUNYAN. Thank the gentleman. I recognize the gentle lady from California, Ms. Negrete-McLeod. No? Mr. O'Rourke?

Mr. O'ROURKE. Thank you, Mr. Chair. And I would like to follow the line of questioning initiated by Mr. Stivers. And Mr. Powers, if you could include applications on behalf of active Reservists who were killed? There is a case in El Paso. I represent the family of Angel Garcia, who was an active Marine Reservist, a police officer who was killed in the line of duty. And the family made an application for him to be interred and memorialized at Fort Bliss National Cemetery. That was denied. And I can understand the logic from NCA's part, but I also understand the request on behalf of the family.

So I do not necessarily want to get into the details of the case right now. But if you could just include that in your review process? And I just wanted to raise that specific family's case, you know, in this hearing and put it on your radar. Because it is an issue that we would like to follow up with you on going forward.

Mr. POWERS. Congressman, thank you for your question. It's probably better to talk about most of the aspects of that case between my staff and yours, just so we can discuss it. But I do need to distinguish the case as I know it. Because what Congressman Stivers has asked us to do, what we share with him as goal to do, is to correct with the new rewrite of the regulations an issue that deals with providing a benefit to an eligible individual, whether that person was eligible because of their Civil War service, or that person was eligible because of their World War II service. It does not matter.

Mr. O'ROURKE. I'm sorry, let me interrupt you. Because I have very limited time and I want to make sure that I get to some other issues that are really important for the community I represent.

Mr. POWERS. Okay.

Mr. O'ROURKE. I think my intention was just to broaden the review of eligibility and the application process. And if that is not possible, I specifically want to bring up the case of Angel Garcia with your and their family. So——

Mr. O'ROURKE. —I just wanted to register that with you.

Mr. POWERS. Okay.

Mr. O'ROURKE. A really important issue for the community I represent is Fort Bliss Cemetery. A deeply unpopular decision that the NCA made was to xeriscape that cemetery, remove all of the grass, put in gravel, rock, and dirt. And it is a very unwelcoming place for many families to visit and commemorate the service of their loved ones. And I do not want to go into how or why the decision was made. What I want to work with you on is how we improve that situation there. I want to know what we can do on an interim basis to beautify it, to make it a little bit more hospitable for visitors to the cemetery. I want to find out what we can do as a community to work with you perhaps to raise funds privately and dedicate those funds to the improvement of the cemetery. We understand from you that it will cost somewhere between $11 million to $14 million to regrass that cemetery, one of only three in the country that has been xeriscaped. It is a priority of ours and our office, it is a priority of the community. But it is very expensive. And it competes against a number of other priorities for veterans in El Paso.

So I want to find out what creative, constructive ways we can work together to address that issue. And so I guess one of the things that I would like to ask you is when can we get some detailed plans from NCA to initiate some kind of planting effort so on an interim basis we can beautify that cemetery and make it a little bit better for those who are visiting the remains of their loved ones?

Mr. POWERS. Congressman, I have a new network director who is responsible for the region. Essentially I guess you could quickly describe it as the Rocky Mountain Region. And he is visiting in the next two weeks, I believe, around the 15. His deputy has already

been down there to look at the foliage issues. And I have told him to try to make the oldest sections that were converted of the cemetery look like the other sections of the cemetery that were expanded.

As you know, when we made the decision to xeriscape, or use water wise landscaping for the cemetery, based on recommendations that came from a Congressionally mandated report to Congress. Because water wise landscaping was determined to be the right option for Fort Bliss National Cemetery, we converted the older part of the cemetery, and then expanded the newer part of the cemetery using water wise techniques. In the expansion part, the foliage, the drip irrigation systems, and the native plants look good. We would work with your staff to look at some of the other sections of the cemetery that were converted from turf to the water wise landscaping, the decomposed granite, and to try to make those look as good as the newer sections that contain native plants and vegetation. We should know within the next month and be able to sit down with your staff with some plans to review the cemetery landscape and determine how we plan to add foliage to make the landscaping consistent.

Mr. O'ROURKE. I appreciate that and I know my time is expired. Let me just register our community's interest in rectifying this problem. Nobody wants to kneel on gravel when they are visiting a gravesite at Fort Bliss. When you go to Arlington, which is just absolutely beautiful and lush by comparison. I don't know that we need to have Arlington in El Paso, but we should have something that somehow commemorates the level of sacrifice, the level of respect owed to those who gave so much to our country and to their families who also sacrificed as well. So we want to work with you in any and all ways to improve that situation. But it is certainly a priority for our community and I appreciate your willingness to work with us on that. And with that, Mr. Chairman, I will yield back.

Mr. RUNYAN. I thank the gentleman. I recognize Mr. Daines.

Mr. DAINES. Thank you, Chairman Runyan. And thank you for inviting me to be part of this important hearing, and for your leadership on these issues. I also want to thank Ranking Member Titus for bringing up the issues of the western states. I represent the State of Montana and Ranking Member Titus, there are four members there in Nevada. I am the lone person here for the State of Montana. I am an at large member. In fact, if you want to put it in perspective you can put Washington, D.C. in the southeast corner of my state, you can put Chicago in the northwest corner of my state, and that's the district I represent. So I am glad you are voicing for these western states that have a lot of difference between telephone poles, as we say out there.

We also have one of the highest per capita veteran populations in Montana. Typically we are in the top three. And I am here today because of these very troubling stories that have come my way and come to my attention from the veterans in my home State of Montana. At the Yellowstone County Veterans Cemetery, it is in Laurel, Montana just outside of Billings, just this year alone there are eight veterans who have been buried that have no grave marker. In each of these eight cases all of the proper proof of service was

presented, but they were denied. The VA explained that with the exception of State or National Cemeteries all requests for a headstone must be signed by the veteran or the veteran's next of kin.

Now we have groups, veteran groups back home, like Missing in America, the Patriot Guard Riders, they stand ready to honor these veterans and have done so in the past. But because of this revised policy, I think Mr. Powers mentioned from 2009, they can no longer provide a headstone to help honor the service and sacrifices of our veterans.

I am the son of a U.S. Marine. And I was taught very early on the importance of service and sacrifice. But also the importance of honoring these veterans who have served their country honorably. And the lack of justice that we see here upon their passing. And I understand that we want to fulfill the wishes of the veterans and make sure their final resting place does not include any markings that a veteran would not want. But surely we should not have a policy so inflexible that it is essentially prohibiting well meaning veteran groups and historians from honoring veterans who may be unaware of these rigid VA requirements.

I would like to bring your attention and submit for the record a letter from the American Legion of Montana. As noted, there is an estimated 200,000 homeless veterans in this country. Last Friday I was back home in my state. I was at the Helena homeless veterans facility there, the Cruse facility where we have 12 beds there for homeless veterans who by the way the good news all of them were out working that day, but there is a place for them to come home at night because they are homeless. And this VA policy is especially detrimental to those who had no close family members, nobody to claim them when they pass. In fact George Blackard, who is the Commander of District 11 American Legion of Montana, and this is the letter I am submitting for the record, he says it so much better than I could ever say it in his letter. He says, "A veteran may die with no next of kin, but a veteran will never die without a family. Every veteran brings to one family, our family, and that is over 23 million veterans strong."

Every day I think as we serve in this job in Washington and we have a chance to recite the Pledge of Allegiance at the very end we say, "Liberty and Justice for All." And I sure hope we can bring justice to these veterans who do not have a big voice up here in Capital Hill, these homeless veterans. We want to be a voice for that.

So my question, and Mr. Powers I am glad to hear you are revising that policy, and I am glad to be a cosponsor of the gentleman from Ohio, Mr. Stivers' bill here that will address this. But how long is this going to take to remedy what I believe is a great injustice to our veterans who are homeless, who cannot, who do not have next of kin? I am glad to see you are working on it. How long is this going to take?

Mr. POWERS. Thank you for your question, Mr. Daines. We are actively engaged in the process. As I described, all of the senior leaders in the National Cemetery Administration recently met to review the documents to get it done. And the one thing also we want to do is certainly engage the 60-day public comment process. Because we may have missed something and it provides the oppor-

tunity to get input from the veterans service organizations on what would not work for them. Because our goal is the same.

Mr. DAINES. Mm-hmm.

Mr. POWERS. And the cases you cite out of the Yellowstone County Veterans Cemetery that we recently became aware of illustrate a whole other aspect of the issue. Some people think it is just looking at historical veterans headstones. No, we are looking at some current issues happening today and we need to fix it. And so we are going to get it fixed. With the rule making process and a 60-day comment period.

Mr. DAINES. Right.

Mr. POWERS. —address the comments.

But I have also talked about the specific incidences at Yellowstone.

Mr. DAINES. Mm-hmm.

Mr. POWERS. And we are working to remedy that before we fully implement the regulation, if we can make that happen.

Mr. DAINES. I would appreciate——

Mr. POWERS. Because the intent is clear.

Mr. DAINES. No, you, yeah——

Mr. POWERS. It was unintended.

Mr. DAINES. Your heart and head are in exactly the right place in that. We want to work together in this. But, you know, as you mentioned, this goes beyond some of the Civil War veterans. These are homeless vets that, you know, have had a story here maybe of hardship towards the end of their life. And they are homeless and they do not have any next of kin. And I also appreciate the fact that we need to have good process and procedure, respectful so that the right honors are given. But if we cannot trust the American Legion to be a proxy, to be that family, then who can we trust?

And so I would, I appreciate first of all if you bring remedy to this issue in Yellowstone County. And let me just go back to the original question. Can you give me a rough timeframe? Because I would love to see Congressman Stivers' bill not be necessary here. That we do not want to remedy this through a congressional action. Let us get this done at the VA.

Mr. POWERS. Congressman, as quickly as possible. I am an operator and I have to work with our administrative people. And we do need to factor in the 60-day comment period. It is moving along.

Mr. DAINES. Okay so——

Mr. POWERS. We have really focused on it.

Mr. DAINES. So if there is a 60-day comment period, let me just try to, and I will not pin you to a specific day. But give me a range. Are we looking at something, are we weeks, months, a year? When will this be corrected do you think?

Mr. POWERS. I think it will be corrected early next year.

Mr. DAINES. Early next year? Within the first quarter?

Mr. POWERS. We are going to try to get it done, Congressman.

Mr. DAINES. Okay. I would——

Mr. POWERS. With all the procedures that are involved in rule making we are trying to push that through, yes.

Mr. DAINES. Okay——

Mr. POWERS. But if there is one thing I could say, it is we have recognized the issue. It has been brought up to us. We need to

make the fixes. And it needs to be done correctly so we do not have to fix it again.

Mr. DAINES. Right. I appreciate it. Well I will look forward to working with you on that. And if there is anything you can do to remedy perhaps these eight homeless vets that need proper burial in Yellowstone County, I will do everything I can here to maybe fast track that as empirically working on fixing the process.

Mr. POWERS. Okay. Thank you, Congressman.

Mr. DAINES. Thank you.

Mr. RUNYAN. Thank the gentleman. And gentlemen, on behalf of the Subcommittee I thank you for your testimony. I look forward to working with you. The Chair now recognizes Ms. Brooks.

Mrs. BROOKS. Thank you, Chairman Runyan. And I apologize. I am chairing another Subcommittee hearing for Homeland at the current time. But I do want thank Chairman Runyan and Ranking Member Titus for allowing me to be a part of this hearing today.

I wish I could be joining you under better circumstances. But unfortunately I am here today to shine a light on a grave injustice that has greatly impacted my district in Indiana. Mr. Chairman, as you may have heard on May 30, 2012 Michael Anderson shot and killed Alicia Dawn Koehl and severely injured three others at an apartment complex in my district. Anderson was a deranged Army veteran who took his own life after his horrific shooting spree. Unfortunately, Anderson was subsequently buried in a veterans cemetery with full honors despite Federal law explicitly forbidding the VA from interring anyone who has committee a capital crime, including those never formally convicted. Let me repeat that to be clear. It is currently the law of the land that veterans who commit capital crimes cannot be buried next to our brave men and women who in some cases gave the ultimate sacrifice to our Nation.

The NCA did make a mistake by burying Mr. Anderson in a veterans cemetery, plain and simple. And at the request of Alicia's family, some of whom are here, and friends, Senator Coats and I began working on this case to rectify the mistake made by the NCA. On August 5, 2013 I received a letter from the VA saying they lacked the legal authority to disinter the body because it was in violation of Title 38 of the U.S. Code. I ask unanimous consent to have that letter inserted into the record.

Mr. RUNYAN. So ordered.

[THE ATTACHMENT APPEARS IN THE APPENDIX]

Mrs. BROOKS. I do not bring up this issue as an exercise in semantics. This has severely affected the family of this victim and communities throughout my state. Alicia was not only a mother of two and a loving wife, but she was a Girl Scout leader, a volunteer of the year at her kids's school, she was an active member of her church. Her killing has left a hole in the community. And the fact that Mr. Anderson was afforded a full military burial in spite of committing an egregious crime has just compounded the injustice felt in our state.

Mr. Chairman, I have heard from many constituents throughout my district, including someone who came here to visit our Nation's capital with school kids during the shutdown, how much Alicia meant to them. However, I thought it best to let Paul Koehl, the

widower of Alicia, write a statement about who Alicia was, how she touched people's lives, and how this incident has affected him and their two children. And I now ask unanimous consent to have that letter entered into the record.

Mr. RUNYAN. Hearing no objection, so ordered.

Mrs. BROOKS. Mr. Chairman, luckily we can do something about this. We can bring closing to mourning Hoosiers and ensure that something like this does not happen again. That is why every single member of the Indiana delegation has come together in support of my legislation in both the House, and there is a similar bill in the Senate which gives the VA the needed authority to reconsider the interment of veterans who may have committed capital offenses. While the bill would only apply to those buried after this bill is hopefully pass it does specifically disinter Michael Anderson. Once again, we are not asking for anything new here. We are just trying to give VA the opportunity to correct mistakes that were made. We have actually worked closely with them to help craft this legislation. Mr. Chairman, I encourage you to take a look at this legislation and see if it is something that you can I can work on passing through this committee. And with that I just have a couple of questions for the panel.

Mr. RUNYAN. Please.

Mrs. BROOKS. One of the letters, and this is to Mr. Powers, that was sent it was stated that the VA finds that the NCA followed its regulatory process because the decision was made based on the information known at the time of the burial request. Can you please share with me the vetting process you determine if a veteran is eligible for burial in one of your cemeteries?

Mr. POWERS. Congresswoman, to determine if a veteran is eligible, and I will start out at the larger scale, we look at discharge documents in order to determine if the individual is eligible based on whether the service was of the correct character to gain basic eligibility. We completed these steps through a scheduling office in St. Louis. It is a centralized scheduling office. It has worked very well. And families and funeral directors call that number so that they could quickly schedule interments for eligible veterans. Usually veterans keep their discharge documents with them. They have been told to do so over a long period of time, have your discharge documents available, and families have them. When they do not, we are able to expedite our process and go directly to the sources for those discharge documents once we get them, we can make a basic eligibility determination. This process, in most cases, gives the veteran the benefit if they are eligible.

I think your question goes to the second part of the process, which determine those individuals who should be barred because of the law from being buried in a national cemetery.

Mrs. BROOKS. And the law is clear that a capital crime bars——

Mr. POWERS. Yes——

Mrs. BROOKS. —such whether they are convicted or not, is that correct?

Mr. POWERS. That is correct. And because of the case you refer to let me go into a little bit more detail. If there is no conviction because the person escaped conviction because of their own death NCA is supposed to determine if they would have been convicted.

We have to consult with department lawyers in the different states to determine whether it was a state capital crime or a Federal capital crime. At the point of determining whether a veteran is eligible, our screening process is to ask during the initial call if the individual committed a capital crime. That is our initial screening process. We get answers to those questions, and, based on the answer, we go through the process of making a determination.

Also, at our facilities nationwide, we have staff members who are members of the community. They listen to the news. They have been told if they see a newspaper report, or that the TV news talks about a veteran or military service, bring it in, and we will conduct further investigation. We are also screening the media at a nationwide level to try to gather information.

The incident you are talking about, one of the difficulties of that interment was the crime happened in Indianapolis. The veteran's family lived in Southern Michigan. So the call was made from a funeral director in Southern Michigan and Mr. Anderson was interred at Fort Custer National Cemetery in Michigan.

Mrs. BROOKS. And so it is your testimony that actually the authorizer to allow the interment would have asked the family or the funeral director would have actually made the affirmative ask as to whether or not Mr. Anderson had been convicted of any crimes? Is that correct?

Mr. POWERS. Our investigation confirms we did ask the question. The answer to the question in this case was "no" by a funeral director who actually did not know. He said no. It was a Michigan funeral director.

Mrs. BROOKS. And so I assume that NCA and the VA would acknowledge that a mistake was made because this was something that could have easily been determined had anyone done a Google search, or had there been anything that had, whether or not you look at all, when you say a nationwide outlook, and I appreciate this was in another state. However, it is a contiguous state. But obviously there is no independent search besides the affirmation by the family or the funeral service? There is nothing else that is done, correct?

Mr. POWERS. We are doing those nationwide Internet searches to try to determine those parential cases. I will tell you that I retrospectively pulled up some of the Internet articles on the shooting spree at the apartment complex. Not all of them mentioned that Mr. Anderson was a veteran or had military service. One of them did, but about three or four of them had no indication of his military service. One of the things that we need to preserve as we inter 124,000 veterans every year is to watch out for those potential cases and develop a system where we could bar individuals who should be barred, but still not make it cumbersome for the family that is trying to bury a veteran and they are sitting in the funeral home with an unexpected death and just trying to get their loved one scheduled in the next two days.

Mrs. BROOKS. And I appreciate all the efforts that you do take. But when the rare occasion happens when a mistake was made, as it was made in this case, has the, have you considered promulgating rules that would reconsider the interment of veterans? Because it is our understand and what our bill is trying to do is to

allow a disinterment when a mistake is made. Have you considered promulgating rules to correct a horrible mistake such as the one that was made here?

Mr. POWERS. We considered that and determined we could not.

Mrs. BROOKS. Okay and——

Mr. POWERS. And so therefore we provided you technical——

Mrs. BROOKS. It would take a legal fix——

Mr. POWERS. We provided you technical assistance. At the request of the Senate Veterans' Affairs Committee the VA is testifying today on Senator Coats' bill which is the companion bill to your own. These bills would provide the reconsideration authority for those types of interment decisions.

Mrs. BROOKS. Okay. And I appreciate that mistakes are made. But I am just so very sorry that the Koehl family has had to live with this for the past year. And they have veterans in their families as well, and so this has taken on an even greater level of pain for that family. And so we appreciate your work with this. And hope that we can work with the Committee to try to pass this law.

Mr. RUNYAN. We look forward to working with you on that.

Mrs. BROOKS. Thank you very much and I yield back.

Mr. RUNYAN. Thank the gentle lady. Gentlemen, again on behalf of the Subcommittee I thank you for your testimony. And we look forward to working with you on these important matters and you are now excused from the witness table.

At this time we welcome our second panel to the witness table. I welcome our second panel. The panel consists of Mr. Todd Kleismit, Director of Community and Government Relations for the Ohio Historical Society; Mr. Ray Kelley, Director of National Legislative Service of Veterans of Foreign Wars; and Ms. Ami Neiberger-Miller, Director of Outreach and Education for the Tragedy Assistance Program for Survivors; and Ms. Zumatto from AMVETS, who is not on my script. But we all appreciate your attendance here today. And your complete and written statement is entered into the hearing record. And Mr. Kleismit, you are now recognized for your oral testimony.

STATEMENTS OF TODD KLEISMIT, DIRECTOR OF COMMUNITY & GOVERNMENT RELATIONS, OHIO HISTORICAL SOCIETY; RAY KELLEY, DIRECTOR OF NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS; AMY NEIBERGER–MILLER, DIRECTOR OF OUTREACH AND EDUCATION, TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS; AND DIANE M. ZUMATTO, NATIONAL LEGISLATIVE DIRECTOR, AMVETS

STATEMENT OF TODD KLEISMIT

Mr. KLEISMIT. Good morning, Chairman Runyan, and Members of the Subcommittee. It is a privilege to be with you today at this important hearing on dignified burials for military veterans. I thank you for the opportunity. I myself am an Army veteran of Operation Desert Storm and appreciate the attention you are giving to this topic which affects a large number of us in Ohio and elsewhere.

I am here today speaking on behalf of the Ohio Historical Society and several other organizations that were negatively impacted by

a Department of Veterans Affairs recent change that requires that all applications for new veterans headstones be the decedent's next of kin. History organizations like mine and veterans organizations, high school teachers, genealogists, archivists, county veterans organizations, funeral professionals, and others were until recently able to apply for VA headstones. So why would all these groups want to apply for these headstones?

I can tell you that their voluntary commitment and patriotism are the ingredients for the kind of American success stories at a time when our country desperately needs success stories like these. There are countless unmarked graves where military veterans are buried in our mostly older cemeteries across the country. I am aware of research that has been done on veterans as far back as the Revolutionary War who were buried in unmarked graves in Ohio. During the current sesquicentennial of the American Civil War the Ohio Historical Society and several of our other partners across Ohio had been engaged in researching and verifying the remains of Civil War veterans, applying for VA headstones, and concluding with a public ceremony to honor those veterans buried but never fully recognized in Ohio.

Paul LaRue, who is a teacher in rural Ohio, has made Ohio's unmarked graves an annual school project since 2002. Paul has won several teacher of the year awards because he is an outstanding educator and because of his unmarked graves projects his students have conducted. Paul has submitted separate testimony complete with photos and case studies, and I encourage you to read it if you have not already had the opportunity to do so.

I think it is important to also consider the context of the life experiences of these people from our past, particularly our Civil War veterans. Many of them were poor, ethnic minorities or African American. Most likely they were buried in unmarked graves because they did not have family or the resources for a proper burial in the late 19th Century or perhaps the early 20th Century.

We are now about seven generations removed from the Civil War era. And you know, sometimes, well, why should we care? And these burial ceremonies are kind of the ultimate in civic engagement, applied learning, civics, genealogical research, and history lessons all wrapped together in one package. I have seen at these ceremonies the tears flow. I have felt the chills when "Taps" is played. So why should we care is not the right question. Instead should we not be celebrating the fact that 21st Century citizens care enough to look back, in the case of our Civil War veterans seven generations, to recognize the service of others?

The Department of Veterans Affairs Headstone Program is, we think, very good public policy when it is accessible to the public, many of whom are volunteers who are more than willing and happy to conduct the necessary research required. And it is one small way that our Federal government can work collaboratively with communities to humanize its work.

So we were disappointed of course when the VA policy was changed proscribing that headstone applicants must be the decedent's next of kin. As mentioned earlier we are about seven generations removed from the Civil War era. It is completely reasonable and appropriate to seek out veterans' next of kin whenever pos-

sible. Unfortunately, this is seldom possible. When it became evidence that our concerns and suggested remedies to this policy were not getting serious consideration by the department's leadership we then communicated this to Members of the Ohio Congressional Delegation. We appreciate their support which has led to Congressman Stivers' legislation on this topic.

So this legislation would reopen the door to history and military researchers, genealogists, local historians, and state veterans agencies to be applicants for these headstones. It would also align the department's application policy with the archival records policy at the National Archives and Records Administration for requiring military records which do not require next of kin authorization for records dating back 62 or more years ago. The Civil War Trust and others have created a Web site, marktheirgraves.org, that explains the next of kin dilemma and has collected many signatures online. I am also including an article with my testimony that was published online on September 11th.

While I take a certain amount of pride in the fact that Ohio has a slightly higher percentage of military veterans than the Nation at large there is no reason to believe that this issue is not just as important in New Jersey, California, Texas, Florida, Colorado, Nevada, and elsewhere.

I conclude by thanking you again for the opportunity to be here today to express our concerns about this policy relating to next of kin and having the opportunity to fix it one way or the other. Thank you.

[THE PREPARED STATEMENT OF TODD KLEISMIT APPEARS IN THE APPENDIX]

Mr. RUNYAN. Thank you, Mr. Kleismit. And with that I recognize Mr. Kelley for five minutes.

STATEMENT OF RAY KELLEY

Mr. KELLEY. Thank you, Mr. Chairman and Ranking Member Titus for holding this hearing today and inviting the VFW to take the opportunity to testify regarding National Cemetery Administration.

The VFW supports H.R. 3106, the Alicia Dawn Koehl Respect for National Cemeteries Act, which would codify the authority of the Secretary of the VA and DoD to reconsider prior decisions of interments in national cemeteries. It is important for our cemeteries to maintain their sanctity. This bill ensures that happens.

From October 18, 1978 until October 31, 1990, VA paid headstone and marker allowances to surviving families for purchase of private headstones and markers on behalf of veterans who were interred in private cemeteries in lieu of VA providing a government funded headstone or marker. This benefit was eliminated on November 1, 1990. So from November 2, 1990 through September 11, 2001, VA paid no assistance in the purchase of a private headstone or marker for veterans who qualified for interment in a national or state cemetery. Between 2001 and 2006 as a pilot program VA provided government headstones and markers to qualifying markers regardless of whether or not they had a privately purchased headstone. In 2007 VA made this program permanent and included

a medallion as an alternative option to a second headstone or marker and made it retroactive to November 1, 1990. This has allowed qualifying veterans to receive some form of headstone or grave marker benefit since its inception of the benefit in 1978.

Unfortunately this benefit has started, stopped, and changed enough times that it has become confusing to veterans and surviving families. Many do not understand why they do not qualify for the medallion, leaving the November 1, 1990 date as just an arbitrary starting point for a new benefit. Many of the veterans who call the VFW state that they would be willing to purchase the medallion if VA made them available. Based on these conversations the VFW would support a pilot program that would allow next of kin of the veteran who would otherwise qualify for the medallion except for his or her date of death to submit a request for purchase of the medallion.

NCA must maintain its commitment and appearance to national cemeteries. Regardless of customer surveys that rate appearances at cemeteries as excellent, the actual appearances are in decline. There are three performance measures that evaluate the overall appearance at national cemeteries. The results of these performance measures have held steady the past several years but have continually fallen short of their strategic goal. The most concerning aspect of these goals is the VA predicts a decline in its performance measures in its fiscal year 2014 budget submission. VA must maintain its focus on ensuring our national cemeteries continue to honor the service and sacrifice of our veterans. VA must request and Congress must appropriate specific funds for the National Shrine Commitment to ensure these performance measures are met.

Access to burial options must continue to be a priority for NCA. The VFW has supported the NCA policy of providing burial options for 95 percent of all veterans within 75 miles of their homes. In fiscal year 2011 NCA recognized that under the current, the then current threshold of 170,000 within a 75-mile radius no new locations would be eligible for veterans cemeteries. NCA reduced the threshold to 80,000 veterans within 75 miles allowing burial options for an addition 550,000. That same year they began the urban initiative and this has allowed NCA to purchase property in densely populated areas where veterans live within 75 miles but due to actual travel times is not considered accessible.

In its fiscal year 2013 budget VA introduced a new burial option, the National Veterans Burial Grounds. This will allow NCA to increase access to burial options for veterans who live in remote, low veteran populated areas that do not have reasonable access to national or state cemeteries.

NCA has shown initiative in striving to meet the goals of burial options, but NCA must continue to be flexible enough in their policies to recognize locations where under current policy no new national cemetery will be developed but other factors like geographic barriers, or states that have invested in state cemeteries but have not been granted a national cemetery, must be considered. These policies work to ensure the largest number of veterans have access to the veterans cemeteries but there are occasions where the desires of veterans must be included in this decision process.

Mr. Chairman, this concludes my testimony. I look forward to any questions you or the Committee has.

[THE PREPARED STATEMENT OF RAY KELLEY APPEARS IN THE APPENDIX]

Mr. RUNYAN. Thank you, Mr. Kelley. I now recognize Ms. Neiberger-Miller for her five-minute testimony.

STATEMENT OF AMI NEIBERGER–MILLER

Ms. NEIBERGER-MILLER. Thank you. I am pleased to submit this testimony on behalf of TAPS, the Tragedy Assistance Program for Survivors. I am the Director of Outreach and Education and the surviving sister of Army Specialist Christopher Neiberger, who was killed in action in Iraq in 2007. TAPS is a nonprofit organization that provides comfort and care to anyone grieving the death of someone who died while serving in our armed forces, regardless of where they died or where they died.

The Subcommittee has asked for our opinion on several matters. Regarding the Volunteer Veterans for Cemetery Service Act. We appreciate the legislation's intent to provide educational programs that would allow veterans to share their military service.

Regarding the Honor Those Who Served Act of 2013, which permits historians, genealogists, state veterans agencies, researchers, and others to request headstones or markers for veterans gravesites, we are pleased to support this legislation. We would appreciate the attention of the Subcommittee and VA staff on delays in payment for burial allowances. The number of pending burial allowance claims is currently more than double what it was four years ago, with 45,671 pending claims as of September 30th. While these benefits do not route through the National Cemetery Administration, the delay in their delivery hurts families by forcing them to hold off on settling estates and impacts their impressions of the VA and the National Cemetery System.

At Arlington National Cemetery, which has undergone recent leadership changes, TAPS supported surviving families who were upset about changes in the enforcement of the floral policy in Section 60 where more than 800 of those who gave their lives in Iraq and Afghanistan, including my brother, are buried. The cemetery staff began consistently removing mementoes, rocks, photos, pictures attaches to headstones, and other items in late July. For more than four years families in Section 60 have been granted leniency and the floral policy was not enforced as rigorously. During an emotional meeting a few weeks ago with the Superintendent families talked about how being able to leave items and photos helped them cope as they move forward in their lives today. The Superintendent apologized to the families for the pain this has caused them and for a lack of communication, and the cemetery staff worked to identify flexibility within their existing policies. And a few days after the meeting they notified families that they would be allowed to leave small mementoes at gravesites without fear of immediate removal for the six months when existing regulations permit artificial flowers.

We realize that the cemetery must maintain a level of decorum and propriety. At the same time, mourning practices today are very

different than those of many years ago. And these families are often grieving deaths of very young people in an ongoing conflict. There is no memorial for them. We are concerned about what will happen after April 15th if weekly cleanups resume and no additional policy accommodations can be reached beyond what is in place today. We are very hopeful that the cemetery will continue to engage with the families and that the advisory committee for the cemetery will consider the needs of these families as it makes decisions about the floral policy. As we mentioned in April, no survivor has served on that committee since Janet Manion's death in 2012 and we hope that the stakeholder group could be represented.

We would also again like to bring your attention to the limitations of the Corey Shea Act. This permits a surviving parent to be interred with a veteran in a national cemetery if no eligible spouse or child exists in cases where the veteran died in action or from a training related injury. Unfortunately, some surviving parents are not eligible because their child did not die in action or in a training accident, or because their loved one is buried at Arlington National Cemetery. We hope that Subcommittee will consider expanding eligibility for these surviving parents, or consider modifying the waiver request process which would offer an alternate route for these parents. Unfortunately, neither the National Cemetery System nor Arlington National Cemetery can make a decision on a waive until a person has died, which offers no comfort to these hurting parents. This is an areas where your attention could make a difference for some who are suffering and have sacrificed so much for their country.

Thank you for the opportunity to submit our testimony and we welcome any questions.

[THE PREPARED STATEMENT OF AMY NEIBERGER-MILLER APPEARS IN THE APPENDIX]

Mr. RUNYAN. Thank you, Ms. Neiberger-Miller. And next I recognize Ms. Zumatto for her testimony.

STATEMENT OF DIANE M. ZUMATTO

Ms. ZUMATTO. Good morning Chairman Runyan, Ranking Member Titus, and distinguished Committee Members. I am pleased to sit before you once again on behalf of AMVETS to share our praise and concerns related to the National Cemetery Administration and the dignified burial of all American veterans.

The most important obligation of the National Cemetery Administration is honoring the memory of the brave American men and women who have over the course of our Nation's history selflessly served in our armed forces. It is with this sacred duty in mind that AMVETS encourages the highest levels of stewardship, accessibility, and preservation of our entire NCA Cemetery System as well as Arlington National Cemetery. AMVETS believes that the dignified burial of America's veterans is as important as any other service provided by the VA. Therefore, AMVETS supports extending advanced appropriations to the remainder of the discretionary and mandatory programs, services, and benefits accounts of the VA. This issue of advanced appropriations is at the top of our list of concerns regarding all VA operations.

As the recent government shutdown has without a doubt proven, advanced appropriations not only work, they work well. While other critical veterans services were delayed, disrupted, and/or suspended, thanks to their advanced funding VA hospitals and clinics were able to continue funding uninterrupted care to our veterans. NCA would benefit by the extension of advanced appropriations by permanently preventing the interruption of a variety of burial and memorial services, including limited and/or delayed interment schedules, stoppage of administrative services, interruption of grounds maintenance, and the inability to provide headstones, markers, medallions, and other burial receptacles to veterans and eligible family members.

AMVETS cannot say enough about the excellent job Under Secretary Muro has done during this tenure at NCA in executing the important mission of his office, and under his leadership with continued funding at appropriate levels he will bring the NCA to new levels of distinction in fiscal year 2014 including continuing to address increasing workload requirements, expanding burial access for veterans and their eligible family members, achieving high levels of customer satisfaction, and implementing cost savings and operational improvement measures.

Additionally, AMVETS supports the NCA as they continue to make significant progress on several major initiatives including land acquisitions and critical master planning efforts, especially in rural areas; improving preservation and restoration of irreplaceable historic resources which not only commemorate the valor and service of our veterans but record the very historic fabric of our Nation; continued development and utilization of customer service best practices; continued leadership in and expansion of the hiring and training of veterans; and improvements in environmental stewardship and facilities maintenance which are able to leverage resources while upholding national shrine standards.

Finally it is our understanding that a number of legislative proposals were submitted with the NCA's fiscal year 2014 budget request, all of which AMVETS would be willing to support.

This concludes my testimony for today and I would be happy to answer any questions you may have.

[THE PREPARED STATEMENT OF DIANE M. ZUMATTO APPEARS IN THE APPENDIX]

Mr. RUNYAN. Thank you, Ms. Zumatto. And I will begin questions. And my first question actually is for Mr. Kelley. You brought up in your testimony talking about the appearance and the decline in those appearances at cemeteries. Do you have specific conditions and/or individual cemeteries that have been brought to the VFW's attention?

Mr. KELLEY. I have not heard reports from the field of particular situations. What I used was VA's own documentation of their budget submission year to year, which outlines their goals and objectives. Six years ago they were at 60-some percent, money was appropriated, initiatives were taken. They got up to, in the, some of them, there are multiple different measures, in the high seventies, low eighties, with a goal being 95 percent. In this last budget submission they foreshadow that it is going to decrease. I can only as-

sume that was because of the lack of funding that is going to those accounts.

Mr. RUNYAN. Okay. Next question is for Ms. Neiberger-Miller. In your testimony you highlight the impact of delay in the payment of burial benefits from VBA can have on families with their experience at NCA. Now obviously we do not have any representatives from VBA here and we do have representatives from NCA with us. Can you further describe for them the hardship many families deal with in their delay? And how do you envision a partnership between NCA and VBA would be to address the issue?

Ms. NEIBERGER-MILLER. I think one of the challenges is that the perception of families is that these are within the same agency and therefore connected. A funeral is held in a cemetery and burial benefits are associated with that. We have a case right now in our case work department where a surviving father filed for burial benefits a month after his son's funeral, it was in March of 2012. The claim was initially denied. When he questioned that he later found out that VA had actually paid a fraudulent claim by mistake from another relative who was not involved with the funeral. And VA then said they had lost his original claim. He then refiled for his new claim in April of this year and has been told he will wait 12 to 14 months for those benefits, that it is being treated completely as a new claim. And you know, to ask a grieving family to wait two years in this case, admittedly a year lost due to the original denial and the fraud, to ask a family to wait a year for what should appear to be a rather basic benefit, certainly not as complicated as a veterans disability claim, you know, does seem extremely egregious and difficult for families. Because it means they have to hold off on settling estates, they have to wait. And this becomes a bureaucracy that they then have to negotiate as a grieving person.

Mr. RUNYAN. And I have one more question to you because I kind of touched on it with the first panel with Mr. Hallinan. But your testimony also emphasized the increased need for sensitivity training for staff at Arlington National, and that TAPS would be willing to assist in such training. What would such training entail and how would TAPS go about working with it, with NCA to implement something like that?

Ms. NEIBERGER-MILLER. TAPS would be pleased to help provide bereavement training to help support national cemetery staff both through NCA and at Arlington National Cemetery. The way we would go about setting that up would be to schedule a date, talk about some of the needs that the staff would have, the types of interactions they are having with families, and even some of the challenges that they are experiencing. We work with grieving families everyday at TAPS and we are very familiar with many of the challenges that come up with that and have many protocols and procedures in place through our survivor care team and our case work management team to help with families who are sometimes struggling and experiencing different issues, and just having a hard time. And then we would design a training that would meet the needs that are there while applying our expertise and our background in grief and trauma.

Mr. RUNYAN. Are there any specific incidences that actually raise your question of that they need actually sensitivity training?

Ms. NEIBERGER-MILLER. Well sir, I think for anyone who works with grieving people who have been through a lot of trauma, some training is always especially appropriate. Just because there are times when families even in a caring organizations like ours, which has many survivors on staff, where families sometimes have a really hard time. And it is hard to know how to respond to that. There have been one or two instances where we have heard with families with issues. But the majority of people who interface with Arlington National Cemetery and the National Cemetery Administration System have a positive experience. You know, it is a rare instance when something happens. And good training can really help avoid even those rare instances.

Mr. RUNYAN. Thank you. With that I will recognize the Ranking Member Ms. Titus.

Ms. TITUS. Thank you, Mr. Chairman. Mr. Kelley, I just want to recognize before I ask my question that one of your Nevada Members, Senior Vice Commander in Chief John Stroud, is currently in Vietnam working on a search for comrades who are missing in action. I understand they are doing a dig at a crash site and so we certainly wish them well and hope they will be able to recover some of our missing servicemembers and bring them home after such a long time. So thank you and the VFW so much for those efforts. We really do appreciate it.

Mr. KELLEY. I will pass on your regard. Thank you.

Ms. TITUS. Thank you. I would just ask you, Mr. Kelley and Ms. Zumatto, if the VFW and AMVETS would be willing to help to look at the current funding formulas that set up where cemeteries go to see if we might need to revisit that criteria or that formula to see if we cannot better serve the many veterans who are spread out across the West where there are not national cemeteries now.

Mr. KELLEY. I would be happy to work with you. To brag on the veterans community and on VA, years ago they had just a dysfunctional system of where they are going to go. They came up with a policy to help organize that. We pointed out over the time that there are areas that this just does not make good sense. In urban areas, in remote areas that they are never going to have anything served. Your veteran ratio is going to be too high at some point. All of those things have been solved at this point. It has taken time. It has taken effort. It has taken communication. I am optimistic that VA can do the same thing with the other issues as well.

Ms. TITUS. Well thank you.

Ms. ZUMATTO. Anything that, you know, any assistance that we can offer in support and, you know, for the vets, and our cemetery system, we are happy to work with all stakeholders.

Ms. TITUS. I appreciate that. Because the veterans who are located in the West should not be a victim of geography. You know, because those are large states and they are spread out. There are a number of them there and we need to be sure they are served as well. So thank you very much. Mr. Chairman?

Mr. RUNYAN. Mr. O'Rourke?

Mr. O'ROURKE. Thank you, Mr. Chair. I want to thank everyone who has testified for your testimony and also answering the questions so far. And I also want to note for the record that the previous panel has stayed, the representatives from Department of De-

fense and VA and their teams, and I think that says something about their commitment to continuing to improve and ensure that they are listening to you. And taking what you have to say into account. So I want to thank them.

Ms. Zumatto, I want to commend you for making the point that we need advanced appropriations for all aspects of the VA, including NCA. And that was really, as you pointed out, brought home during this last shutdown. And I would be very surprised, we are going to check, if there is not unanimous support on this Committee. And if there is not, there should be, in terms of cosponsorship for the bill that would do just that. And I am hopeful that once we are able to get that support here that that is something that is supported overwhelmingly in the House and in the Senate, and we can get that done. That to me is a no-brainer. So thanks for bringing that point home. I think you are right on.

And for Ms. Neiberger-Miller, you know, you talked about allowing for greater flexibility at the cemeteries and ensuring that there is a level of community input and responsiveness to the needs of local communities when it comes to their preferences. You may have heard my questioning earlier of Mr. Powers about what we can do to improve the situation at Fort Bliss Cemetery, where we have a xeriscaped, you know, pretty arid environment, uninviting environment for families who are coming to visit loved ones who are buried there. I wondered if you had any advice based on your experience on how a community such as ours might work with NCA? Might take the initiative ourselves in making recommendations, funding some of those recommendations? I would love to get your thoughts on that.

Ms. NEIBERGER-MILLER. Thank you. I think one of the models to look at is for example how some of the community has tried to work together at Arlington to resolve what has been essentially a dispute and a change in culture and practice. In that the parties involved are all talking to each other. That does not mean that they have all reached agreement, or have agreed on a particular course of action. But they have met face to face. They are not just duking it out through letters to the editor or in the media. They have looked each other in the eye and talked about it. And are seeing each other I think more as real people. And I think that is an important first step.

I also think it is important for the community to feel like they are heard and listened to. And I know sometimes that is very hard, especially for administrators who see things in a total systems perspective at times, and they look at the whole big picture. And you have someone there who has a piece of that. And you may have to hear it many times. And that can be challenging too.

You know, we had also heard a couple of comments about the Fort Bliss Cemetery and the xeriscaping. And, you know, had heard some concerns about it and the way it looked, and had noticed the public concern about it. I think it is important for people to come together and talk about what solutions might be possible and you are certainly taking the first steps to do that.

Mr. O'ROURKE. Thank you. For Mr. Kelley and Ms. Zumatto, veterans service organizations such as yours do so much to fill in the gaps left by frankly sometimes a lack of follow through or resources

on the Federal government's part. And most strikingly for us in El Paso, that is with service-connected disability claims, and the wait times, and the efforts that you have made to help veterans file those and to get justice when they are not, when they do not get a response in a reasonable period of time. Following that same model, I wondered if you could share any thoughts you have for how VSOs could play more of a role in filling gaps that have been identified in today's hearing with the NCA? And again, specifically I am very interested in how we do a better job in El Paso. But I am assuming what you have to say on that could apply to national cemeteries across the country. So Mr. Kelley, if you would not mind talking about where VSOs can play an important role here?

Mr. KELLEY. I do not know if there is a cookie cutter answer for that. Our members have different programs that vary from place to place. It could be doing color guards. It could be doing assistance to the family, doing flag foldings at the cemeteries, being a greeter at the cemeteries. Those are the things that they do. And they identify those gaps where they are at. So if they see that there is nobody doing military honors at this, they will get a group of people together, put a team together, and go out and do that. In another location that might be taken care of but there is nobody there at the visitors center to say hello, so they will do that. So I do not know if there is really a single thing. They look in their own communities, find those gaps, and then work to fill them.

Mr. O'ROURKE. Thank you. Ms. Zumatto, I am out of time so briefly I would love to get your thoughts.

Ms. ZUMATTO. Well obviously I totally agree with what Ray just said. But maybe one of the things that we could do at the national level would be to put a little bit more emphasis on the cemetery issue and maybe make our members throughout the country a little bit more cognizant and maybe ask them to step out and look a little bit more closely to see what the gaps are, where they are, and if they can jump in a fill those gaps.

Mr. O'ROURKE. Thanks. I want to thank each of you again for your testimony. And Mr. Chair, I yield back.

Mr. RUNYAN. I thank the gentleman. And I actually do have one kind of big question, probably a three-part question, for Mr. Kleismit. Pertaining to what outreach did the Ohio Historical Society have with respect to the VA in proposing remedies to the regulatory complication? Also, what response did you receive? And if the VA's next of kin requirement were to remain would you have any recourse to obtain headstones for unmarked graves? Or would your continued work in this area be impossible?

Mr. KLEISMIT. Thank you for the question, Mr. Chairman. Yes, we did send a rather detailed letter explaining our situation to the Under Secretary back last December. And we got a response three months later that from our vantage point was disappointing. It said that, you know, there are resources online to find next of kin, and things of that nature. So at that point that is when we engaged the congressional delegation and led to the legislation. So that is one of the things that transpired.

We are, I an encouraged by what I have heard from the NCA this morning about how seriously they are reviewing that policy. I think that is terrific. So as Congressman Stivers mentioned, if that,

if the legislation becomes unnecessary we would be thrilled simply to have the recourse to be able to be applicants, just the community of historians and funeral professionals, the people that we have typically engaged with. So we would thrilled just to simply find a resolution to this. We never intended to be the antagonists on this issue, which is why our initial letter came up with a couple of suggestions that Congressman Stivers has incorporated into his bill. So we are cautiously optimistic here. Thank you.

Mr. RUNYAN. Thank you. Do any Members have anything further? No? Well I would like to thank all of you. And on behalf of the Subcommittee thank you for your testimony. You are now all excused, and thank everyone for being here with us today. The status reports from our cemetery representatives, the input from public and VSO community was well presented, and this Subcommittee appreciates all the work that went into the preparation for today's hearing. I look forward to future updates on the matters that we have heard about today and I look forward to working with you all throughout this Congress to ensure that the final resting places of our veterans and their families left behind receive the highest standard of care.

I would like to again thank all of our witnesses for being here today. I ask unanimous consent that all Members have five legislative days to revise and extend their remarks and include any extraneous material. Hearing no objection, so ordered. I thank the Members for their attendance and this hearing is now adjourned.

[Whereupon, at 12:17 p.m., the Subcommittee was adjourned.]

A P P E N D I X

Prepared Statement of Hon. Jon Runyan, Chairman

Good morning and welcome everyone. This oversight hearing of the Subcommittee on Disability Assistance and Memorial Affairs will now come to order.

We are here today to examine issues facing our military and veterans' cemeteries. Our goal in this hearing is to learn more about the operations of the National Cemetery Administration in recent months, as well as seek the Administration's commentary on several focused issues that I will highlight momentarily.

We also wish to welcome Mr. Hallinan to his new role as the Executive Director of the Army National Military Cemeteries and to hear about his work and his vision for continuing the honorable mission of Arlington National Cemetery.

Previously, Mr. Hallinan worked side by side with the former Director, Ms. Kathryn Condon, and together they provided revitalization, leadership, and structure to an operation that had been plagued by mismanagement. Prior to that, he worked alongside Under Secretary Muro with the National Cemetery Administration, where he held various positions from laborer to cemetery director. So, Mr. Hallinan – welcome, and we look forward to hearing from you today.

The endeavors of NCA and ANC are among the most honorable in government. The people within these organizations work day-in and day-out to honor veterans and servicemembers with dignified burials, and to assist families and loved ones who must deal with loss and tremendous grief.

I would like to take a moment to acknowledge a few people who have come to sit in the audience for our hearing today.

Ms. Laurie Laychak], who lost her husband, David Laychak ,on 9/11 at the Pentagon is here today. Through TAPS, Laurie mentors other widows whose spouses have been buried within section 60 of Arlington National Cemetery.

Ms. Paula Davis, is a surviving mother who lost her only child, Army Private Justin Davis, in Afghanistan in 2006 at age 19. He is buried in section 60 of Arlington National Cemetery.

And, Ms. Rose Duval is a Vietnam Veteran herself, and the surviving mother of Air Force Technical Sergeant Scott Duffman, who died in Afghanistan in 2007. He is buried in section 60 of Arlington National Cemetery as well.

Ms. Laychak, Ms. Davis, Ms. Duval—We truly thank you all for engaging in these issues, not only for your loved ones at Arlington National Cemetery, but also for the interest of so many families and friends who have suffered tragic loss, and who entrust Arlington National Cemetery and the National Cemetery Administration to assist them in honoring, and memorializing, their loved ones.

As I have said before, our Nation's solemn obligation to honor those who have served does not cease at the end of their service, retirement, or ultimately, upon death, and it is the responsibility of the National Cemetery Administration and Arlington National Cemetery to see this commitment through.

Specifically today, the Committee is interested in hearing from the National Cemetery Administration on several focused areas, one of which is the burial access initiative for rural veterans.

In an attempt to provide service to veterans who do not live in close proximity to a National Cemetery, NCA has proposed to establish National Veterans Burial Grounds in rural areas where the veteran population is less than 25,000 within a 75 mile area.

This initiative targets Idaho, Montana, Nevada, North Dakota, Maine, Utah, Wisconsin, and Wyoming, and I look forward to hearing more about the progress of this initiative.

In addition, other issues have come to light since our last cemetery hearing, one of which is a matter of great sensitivity.

The Subcommittee has been made aware of a terrible incident that occurred in Indiana. In May of 2013, a veteran shot and killed a woman, in what was reported

as a random act of violence. He wounded several others, and ultimately took his own life.

Although the law restricts an individual who commits a capital crime from burial in an NCA cemetery, or within Arlington National Cemetery, this murderer was interred within Fort Custer National Cemetery. This has, understandably, enraged and deeply hurt many people, including those injured, as well as the murder victim's family. What can be done in situations such as this, and what authority should exist to correct unlawful interments that occur by way of error? This is a matter that the Committee seeks information upon today.

One other area that will be addressed today is a repeated concern that we hear from volunteer historians, local governments, and funeral professionals who seek to identify and recognize veterans buried with no next-of-kin. In April, we held a hearing and spoke about the NCA regulation that has prevented these groups from obtaining headstones or markers for veterans.

At that time, the Committee was informed that NCA was looking at a regulation rewrite to correct what had become an overly restrictive policy that prevents well-intentioned volunteers, or government entities, from obtaining these markers. As this is a matter of on-going concern, we will hear testimony on this issue today.

I would like to welcome our witnesses. As noted, these panelists play significant roles in ensuring that we as a Nation fulfill our responsibilities to honor those who have served us all.

We hope that through discussions and questioning such as will occur today, we can work collectively to not only meet the challenges, but to exceed the standard.

Mr. Patrick Hallinan is here representing the Army National Cemeteries Program, which includes perhaps the most recognizable site of our honored fallen in Arlington National Cemetery.

Mr. Glenn Powers, Deputy Under Secretary for Field Programs is here on behalf of the National Cemetery Administration, which oversees 131 cemeteries nationwide.

We will also be hearing from Mr. Todd Kleismit, the Director of Community and Government Relations for the Ohio Historical Society, Mr. Ray Kelley, who is the Director of National Legislative Service with VFW, Ms. Ami Neiberger-Miller, who is the Director of Outreach and Education with Tragedy Assistance Program for Survivors, and Ms. Diane Zumatto, National Legislative Director for AMMVETS.

Finally, Statement for the Records have been received from Washington High School Educator, Mr. Paul LaRue, and Green-Wood Cemetery Historian, Mr. Jeff Richman.

With those introductions complete, I also thank the Members who are not on this Committee but who have expressed an interest in today's hearing topic. I'd like to ask unanimous consent that Representative Stivers, Representative Brooks, and Representative Daines be allowed to participate in today's hearing.

Hearing no objection, so ordered.

I thank you all for being with us today and I now yield to our Ranking Member for her opening statement.

Prepared Statement of Hon. Dina Titus

Thank you, Mr. Chairman, for holding a hearing on this very important topic. I also want to thank the witnesses for their attendance this morning.

It is my belief that the option of a burial in a VA national cemetery, in the state you call home, is a solemn obligation our government should fulfill. The National Cemetery Administration has grown dramatically since its creation in 1862 when 14 cemeteries were established to serve as a permanent resting place for those killed during the Civil War.

On July 17 of that year, Congress enacted legislation that authorized the President to purchase "cemetery grounds" to be used as national cemeteries "for soldiers who shall have died in the service of the country."

In 1873, ALL honorably discharged Veterans became eligible for burial.

Since then, NCA has expanded its geographic diversity to better serve Veterans across the country and recent legislation has even further expanded NCA's reach to rural and urban areas.

There are 131 National Cemeteries in the United States. New York has seven active national cemeteries. Three other states have six active national cemeteries, and Puerto Rico has two.

However, while access has grown significantly, there is still a very large population of Veterans that do not have the option of being buried in one of our Nation's prestigious National Cemeteries in the state they call home.

The state with the largest Veterans population without a National Cemetery happens to be Nevada, home to a fast growing population of over 301,000 veterans. I represent Las Vegas, home to 170,000 veterans. We also represent the largest area in the country without a National Cemetery.

In total, 11 states with a combined Veteran population of 1.8 million are not served by a National Cemetery.

The Nation's largest group of wartime veterans phrased this challenge well in stating that, "NCA must be flexible enough in their policies to recognize locations where under current policy, no new national cemetery will be developed, but other factors like geographic barriers or states that have invested in state cemeteries but have not been granted a national cemetery MUST be considered."

I am in complete agreement with the VFW and thank them for their testimony. While I applaud VA's efforts to reach underserved populations, I am also concerned that NCA is not working within the local veterans' community to determine where the placement of rural initiatives should be.

Has the VA asked the Nevada and Idaho veteran community if they agree that the rural initiatives should be in Elko and Twin Falls? I am hopeful that NCA is willing to do the right thing by engaging our local veterans with regards to the placement of these shrines in western states that have long been overlooked by our Nation and the National Cemetery Administration.

I also hope that the VA is not looking to use these rural initiatives as a way to appease these states that are not served by a national cemetery and then suggest that they are served by a National Cemetery. Let's be clear, rural initiatives are not National Cemeteries. These rural initiatives will be operated by contractors unlike National Cemeteries, and are being placed in rural areas, even by western standards, and will serve very few veterans.

It is also very concerning that NCA only surveys the families of veterans who have chosen to utilize a national cemetery, while ignoring those who chose a different option as a final resting place. If NCA is looking to offer options that serve all veterans and their families, this self-selecting survey fails to provide honest feedback.

I am hopeful to hear an update from NCA on any plans they may have to better address our western veteran's lack of an option to be buried in a National Cemetery. Let us remember all of these veterans and servicemembers served our Nation. As such, with over 130 national cemeteries, it is time to open a national cemetery to the 1.8 million veterans that do not have this option.

I yield back.

Prepared Statement of Mr. Patrick K. Hallinan

Chairman Runyan, Ranking Member Titus and distinguished Members of the Subcommittee, thank you for the opportunity to provide an update on operations at Arlington National Cemetery and our efforts to sustain the sacred trust of our Veterans and Families. Since Ms. Condon provided her final testimony as Executive Director, Army National Military Cemeteries to this subcommittee a year ago, I have been honored and humbled by my selection as the new Executive Director. The transition of leadership has been smooth and effective providing a continuity of operations as we build upon the successes of our recent past to better serve our Veterans, Families, and the public.

I am pleased to testify alongside my former colleague, Mr. Glenn Powers, Deputy Under Secretary for Field Programs of the National Cemetery Administration. I would also like to thank Mr. Steve Muro, Under Secretary for Memorial Affairs, my friend and colleague for many years for his support of Arlington National Cemetery. Through the positive working relationship of Arlington National Cemetery and the National Cemetery Administration, we have trained staff, shared ideas and best practices, and provided opportunities for employees to permanently move across organizational boundaries.

Building upon the foundation of our dedicated efforts, each of us are privileged to serve the nation as caretakers of our nation's most sacred shrine at Arlington. We remain committed to constant improvement of our operations. During the past seven months, my team has identified—and created—industry-leading standards with auditable business practices and institutionalized them at Arlington. We have designed and implemented stringent chain-of-custody controls with multiple points

of redundancy to ensure accountability with a zero defect tolerance. We have instituted processes that have reduced the time for placement of headstones from multiple months after a service to an average of 45 days. We continue to perfect information technology that enables us to operate more efficiently internally as well as provide interactive capabilities to the general public. We are considering ways forward to repair and replace our aging infrastructure, and increase burial capacity at Arlington and extend the active life of the cemetery. We continue to perfect our organizational inspection program which will capture in Army doctrine the current standards and practices in place at Arlington, and facilitate the implementation of those standards and practices at all 40 Army Post Cemeteries nationwide. My team is dedicated to improving the Arlington experience for our visitors and perfecting our logistical and administrative best practices. We are focused on our core mission. The pace of requests and burials at Arlington remains at an all-time high, and our workforce is meeting the challenge.

BUILDING UPON OUR FOUNDATION OF EXCELLENCE

Arlington will fill its current vacancies, to include key positions, refine cemetery operations, expand our robust training program, and institutionalize cemetery expertise. As the Director of Army National Military Cemeteries, I will provide training assistance to our Post cemeteries while implementing an inspection program across those Army cemeteries in keeping with the high standards of Arlington.

The progress we have made at Arlington could not have been achieved without the excellent support and assistance of the Secretary of the Army and the "Big Army". Additionally, I wish to acknowledge Military District of Washington's Joint Forces, Army, Navy, Marine Corp, Air Force, and Coast Guard for their superb service day in and day out. With the guidance of the Advisory Committee on Arlington National Cemetery, along with the invaluable efforts our Chaplains and the Arlington Ladies, we form a committed and united team dedicated to providing our nation's fallen with the honors they've earned through their service to our country.

Sustaining Accountability

The Arlington National Cemetery team is building on the foundation of success achieved with 100% accountability for all decedents interred or inurned at ANC and Soldiers and Airmen's Home National Cemetery using established accountability processes and geospatial mapping technology. The intensive, two year effort to achieve 100% accountability effort at Arlington was completed in the summer of 2012. Our personnel certify each burial service conducted daily, using a duplicative verification of grave location and decedent remains. Additionally, we digitally photograph every remains container interred and digitally associate that image with the burial record in our authoritative and auditable system of record.

To sustain 100% accountability and export our best practices to other Army Cemeteries, Arlington is perfecting and expanding our Organizational Inspection Program. Arlington National Cemetery continues to use and refine our detailed Organization Inspection Program as well as a Standards and Measures Program to self-evaluate operations and performance measures at Arlington and the Soldiers' and Airmen's Home National Cemetery. Our team began a detailed effort in the summer of 2013 to transform the ANC focused processes and programs into an appropriate inspection program applicable to the other 40 Army Post Cemeteries with an expected completion date of 31 December 2013. Upon completion of the inspection program, we will begin a systemic train, assist, and inspect program across all Army cemeteries. The Army National Military Cemetery (ANMC)-led inspection program will complement, not replace, the local installation commander's programs.

With our on-going work with the Organizational Inspection Program and updates to our authoritative regulations and policies, we also looked to improve and expand our training programs. Arlington National Cemetery established a training program for new employees in the summer of 2013. This recurring training program, centered on the ANC's Standards and Measures Program, will form the backbone of an ANMC-led training program for Cemetery Responsible Officials, and any other personnel that installation commanders responsible for cemeteries, desire to attend training. The training will be conducted at Arlington National Cemetery, and will provide authoritative training in best practices and standard procedures, complementing the information found in the Army Regulation and DA Pamphlet. This in-person, on-the-ground training will provide a clear picture of operation standards and norms for a national military cemetery. Attendees that successfully complete the training will receive official ANMC certification.

Headstones

In March 2013, Arlington National Cemetery began directly ordering government headstone and niche covers from the Department of Veterans' Affairs contractor resulting in more timely and accurate ordering of headstones. Prior to conducting a funeral service, cemetery representatives work with the primary next of kin or person authorized to direct disposition of the remains using an automated headstone designer tool to create a proposed headstone template. After the template is agreed upon, we wait two weeks from the date of service to allow Families the opportunity to change terms of endearment or other items of personal preference on the headstone. Following this designed intentional wait time, our Interment Services Branch staff reviews, approves, and submits the order to the Department of Veterans' Affairs contractor. The average time from date of interment to setting of the stone is 45 days – previously this took four to six months.

Ongoing Planning and Design for Cemetery Expansion and Infrastructure

The Army remains committed to maintaining Arlington National Cemetery as an active cemetery for as long as possible to continue to honor and serve our Nation's military heroes. In support of that commitment, last year we completed the construction of Columbarium Court 9. This new Columbarium added 20,296 burial niches for cremated remains and extended the Cemetery's projected capability to accept cremated remains from 2016 until approximately 2024. During our May 9, 2013 Columbarium Court 9 dedication, Arlington National Cemetery, with the support of the Missing in America Project, inurned, with honor, six unclaimed remains, from all branches of our Armed Forces. A most fitting tribute to these deserving service members. This Columbarium is special in two ways, not only is it the largest Columbarium Court at the Cemetery, but its construction was funded entirely from the recovery of unliquidated prior year funds, demonstrating our commitment to appropriately manage and utilize all available funding to improve the Cemetery. Thus far, we have been honored to place over 225 Service or family members in Court 9.

Working closely with the U.S. Army Corps of Engineers, the National Park Service, the Commission of Fine Arts, the National Capital Planning Commission, and our Advisory Committee, we have completed planning for the Millennium Project expansion in the northern part of the cemetery. There were several iterations of design concepts for this project as the Cemetery tried to balance the need for increasing burial capacity while at the same time being environmentally-responsible, incorporating and protecting the area's natural beauty and historic nature into the design. A construction contract was awarded in September and work will commence shortly. When construction is completed, it will add approximately 27,282 new burial opportunities.

With the Millennium project construction underway, we have begun planning an expansion on the southern side of the cemetery, into the land formerly occupied by the Navy Annex. We are in the earliest stages of project planning with the demolition of the previous facilities not scheduled to be completed until early 2014. As evidenced with the Millennium Project, the dedication of the project team, and continuous stakeholder involvement, will create a project concept that is both an appropriate expansion to the Cemetery and a place of honor for our veterans and their families. Although it is too early to tell what the final development will yield for the Navy Annex site, we project that with the Millennium expansion and the repurposed former Navy Annex site, the cemetery will have first interment space through the mid-2050s.

Arlington continues to work diligently to complete the most critical repairs to our aging infrastructure. We previously noted work on waterlines, flagstone, heating and cooling systems, but much work still needs to be accomplished. We have recently begun work on the second of five phases of waterline replacement. We have work underway to address several years of deferred maintenance on our parking garage, and will begin shortly to address additional phases of flagstone replacements, both of which will improve the safety and appearance of the cemetery. Our priorities for maintenance and repair work continue to focus on mission, safety and environmental protection.

With your great support we have been able to make many improvements to the aging infrastructure of the cemetery improving the safety of our grounds and protecting the environment. More work is required, some of which may be emergent. For instance, on May 30, 2013, my staff arrived at the cemetery to find a sinkhole in the middle of one of our roads. Investigation of the sinkhole revealed an area with many previous superficial repairs that over time resulted in the undermining of a culvert and ultimately failure of the roadway. We were fortunate in this case that it was not in an active part of the cemetery. It is these unexpected issues that

we continue to find that impacts our priorities. Fortunately, your strong support has enabled us to address these issues.

Technology at Arlington

Arlington National Cemetery continues to implement technology to streamline cemetery operations and improve our visitors' ability to explore the rich history of this National Shrine. We have made improvements to Arlington's Interment Scheduling System and our Geographic Information Systems to manage day-to-day operations.

Just over a year ago, Arlington launched ANC Explorer, a free, web-based application that has transformed how visitors explorer the Cemetery. ANC Explorer allows Families and the public to locate gravesites, events or other points of interest throughout the Cemetery; to generate front-and-back photos of a headstone or monument; and to receive directions to these locations. We have installed kiosks with ANC Explorer in our Welcome Center and have one outdoor kiosk in the cemetery, with the intention to add additional outdoor kiosks later this year. I am excited to report that in less than one year, we have reached over 60,000 downloads of our first version of this app. This spring, as part of Arlington National Cemetery's 150 anniversary commemoration, we will be releasing an updated version of ANC Explorer that will include enhanced functionality and tours that can be customized by the user.

Our GIS operational technology and application has received a number of awards from Federal Computing Week, Computer World, and Government Computer News. ANC Explorer was named, "App of the Year," at the 2013 Federal Computing Mobile Summit.

We are always looking for opportunities for Families and the public to explore this national treasure. Arlington has partnered with Google to include Arlington National Cemetery in their Street View Collection. On October 20, 2013, the Google Street View team collected images walking the paths and driving the road of cemetery. Once the images are "stitched" together, visitors can take a 360-degree virtual tour of the entire cemetery on their smartphone or computer.

WORK REMAINS

Section 60 Update

On Sunday, October 6, 2013, my senior staff and I conducted a round table discussion with twenty one Gold Star Families. The discussion addressed issues associated with cemetery maintenance and the Section 60 Mementos Pilot Program. The meeting was positive and generated several suggestions for improving communications between the family and Arlington National Cemetery. We have agreed to hold Gold Star Family roundtables twice a year. We are working to identify flexibility within existing policies. For example, as the cemetery enters the non-growing season (where mowing of the grounds is less frequent), the cemetery will allow small photographs and small handcrafted items not affixed to the headstone to be left at gravesites.

Arlington National Cemetery policy, which is similar to that of other national cemeteries, allows artificial flowers to be left at gravesites between October 10 and April 15. Allowing additional items to be left at gravesites during this time period is consistent with that policy. We will continue standard grounds maintenance during this time period and remove decayed floral items, items that are affixed to headstones or those that pose a safety hazard to visitors and staff, such as tobacco, alcohol, ammunition, or glass items. Every other Friday, cemetery personnel will also remove items considered to detract from the dignity and decorum of Arlington National Cemetery. I am committed to keeping the Gold Star Families informed and provide notice prior to implementation of any changes.

Reducing the Queue for Services at Arlington National Cemetery

Our core mission is to take care of Families at their time of need and schedule the service desired with appropriate honors earned as quickly as possible. This process requires working with the Families to document eligibility and with the services to schedule resources. We have implemented several measures to streamline the eligibility determination and scheduling process to reduce the amount of time Families must wait between first contact and the actual service. Since December 2010, we have collected metrics and data to better understand the interment services demand at Arlington National Cemetery. Requests for burial at ANC occur at a robust pace, and we expect the demand to remain constant as veterans and eligible service members from conflicts during the late twentieth century reach advanced age.

Over the last year, Arlington experienced a significant personnel turnover in the scheduling branch. Despite our best efforts to fill all vacancies, the temporary loss of personnel significantly impacted our ability to schedule funeral services, particularly inurnments. In March 2013, we noted an increase to the scheduling delay due to this loss of personnel. In response, Arlington sought and received authorization to hire against the vacant positions. By late June, the vacant positions were filled; and, when requested, the Secretary of the Army approved the use of overtime pay and temporarily reassigned personnel to assist in reducing the growing volume of requests. To reduce the impact to Families, the Secretary of the Army authorized me to direct re-allocation of additional personnel from existing end strength. This leadership focus significantly reduced the total of those pending scheduling.

THE IMPACTS OF THE LAPSE IN APPROPRIATION

The lapse of appropriation has caused Arlington National Cemetery to utilize available prior year funding to continue burial activities for our Veterans and their Families at our normal level. The available prior year funds allowed for continued burial operations during the sixteen day shutdown. Visitor operations continued with only minimal impacts. While ANC did not have to furlough employees during this period, the lapse did have an impact on day-to-day operations. We halted travel, training, and purchasing. However, sustainment, restoration and modernization of facilities continued as well as construction and/or design of ANC's major construction projects.

CONCLUSION

Through diligent efforts, adherence to established policies and standard operating procedures, and by leveraging technology, Arlington will do all within its power to sustain the sacred trust it has recently reclaimed. In conjunction with our partners at MDW, and with the great support of the services, the Arlington staff can assure the Nation of this: every burial service at Arlington National Cemetery will continue to be conducted with the honor and dignity our service members have earned, and their families will be treated with respect and compassion.

I appreciate the support of the subcommittee and look forward to answering any questions you may have.

Prepared Statement of Glenn Powers

Chairman Runyan, Ranking Member Titus, and distinguished members of the Subcommittee, I am pleased to update you on several National Cemetery Administration (NCA) accomplishments since the Under Secretary for Memorial Affairs last testified before you in April 2013. I also appreciate the opportunity to testify alongside Mr. Patrick K. Hallinan, Executive Director, Army National Military Cemeteries. Our partnership with the Department of the Army has resulted in the sharing of best practices and a strengthened commitment to serving our Nation's Veterans.

NCA employees focus on our organizational mission to provide quality burial and memorial benefits to those who served in uniform to defend our Nation and for their families. With the close of Fiscal Year (FY) 2013, NCA continued to address increasing workload requirements, expanded burial access for Veterans and their families, and achieved high levels of customer satisfaction. In FY 2013, over 124,000 interments were performed—a record number for NCA. We maintained 3.3 million occupied gravesites and 8,800 acres of land and awarded $34 million in National Shrine contracts to repair gravesites. NCA issued over 654,000 Presidential Memorial Certificates and processed over 358,000 headstone and marker applications.

As we move into FY 2014 activities, there are several major initiatives critical to NCA's achieving its strategic goals. They include land acquisition and master planning efforts to meet the burial needs of our Nation's Veterans and Servicemembers; historic stewardship efforts to recognize Veteran service of all eras; continued commitment to customer service and hiring Veterans, including homeless Veterans; and enhanced operational efficiencies. I will now review each of these initiatives in greater detail.

Meeting the Burial Needs of Veterans

NCA continues to implement one of the largest expansions of the national cemetery system since the Civil War. Between 1992 and 2013, NCA dedicated 18 burial facilities. By the end of this decade, the Department of Veterans Affairs (VA) plans

to open an additional 18 new burial facilities to provide access to a burial option for over 680,000 additional Veterans and enhanced service for over 2 million Veterans. The new facilities include five new national cemeteries and the realization of VA's Urban Initiative and Rural Initiative. This expansion, along with continued grant awards to states, territories, and tribal organizations, will allow NCA to meet its strategic target of providing 95 percent of Veterans with a burial option within 75 miles of their home.

This past fiscal year, NCA acquired land and awarded Master Plan/Design Development contracts for new national cemeteries at Central East Florida, Tallahassee, Florida, and Omaha, Nebraska areas. The 2014 President's Budget requests $116 million to complete construction for these three cemeteries. These three facilities will serve approximately 350,000 Veterans and their eligible family members. We continued land searches for urban satellite cemeteries in Chicago, New York, and Indianapolis. We continue to perform due diligence activities for a rural cemetery in Yellowstone, Montana and land searches at five other rural locations. We awarded $36 million in grants to states and tribal organizations for Veterans cemeteries.

In the next few months, we anticipate completing land acquisition for the new national cemeteries in the Southern Colorado and Western New York areas. Together, the five new national cemeteries will provide a burial option to over 550,000 currently unserved Veterans, in addition to their eligible family members.

To better meet the burial needs of Veterans, NCA began an initiative to establish new columbaria-only cemeteries in five urban locations where time and distance barriers to the existing national cemetery location have proven to be a challenge to burial and visitation. The Urban Initiative will alleviate time and distance challenges to allow for a more convenient burial option for Veterans in New York, Los Angeles, San Francisco/ Oakland/San Jose, Chicago, and Indianapolis.

To embrace the Department's priority to meet the unique needs of Veterans in rural areas, NCA launched the Rural Initiative to provide access for 136,000 Veterans who reside in sparsely populated areas where access to a national, state, or tribal Veterans cemetery is limited or does not exist within close driving distance. VA seeks to develop National Veterans Burial Grounds, which NCA will operate. National Veterans Burial Grounds will be established in eight states: Maine, Wisconsin, North Dakota, Montana, Wyoming, Nevada, Idaho, and Utah.

The authority Congress gave VA to provide grants to states, territories, and tribal organizations has fostered a critical and valuable partnership. Grants are used to establish, expand, or improve state, territorial, and tribal Veteran cemeteries in areas that do not qualify for a national cemetery. Since 1978, VA has awarded more than $500 million in such grants. Currently, there are 89 operational state and tribal Veteran cemeteries in 44 states, Guam and Saipan, with six more currently under construction. NCA looks forward to working with states, territories, and tribal organizations to share lessons learned from our new Urban Initiative and Rural initiative and to develop grant applications and award grants that reflect the needs, resources, and preferences of the local Veteran community.

Historic Stewardship Responsibilities

To support our statutory mission, NCA maintains all cemeteries, both modern and historic, as "national shrines to our gallant dead" by emphasizing high standards of appearance and commitment to stewardship. One hundred fifteen national cemeteries are listed on the National Register of Historic Places, 15 of which are designated as National Historic Landmarks (NHL) due to their national significance in American history and culture or their resource contribution to NHL districts. NCA's continued commitment to being caretakers of the Nation's history is reflected in our stewardship of the graves of Union and Confederate dead interred in more than 100 Civil War-era national cemeteries, Confederate Prisoner of War cemeteries and soldiers' lots. NCA will install nearly 200 interpretive signs that will illuminate its Civil War heritage at 77 national cemeteries and 24 Confederate cemeteries and Union soldiers' lots.

At our historic cemeteries—just like at our modern facilities—NCA maintains high standards of appearance. In addition, we provide historic stewardship through the continuous restoration and preservation efforts of lodges, walls, and monuments. NCA initiated a partnership with the National Park Service to stabilize several superintendent lodges—some of the most historically and architecturally significant buildings maintained within the national cemetery system. In 2012, NCA conserved and replaced the country's oldest surviving Civil War memorial, the 32nd Indiana Infantry Monument, located at Cave Hill National Cemetery in Kentucky. Between 2009 and 2011, NCA digitized 60 historic burial ledgers from 36 of our oldest national cemeteries to preserve them for the future. NCA formally partnered with Ancestry.com to index the entries at no cost to the government so these digitized

records are now electronically searchable by the public, Veterans' families, and researchers.

NCA provides historically accurate upright marble headstones to mark the graves of eligible Civil War Union and Confederate soldiers. NCA honors requests for replacements of historic headstones when inscriptions are worn to the point that they can no longer be read or if the headstone is otherwise damaged beyond repair. Recently, various individuals and historic groups expressed concern that the current definition of "applicant" for headstone and marker claims is too limiting. The current regulatory definition, effective on July 1, 2009, after a 60-day public comment period, reflects VA's obligation to ensure family members are included in the decision-making process because the death, burial, headstone, inscription, and gravesite location of a loved one is a very personal matter.

NCA has reviewed its existing regulations governing headstone and marker benefits and we drafted a proposed rulemaking that is currently under development within VA. In the VA Memorialization Benefits rule, we will propose amendments to address concerns about the restrictive applicant definition and create new regulatory provisions for the medallion benefit. Additionally, we revised existing claim forms for headstones, markers, and medallions, and have developed several other clarifying amendments, including a comprehensive definition section. We look forward to receiving public comments when the proposed rule is published in the Federal Register under the requirements of the Administrative Procedure Act and the Office of Management and Budget.

Industry Leader in Customer Service and Hiring Veterans

At NCA, we continually strive to sustain our extraordinary record of customer service and recognition of our best practices. NCA received the highest score of any participating entity—94 out of 100 possible—in the 2010 American Customer Satisfaction Index sponsored by the University of Michigan. This is the fourth consecutive time NCA received the top rating in the Nation. NCA was recognized by the Federal Consulting Group for a decade of superlative performance. We anticipate similarly high ratings when the 2013 results are released.

NCA continues to achieve high levels of client satisfaction as measured by our annual surveys of Veterans or their next-of-kin who recently selected a national cemetery for the interment of a loved one and the funeral directors who provided assistance at their time of need.

NCA's committed, Veteran-centric workforce is the main reason we are able to provide world-class customer service. Not only are we focused on serving Veterans, we continue to maintain our commitment to hiring Veterans. Currently, Veterans comprise over 74 percent of our workforce. Since 2009, we hired 459 returning Iraq and Afghanistan Veterans. In addition, 84 percent of NCA contracts in FY 2013 were awarded to Veteran-Owned and Service-Disabled Veteran-Owned small businesses.

I am proud to report that NCA will soon graduate its first class of Veterans enrolled in NCA's Homeless Veterans Apprenticeship Program. This program, established in 2012, supports VA's strategic priority of ending Veteran homelessness by 2015. The apprenticeship is a one year paid employment training program for Veterans who are homeless or at risk for homelessness. In November 2013, Secretary Shinseki and I will present certificates of completion to 13 apprentices who successfully completed the 12 months of competency-based training. These new caretakers will help offset projected retirements in our workforce. Moving forward, an additional nine national cemeteries were added to the program as sites for the 24 incoming apprentices projected for this year's Homeless Veterans Apprenticeship Program.

The curriculum for our Homeless Veterans Apprenticeship Program is based on the NCA Caretaker Training Program, which was developed to help achieve objectives in our strategic plan, to promote Veteran satisfaction with service and cemetery appearance and ensure a knowledgeable and responsive workforce. Roughly half of NCA's workforce has completed this course, and we believe it contributed to our continued ability to sustain improvements in appearance and customer satisfaction. Graduates have indicated a renewed commitment to their work and a reinforced understanding of our mission, vision, and standards.

Operational Efficiencies

NCA places a high priority on environmental stewardship and managing its facilities in order to maximize resources and at the same time, convey the dignity required of national shrines. We believe it is possible to use resources efficiently and maintain our national cemeteries as national shrines. NCA is recognized by various groups as an industry leader in environmental conservation efforts at cemeteries.

These efforts reflect NCA's commitment to conserving resources, achieving cost savings and providing a dignified burial environment.

Water-wise cemeteries, like those at Bakersfield, California, Phoenix, Arizona, and El Paso, Texas, employ water-wise and other grounds management practices to reduce water consumption. NCA worked with the communities in these areas to demonstrate how we can maintain cemeteries as national shrines while still reducing water use. NCA received the VA Sustainability Achievement Award for conservation projects at Riverside National Cemetery and Bakersfield National Cemetery and received the Texas Commission of Environmental Quality Award for water-wise management at Fort Bliss National Cemetery.

All new VA cemetery construction is "green," so our new cemeteries will start out being more efficient. Expansion and improvement projects at existing cemeteries also incorporate "green" standards. The recently completed renovation of the Jefferson Barracks National Cemetery Administration Building achieved Leadership in Energy and Environmental Design (LEED) Silver equivalence in categories including sustainable site, water efficiency, construction waste management, and indoor environmental quality.

VA's use of pre-placed crypts is an excellent example of a practice that both increases efficiency and enhances cemetery appearance. Their use reduces the cemetery footprint thereby requiring less land, decreasing the cost to maintain and operate cemeteries, and improving cemetery appearance. Other innovative practices include the use of synthetic turf in certain areas where there are no burials. The use of memorial walls instead of memorial sections allows more grounds to be used for burials. In addition, undeveloped land is leased out so that there is some monetary return that can be used to improve cemetery appearance until it is needed for burials.

Concluding Summary

We appreciate the Committee's support that has allowed us to make significant progress towards meeting our strategic goals. With your continued help, we will work diligently to expand access to burial options for our Veterans and their eligible family members, be responsive to our stakeholders and the Veteran community, and remain dedicated stewards of the rich history of sacrifice of those buried in our national cemeteries. I look forward to answering any questions that you may have.

Prepared Statement of Todd Kleismit

Chairman Runyan and members of the Subcommittee:

It is a privilege to be with you today at this important hearing on dignified burials for our military veterans. Thank you for the opportunity. I am an Army veteran of Operation Desert Storm and appreciate the attention you are giving to this topic, which affects a large number of us in Ohio and elsewhere.

I am here today speaking on behalf of the Ohio Historical Society and several other organizations that were negatively impacted by the Department of Veterans Affairs' recent change that requires that all applications for new veterans' headstones be the decedent's next-of-kin. History organizations like mine, veterans' organizations, high school teachers, genealogists, archivists, county veterans' organizations, funerary professionals and others were, until recently, able to apply for DVA headstones. Why would all of these groups want to apply for these headstones? Their commitment and patriotism are the ingredients for American-style success stories at a time when our country desperately needs success stories like these.

There are countless unmarked graves where military veterans are buried in our (mostly older) cemeteries across the country. I am aware of research that has been done on veterans as far back as the Revolutionary War who were buried in unmarked graves in Ohio. During the current sesquicentennial of the American Civil War, the Ohio Historical Society and several of our partners across Ohio have been engaged in researching and verifying the remains of Civil War veterans, applying for VA headstones and concluding with a public ceremony to honor those veterans buried, but never fully recognized, in Ohio.

Paul LaRue, a teacher in rural Ohio, has made Ohio's unmarked graves an annual school research project since 2002. Paul has won several teacher-of-the-year awards because he is an outstanding educator, and because of the unmarked graves projects his students have conducted. Paul has submitted separate testimony complete with photos and case studies, and I would encourage you to read it if you have not already had the opportunity to do so.

I think it is important to consider the context of the life experiences of these people from our past, particularly our Civil War vets. Many of them were poor, ethnic minorities or African-American. Most likely, they are buried in unmarked graves because they did not have the family or the resources for a proper burial in the late 19th century or early 20th century. We're now about seven generations removed from the Civil War era. Why should we care? These burial projects are the ultimate in civic engagement, applied learning, civics, genealogical research and history lessons all wrapped up together. I have seen at these ceremonies the tears flowing; I have felt the chills when "Taps" is played. "Why should we care?" is probably not the right question. Instead, shouldn't we be celebrating the fact that 21st century citizens care enough to look back, in the case of Civil War veterans, seven generations to recognize the service of others? The Department of Veterans Affairs' headstones program is good public policy when it is accessible to the public – many of whom are volunteers who are more than willing and able to conduct the necessary research – and it is one small way that our federal government can work collaboratively with local communities to humanize its work.

We were disappointed, of course, when the Department of Veterans Affairs policy was changed, prescribing that headstone applicants must be the decedent's next-of-kin. As mentioned earlier, we are about seven generations removed from the Civil War era. It is completely reasonable and appropriate to seek out the veterans' next-of-kin, whenever possible. Unfortunately, this is seldom possible. When it became evident that our concerns and suggested remedies to this policy were not getting serious consideration by the Department's leadership, we then communicated this to members of the Ohio congressional delegation. We are very appreciative of the support we've received from the Ohio delegation, which is what has led to Congressman Steve Stivers' legislation, HR 2018, also known as the "Honor Those Who Served Act of 2013." This legislation would re-open the door to history and military researchers, genealogists, local historians and state veterans agencies to be applicants for these headstones. It would also align the Department's application policy with the archival records policy at the National Archives and Records Administration for requesting military records, which does not require next-of-kin authorization for records dating back 62 or more years ago.

The Civil War Trust and others have created a website, marktheirgraves.org, that explains the next-of-kin dilemma and has collected more than 2,700 online signatures. I am also including an article that was published online (Cleveland.com) on September 11th that does a great job of capturing the perspective of those of us who have been closed out of the process.

While I take a certain amount of pride in the fact that Ohio has a slightly higher percentage of military veterans than the nation at large, there is no reason to believe this issue isn't just as important in New Jersey, California, Texas, Florida, Colorado, Nevada and elsewhere. I conclude by thanking you again for the opportunity to be here today to express our concerns about the Department of Veterans Affairs' next-of-kin application policy and for the opportunity to fix it by approving HR 2018. I would be happy to answer any questions you may have of me.

Prepared Statement of Raymond C. Kelley

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

On behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I would like to thank you for the opportunity to testify today on issues regarding the National Cemetery Administration.

From October 18, 1978, until October 31, 1990, VA paid a headstone or marker allowance to surviving families who purchased a private headstone or marker on behalf of veterans who were interred in a private cemetery in lieu of VA providing a government-furnished headstone or marker. This benefit was eliminated on November 1, 1990, with the enactment of the Omnibus Budget and Reconciliation Act of 1990. From November 2, 1990 through September 11, 2001, VA paid no assistance in the purchase of a private headstone or marker for veterans who qualified for interment in a national or state cemetery. Between 2001 and 2006, VA provided government headstones or markers to qualifying veterans, regardless of whether or not they had a privately purchased headstone as a pilot program. In 2007, VA made this program permanent, and included the medallion as an alternative option to a second headstone or marker and made it retroactive to November 1, 1990. This has allowed qualifying veterans to receive some form of headstone or grave marker benefit since the inception of the benefit in 1978.

Unfortunately, this benefit has started, stopped and changed enough times that it has become confusing to veterans and surviving family members. Many do not understand why they do not qualify for a medallion, believing the November 1, 1990 date is just an arbitrary starting point for a new benefit. Many of the veterans who call VFW state they would be willing to purchase the medallion if VA made them available.

Based on these conversations, the VFW would support a pilot program that would allow the next-of-kin of a veteran who would otherwise qualify for the medallion, except for his or her date of death, to submit a request for purchase for the medallion.

H.R. 3106, the "Alicia Dawn Koehl Respect for National Cemeteries Act" would codify the authority of the Secretaries of Veterans Affairs and Defense to reconsider prior decisions of interments in national cemeteries. Title 38, U.S.C. outlines crimes that disqualify veterans from interment in national cemeteries, but there are no provisions for the removal of a veteran who was laid to rest in a national cemetery when it is discovered he or she had committed a disqualifying crime.

This legislation also call for the disinterment of a veteran who committed murder, and then turned the gun on himself, ending his life. He was buried in a national veteran's cemetery six days later. The circumstances of this case made it very difficult for VA to discover the murder that would have precluded the veteran from interment.

The VFW supports this legislation, but believes it falls short in preventing future non-qualifying interments from taking place. Current protocol requires the surviving family member to fax qualifying paperwork, DD214 and death certificate to the National Cemetery Administration (NCA). Upon receipt of these documents, NCA calls the family member and asks 16 questions. These questions range from location of death and burial needs to cemetery choice and marital status. Nowhere in the questioning does NCA ask a question regarding criminal activity. The requesting family member should be required to fill out a form that asks the current 16 questions and an additional question regarding federal or state capital crimes. Knowing this information will assist NCA in investigating disqualifying crimes, prior to the veteran's interment.

Access to burial options must continue to be a priority for NCA. The VFW has supported the NCA policy of providing burial options for 95 percent of all veterans within 75 miles of their homes. In FY 2011, NCA recognized that under its then-current policy of 170,000 veterans within a 75-mile radius with no access to a national or state cemetery, no new locations would be eligible for a national cemetery. NCA reduced the threshold to 80,000 veterans within a 75-mile radius, which allowed for creation of five new national cemeteries, and access to burial options for an additional 550,000 veterans. The same year, NCA began its urban initiative. This has allowed NCA to purchase property in densely populated areas, where veterans may live within the 75 mile radius of a cemetery, but due to actual travel times access is not considered accessible. This initiative will allow NCA to provide new burial options in five urban areas.

In its FY 2013 budget request, VA introduced a new burial option, the National Veterans Burial Grounds. This will allow NCA to increase access to burial options for veterans who live in remote, low veteran-populated areas that do not have reasonable access to a national or state cemetery. When pairing the reasonable access model with a threshold of less than 25,000 veterans within a 75 mile radius, NCA can provide eight states with additional burial options.

Even with these new threshold models that will increase asses to burial options, NCA must be flexible enough in their policies to recognize locations where under current policy, no new national cemetery will be developed, but other factors like geographic barriers or states that have invested in state cemeteries but have not been granted a national cemetery must be considered. These policies work to ensure the largest number of veterans have access to a veterans cemetery, but there are occasions when the desires of veterans must be included in the decision process.

NCA must maintain its commitment to the appearance of national cemeteries. Regardless of customer surveys that rate the appearance of cemeteries as excellent at 99 percent, the actual appearance is in decline. There are three performance measures that evaluate the overall appearance of national cemeteries: The percentage of headstones, markers and niche covers that are clean and free of debris and objectionable accumulation; the percentage of headstones and markers that are the proper height and alignment; and the percentage of gravesites that have grades that are level and blend with adjacent grade levels. The results of the performance measures have held steady for the past several years, but have continually fallen short of their strategic goals. The most concerning aspect of these goals is that VA predicts a decline in its performance measures in its FY 2014 budget submission.

VA must maintain its focus on ensuring our national cemeteries continue to honor the service and sacrifice of our veterans. VA must request and Congress must appropriate specific funding for the National Shrine Commitment to ensure these performance measures are met.

Since the leadership change at Arlington National Cemetery (ANC), the VFW has seen vast improvements in its overall operations. Extensive work has been done to ensure each plot is marked correctly, and although they have not been able to verify 100 percent of all grave sites, their efforts are ongoing. All burial information has been moved from the old three-by-five cards to a computer database. Improvements to the website have made locating the burial plot for loved ones much easier.

Under ANC's current leadership, improvements have been made to the Millennium Project. In early concepts, most of the existing trees were to be removed. In 2010, ANC asked the Army Corps of Engineers to design a more eco-friendly design. Today, the design is 65 percent complete and ANC has been working with local, state and federal agencies to minimize the ecological impact of the expansion as well as improving the stream that runs through the expansion site. The Millennium Project will add an additional 30,000 burial plots, ensuring Arlington National Cemetery will be open to receive interments well into the future.

Mr. Chairman, this concludes my testimony and I will be happy to answer any questions you or the Committee may have.

Prepared Statement of Ami D. Neiberger–Miller

EXECUTIVE SUMMARY

I. Opinions on Current Legislative Issues Facing National Cemeteries

Examines the Alicia Dawn Koehl Respect for National Cemeteries Act (S.1471, H.R. 3106), the Volunteer Veterans for Cemetery Service Act (H.R. 1957), and the Honor Those Who Served Act of 2013 (H.R. 2018).

II. Feedback about the VA National Cemetery Administration (NCA)

Our 131 national cemeteries honor the service and sacrifice of our veterans and service members for their country. Discusses delays in burial allowance benefits, which are not paid through the NCA, but do impact how families view their treatment by the VA and delay families from settling estates.

III. Arlington National Cemetery

Discusses changes at the cemetery, the memento policy at section 60 where the Iraq and Afghanistan war dead are interred, and the continued lack of a survivor representative on the Advisory Committee on Arlington National Cemetery.

IV. Limitations of the Corey-Shea Act

Parents of service members who do not die due to hostile act or in a training incident remain ineligible for interment in national cemeteries with their children. The Corey-Shea Act does not apply to Arlington National Cemetery. This leaves some surviving parents who would like to be interred with their child no option other than the waiver request process.

V. VA and Arlington National Cemetery's Burial Waiver Request Process

Expresses concern about the burial waiver request process for survivors who cannot qualify under the Corey-Shea Act and the decision-making time frames within these processes.

VI. Recommendations for Improvement

(1) Provide sensitivity training in how to work with bereaved families for national cemetery staff and Arlington National Cemetery staff. TAPS is willing to assist with this type of training at a national level.

(2) Continue the surviving family town hall meetings at Arlington National Cemetery twice per year and work toward a viable solution for the mementos at section 60 that does not impair family grieving, impinge on mourning practices, nor detract from the dignity of the cemetery.

(3) Nominate or appoint a surviving family member with a loved one interred at Arlington National Cemetery and consider additional survivors to join the Advisory Committee for Arlington National Cemetery.

(4) Consider legislatively modifying the Corey-Shea Act to include surviving parents of active duty service members who are buried in a national cemetery, regard-

less of location of death or cause of death, in circumstances where the service member does not leave behind an eligible spouse or child. Consider legislatively modifying the Corey-Shea Act to include Arlington National Cemetery.

(5) Consider legislative improvements to define the waiver request process for the national cemetery system and Arlington National Cemetery, so those requesting interment or burial waivers can receive an indicator of a decision prior to their death, even if it cannot be a finalized decision.

(6) Ask the VA Undersecretary for Memorial Affairs and the subcommittee to initiate discussions with the Veterans Benefits Administration about the slow payment of burial allowance benefits and explore what can be done to improve the backlog in survivor benefits, specifically, the burial allowance.

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to submit this testimony on behalf of the Tragedy Assistance Program for Survivors (TAPS).

TAPS is the national organization providing compassionate care for the families of America's fallen military heroes. TAPS provides peer-based emotional support, grief and trauma resources, grief seminars and retreats for adults, Good Grief Camps for children, online and in-person care groups, casework assistance, connections to community-based care, and a 24/7 resource and information helpline for all who have been affected by a death in the Armed Forces. Services are provided to families at no cost to them. We do all of this without financial support from the Department of Defense. TAPS is funded by the generosity of the American people.

TAPS was founded in 1994 by a group of surviving families following the deaths of their loved ones in a military plane crash. Since then, TAPS has offered comfort and care to more than 40,000 people. The journey through grief following a military death can be isolating and the long-term impact of grief is often not understood in our society today. On average, it takes a person experiencing a traumatic loss five to seven years to reach his or her "new normal."

TAPS has extensive contact with the surviving families of America's fallen military service members, making TAPS uniquely qualified to comment on issues affecting the survivors left behind. TAPS received an average of 13 newly bereaved survivors per day in 2012. Survivors are referred to TAPS through our relationships with the Armed Services casualty assistance officers and direct contact from those who are grieving the death of someone who died while serving the Armed Forces.

In 2012, 4,807 new survivors came to TAPS for comfort and care. In 2013, the number of newly-bereaved military families coming to TAPS for care and support continues to climb. Between January 1 and October 24, 2013, TAPS sadly welcomed 3,471 newly bereaved survivors for care and support.

Causes of death were reported as follows by military families turning to TAPS for help and support:

Suicide or suicide suspected 22.88 % (794)

Hostile action/killed in action/Navy Yard shooting 22.47 % (780)

Accident – auto/aviation/other 22.13 % (768)

Sudden illness 17.11 % (594)

Unknown cause of death 10.89 % (378)

Homicide 2.74 % (95)

Non-hostile/non-combat incidents 1.73 % (60)

Friendly-fire 0.06 % (2)

We have been asked by the subcommittee to discuss issues facing veterans cemeteries, including the classes of authorized parties permitted to request a headstone or marker or commemorate a decedent and the Secretary's authority to reconsider decisions to inter remains or honor the memory of a person in a national cemetery. The hearing will also address the state of various veterans cemeteries, including upkeep and areas for improvement, and the operations of Arlington National Cemetery, including the handoff of leadership, ongoing planning, design and construction.

I. Opinions on Current Legislative Issues Facing National Cemeteries

The subcommittee has requested our opinion on recent legislative matters concerning the administration of the National Cemetery Administration and Arlington National Cemetery.

Regarding the **Alicia Dawn Koehl Respect for National Cemeteries Act (S.1471, H.R. 3106),** which would provide the Secretary of Veterans Affairs and the

Secretary of Defense the authority to reconsider decisions to inter or memorialize veterans in national cemeteries, in situations where there is sufficient evidence that a veteran has committed a state or capital crime, but had not been convicted of such a crime because the veteran was not available for trial due to death or flight to avoid prosecution. If a veteran has committed a state or federal capital crime, he or she is not eligible to be buried in a national cemetery, and it is reprehensible to think that a person who committed a capital crime would be interred in a cemetery alongside our veterans. The Tragedy Assistance Program for Survivors (TAPS) would not be opposed to this legislation, which allows both secretaries decision-making latitude and provides for appeals processes if they are needed.

Regarding the **Volunteer Veterans for Cemetery Service Act (H.R. 1957),** which would authorize the Secretary of Defense and the Secretary of Veterans Affairs to accept voluntary services from veterans and veterans service organizations at national cemeteries. TAPS appreciates this legislation's intent to provide improved educational programs that would include veterans sharing with visitors the cemetery the stories of their military service.

Regarding the **Honor Those Who Served Act of 2013 (H.R. 2018),** which further identifies the persons who are eligible to request headstones or markers furnished by the Secretary of Veterans Affairs. This act would enable local historians, genealogists, state veterans agencies, military researchers and others to request headstones or markers for grave sites newly identified that may have been unmarked for many years. Because the intention of this act is to improve appreciation for our veterans and their service to our country, TAPS is pleased to support this act.

II. Feedback about the VA National Cemetery Administration

Since our founding in 1994, TAPS has worked cooperatively with the National Cemetery Administration (NCA) administered by the Department of Veterans Affairs. The national cemetery system and its 131 cemeteries is the ultimate metaphor for the TAPS model of honoring the service and sacrifice of all those who died while serving in the Armed Forces, regardless of where or how they died.

The shrine status of our national cemeteries is deeply appreciated by survivors and reflects the care and devotion of our nation to honoring those who serve and sacrifice for our freedoms. TAPS appreciates the stewardship of our national cemeteries undertaken by the National Cemetery Administration and its commitment to serving veterans and their families. TAPS is available and willing to provide bereavement care training for cemetery administration staff as requested.

TAPS appreciates the care and concern Undersecretary Muro and his staff recently showed to the family of a National Guardsman who submitted a request for a waiver to Secretary Shinseki so they could place their loved one to rest. Their loved one had died by suicide. This complicated case was brought to a resolution recently for the family. They were granted a waiver and placed their loved one on September 27, 2013 in a grave site with another relative who was interred in a national cemetery. It was a fitting tribute to her service to her country and has given her family the peace of knowing that she is at rest.

While we realize that the National Cemetery Administration is not responsible for the payment of burial allowances by the Veterans Benefits Administration, this is an issue which we would like to highlight for the subcommittee. VA burial allowances are partial reimbursements of an eligible Veteran's burial and funeral costs. When the cause of death is not service related, the reimbursements are generally described as two payments: (1) a burial and funeral expense allowance, and (2) a plot or interment allowance.

Even though burial allowances, ranging from $300-$2,000, are not managed by the National Cemetery Administration, when excessive delays in payment of these allowances happen, they often sour the experience of the family. The perception of the surviving family is that these agencies are connected. And delays in payment can delay the closure of a decedent's estate and delay the family in being able to move forward following the death.

While the survivor benefits backlog for burial allowances and other survivor benefits such as pension and Dependency and Indemnity Compensation, pales in comparison to the veterans disability benefits backlog, it includes thousands of family members who served alongside their loved ones for many years, who are waiting often many months after a funeral to receive their rightfully-owed benefits from our government. We recently had a case where a surviving father was told by VA staff that he would have to wait 14 months to receive a burial allowance for his son.

Looking at the VA's Monday Morning Workload reports on a quarterly basis, the number of pending burial allowance claims is currently more than double what it was four years ago. The volume of pending claims appeared to peak at just under

67,000 pending claims in 2012 and began to decline in 2013. Each pending claim represents a family that is waiting for their benefits.

09/30/13 - 45,671 pending claims
07/01/13 - 51,078 pending claims
04/01/13 - 62,094 pending claims

12/31/12 - 63,979 pending claims
10/01/12 - 63,126 pending claims
07/02/12 - 66,754 pending claims
04/02/12 - 65,835 pending claims
01/03/12 - 59,204 pending claims

10/03/11 - 49,819 pending claims
07/05/11 - 49,819 pending claims
04/04/11 - 37,976 pending claims
01/03/11 - 28,115 pending claims

10/04/10 - 26,609 pending claims
07/06/10 - 26,854 pending claims
04/05/10 - 27,198 pending claims
01/04/10 - 22,710 pending claims

10/05/09 - 21,004 pending claims

While we realize the burial allowance benefit does not rest within his jurisdiction for his agency, TAPS would appreciate it if Undersecretary Muro could inquire with the Veterans Benefits Administration about this situation and ask what could be done to improve it. The delay in benefits reflects on the entire VA, not just the Veterans Benefits Administration. TAPS also appreciates the subcommittee's interest in this matter.

III. Arlington National Cemetery

The new telephone system, GPS mapping and application, Google Street View mapping project, improved website, and plans for growth with the Millennium project are moving the cemetery's management from being behind the times, to becoming a leader in innovation and development.

We feel this track record of progress is helping surviving families move forward beyond the scandals and revelations of 2010. TAPS has worked proactively with surviving families and the administration of Arlington National Cemetery for many years. We hosted a public forum in 2010 for families to meet the new superintendent and executive director of the Army Cemeteries Program. We also supported families grappling with issues connected to the mismanagement at the cemetery, including two families who dis-interred their loved ones to determine if they were buried in the correct locations. We are relieved to be beyond those difficult days and to see improved management and financial oversight in place.

Section 60 Memento Removal & Compromise Permitting Mementos for Six Months Per Year

At the same time, changes in leadership and policies have been difficult at times. As was recently and widely reported in the news media, Arlington National Cemetery began removing mementos and items from section 60, where 868 of the Iraq and Afghanistan war dead are interred, on a consistent basis in late July and early August 2013, and a total of 2,000 active duty service member deaths are interred, within a section of 10,503 grave sites.

Unfortunately, it was found that cemetery staff removed photographs and items from tombstones that had been placed by grieving families. Some of the items that were removed, such as a small crucifix that had been at a gravesite for four years, were not unsightly and posed no harm to others in the cemetery. The crucifix would not have been picked up by the section 60 memento history collection project, because it does not collect religious objects, and would have surely been disposed of in the section 60 clean-up.

To provide some idea of volume and how many items are being left at section 60 routinely, historians have collected in the last four years approximately 28,000 items in section 60. Since 2009, the Army has operated a section 60 memento history collection project within the cemetery. This program was created to collect some of the historically interesting and unusual items in the cemetery from gravesites of those who died by hostile act in Iraq or Afghanistan, when it was realized by many that families today are grieving differently, than they did decades ago. Many families and battle buddies take solace in leaving an item or placing a rock to show that they visited.

The "enforcement" of the floral policy in section 60 represented a significant departure from the status quo, as the cemetery had permitted families for the past four years a degree of latitude in what they left at gravesites, and typically only removed items that were deemed "unsightly." The change in "enforcement" of the floral policy meant that the section was completely stripped of rocks, mementos, photographs and other items left by surviving families and battle buddies of our fallen troops. Multiple families began talking with peer mentors at TAPS and others about visiting the cemetery to leave small mementos or items, such as a special rock or laminated photo not attached to the head stone, and returning the following day to find the items removed.

For TAPS peer mentor Kristen Santos-Silva, surviving spouse of Army Sergeant First Class Carlos Santos-Silva who was killed in 2010 in Afghanistan, the changes at section 60 were upsetting. She wrote:

"Arlington National Cemetery is a unique and special place in the hearts of individuals. Many soldiers have been buried here and will continue to be buried here. In regard to the memento policy, as a surviving spouse and mother of a child whom has his father buried in Section 60 we ask for permission to allow our story to continue of our solider.

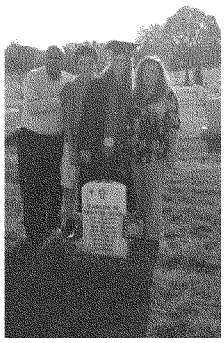
My husband was KIA at the age of 32. His life ended but his legacy can continue to others with the mementos that are left at his tombstone marker. My son (at the time his father died, he was 11 years old), and I moved to Maryland to be close to Carlos, our hero. For three and a half years we have celebrated all the holidays, birthdays, and anniversaries in Section 60, with friends, family, and many of his soldiers, who continue to battle with post-traumatic stress.

For three and a half years photos have been placed on the back of his tombstone marker. This is our environment as survivors and comrades. To share who he was as a solider, father, husband, son, and friend. The photos offer a face to the name, which offers respect.

In walking around Arlington National Cemetery and section 60 it brings peace and comfort to see the decorated photos, mementos, stones on top of the tombstones, and little "gifts" that are left. We learn about the solider who laid his life down for us, our country, and pure sacrifice. Section 60 brings solace with the life that comes alive in this special section.

In touring section 60 after the rule implication of the past couple of months it is a "ghost town." No, peace, comfort or solace provided, just empty grave markers and tombstones. This is more depressing and another reminder our solider is gone. The mementos and pictures bring this unique section to life, we as survivors, and as a nation need to remember and experience the joy of a few minutes visiting our soldier and knowing that others that visit will be able to experience the joy that we have when they were alive. We need the pictures to continue to tell their story and legacy.

Having my husband's tombstone mementos removed caused utter shock. My mother-in-law, father-in-law, my son, and personal friends were all together the day that we saw everything gone in late July 2013. My mother-in-law, was so upset that somebody could rip her son's photos and coin off his tombstone. How does this hurt anybody with pictures being on the tombstone, she asked? We have to suffer as family survivors. It is just wrong to treat our heroes this way. Just pure disbelief in regard to no pictures or coins being available to view."



Left: Kristen Santos-Silva at her husband's gravesite in section 60 before the floral policy enforcement change with the medallion designed by her mother-in-law in honor of her husband's sacrifice and small stones on the top of the head stone. Center: the head stone after the medallion was removed and the floral policy enforced. Right: The Santos-Silva family on the cemetery in late July when they discovered the medallion and photos on the back of the head stone were gone.

It should be noted that the families themselves have a variety of opinions about what is appropriate to leave at gravesites. Many want to leave small objects, cards, flowers and photos that are not attached to the headstones. Some want to attach a small item to the stone or photos to the back of the stone. Some want to leave only flowers and comply completely with the regulations. Many survivors feel that even if what someone else leaves at a gravesite is not consistent with their own customs, that it is not appropriate to criticize another survivor for what he or she needs to do to grieve a death. In most cases, there is great reluctance within the survivor community to criticize mourning practices, due to the personal nature of grief and loss.

It should also be recognized that mourning practices are specific to individuals and their family customs, religious beliefs and the circumstances surrounding the death. In some religious traditions, leaving rocks or coins at a gravesite is considered a substitution for flowers because they won't wilt or blow away. The leaving of pennies, nickels, dimes and quarters carries different meanings within the survivor and veteran communities.

The leaving of mementos in cemeteries is common and not specific to Arlington National Cemetery or our national cemeteries. Some families leave mementos not because they are "stuck" in their grief, but rather because they are trying to incorporate their loved one into their new life after the loss. Rather than viewing memento leaving as a way for people to be held back in their grief, many families we know talk about how leaving an item at a grave site helps them live a normal life.

Because the public is aware of section 60 and its community of grieving families and graves of the war dead, the section is visited by the public. It is not a private place for families to grieve, but rather a public place. This means the cemetery cannot guarantee items will remain if left by families, but in practice, items have often stayed for many weeks, months, and in some cases, years. Some families leave photos because they would like for these visitors to see pictures of their loved ones and to understand the price their loved ones paid for the freedoms enjoyed by all of us.

Paula Davis, surviving mother, wrote to the Advisory Committee on Arlington National Cemetery, about her feelings on the floral policy enforcement at section 60:

"I'm aware of the Arlington regulations that ask families not to leave items other than flowers on the graves. I am writing to ask you to consider leniency for the Gold Star Families with loved ones buried in section 60. Because of the sensitivity of who is buried in Section 60 right now – our young men and women who have passed in our nation's current war, I'm asking that you leave for a period of time items (mementos) that aren't supposed to be there and then pick them up later. We don't have a Memorial Wall like the Vietnam Memorial Wall. Our son's and daughter's tombstones are our wall. Gold Star Families and Veterans need a place to heal their wounds and mourn our children, brothers, sisters, and their brothers and sisters in arms. Section 60 is our wall for now. Permitting a laminated picture no larger than a certain size, 5x7 to be placed in front of the stone would not be the same as attaching the picture to the stone. Section 60 is a place of healing and honor for the Gold Star Families. It means a lot to the families who have loved ones buried there."

After a concerned surviving parent contacted Senator Mikulski's office, the cemetery agreed to a meeting to talk with surviving families, which was held on October 6, 2013 in the cemetery's administration building. For many of the families attending the meeting, it was the first time they had been in the administration building since the day of their loved one's funeral. TAPS provided bereavement care and support at the meeting, including a licensed counselor who sat with families and several peer mentors attended. Superintendent Hallinan and several members of his staff attended the meeting.

During the emotional meeting where families explained how the changes had impacted them, Superintendent Hallinan apologized multiple times to the families for the pain that these changes had caused them and for the lack of communication by the cemetery staff with the families ahead of these changes. He said they are permitted to leave small mementos and photographs, if they are not attached to the head stones, and asked them to refrain from leaving glass objects or items that might pose a hazard to others. We also suggested some ideas for ways the cemetery

could work with families to share the legacies of their loved ones and improve the educational programs at Arlington National Cemetery – perhaps through starting a docent program with the families, allowing families to share information through the app about the cemetery for visitors, or creating exhibits using some of the items collected by the history collection project.

A few days after the meeting, the staff at Arlington National Cemetery contacted the families who attended with this note:

"Ladies and Gentlemen, Mr. Hallinan requested I extend his heartfelt thank you for your participation in our round table discussion with us on October 6, 2013. We felt the meeting was positive and generated several suggestions for improving communications between the family and ANC as we addressed issues associated with cemetery maintenance and the Section 60 Mementos Pilot Program. Mr. Hallinan has agreed to hold Gold Star Family roundtables twice a year and we are working to identify flexibility within our existing policies. For example, as the cemetery enters the non-growing season (where mowing of the grounds is less frequent), the cemetery will allow small photographs and small handcrafted items not affixed to the headstone to be left alongside your loved ones' headstone. Additionally, he has waived the scheduled pick up for tomorrow. Pickup of items not collected under the Mementos Policy will begin on October 25th and will occur on the second and fourth Friday of each month.

Arlington National Cemetery policy, which is similar to that of other national cemeteries, allows artificial flowers to be left at gravesites between October 10 and April 15. Allowing additional items to be left at gravesites during this time period is consistent with that policy. We will continue standard grounds' maintenance during this time period and remove unsightly flowers, items that are affixed to headstones or which pose a safety hazard to visitors and staff, such as tobacco, alcohol, ammunition, or glass items. Cemetery personnel will also remove items considered to detract from the dignity and decorum of ANC. We are committed to keeping the Gold Star Families informed and provide notice prior to implementation of any changes."

Cemetery staff confirmed that mementos and photos will not be removed by the cemetery's staff if they are not unsightly and comply with the requirements between October 10 and April 15 (when the cemetery regulations permit artificial flowers).

Our impression is that the meeting went well for all involved. The families felt heard and supported in talking about the changes that had caused many of them pain. The cemetery administration has indicated a willingness to talk with the families and is working to identify flexibility in its current regulations. At the same time, while this compromise allows items to remain at the gravesites for six months of the year, it is still a radical departure from what has been permitted for the last four years by the administration and it will have a long-term effect on the families.

While these compromises are laudable and much appreciated by many of the families, we would like to know what will happen to mementos left in section 60 between April 16 and October 9, as this six-month period is the time of year when many families visit the cemetery. Many families leave items at gravesites in advance of Memorial Day. If items will be removed during this six-month period on a weekly basis, it will continue to be upsetting to some of the families, especially those who live far away and only visit a few times a year. It will be very important for the cemetery staff, TAPS and other organizations supporting survivors to educate families about these changes and the policies, in order for families to understand.

We hope that plans for the next meeting of the Advisory Committee on Arlington National Cemetery will be well-publicized, as the committee is scheduled to discuss the floral policy and advance notice would permit families to submit statements to the committee and attend the meeting.

TAPS is available and willing to provide bereavement care training for Arlington National Cemetery administration staff as requested.

Survivor Representative Needed on the Advisory Committee on Arlington National Cemetery

As we testified in April 2013, the community of surviving families was saddened greatly by the death from cancer of Janet Manion in April 2012. Mrs. Manion was a gold star mother who served on the Advisory Committee on Arlington National Cemetery. Her son is buried at Section 60 among the many other heroes who gave their lives in Iraq and Afghanistan.

Mrs. Manion was the only identified surviving family member of a service member buried at Arlington National Cemetery on the committee. The cemetery staff have talked about how critical her input was as the committee considered the ceme-

tery's floral policy. More than a year after her death, no survivor has been named to replace her and additional vacancies exist on the committee. Mrs. Manion is currently buried at section 60 with her son.

The current members of the committee all have exceptional credentials with the military and veterans service, but none are identified as a surviving family member. This important stakeholder population – the families that are grieving their loved ones - is impacted by decisions made by the advisory committee and could contribute to the decisions this committee makes, and we believe there should be at least one survivor, if not more, on the committee.

Plans for the Section 60 Historical Memento Collection Project

We appreciate the Army's history memento collection project at Section 60, which collects artifacts and mementos of historical significance once per week on Thursdays and archives them for posterity. The project has been operating since 2009 and collected more than 28,000 items. It has helped some of the families, who feared their mementos were thrown away in the clean-up efforts, to find out that some of the items were collected by the history collection project and preserved. In some cases, families have been able to get photographs of the items from the cemetery administration and this has helped them. We hope the cemetery will be able to utilize the collection to share information in partnership with families that further educational programs about our fallen military and their legacies.

IV. Limitations of the Corey-Shea Act

An area that TAPS would like to bring to the attention of the subcommittee is the limitations of the Corey-Shea Act (Public Law 111–275, Title V, Section 502) and its impact on surviving military families. This act permits the burial or interment of a biological or adoptive parent in a national cemetery with their child who served in the military and died by hostile action or from a training-related injury. Parents are only eligible if the service member does not leave behind a spouse or child who would be eligible to be interred with the service member, and if the Secretary of Veterans Affairs determines that there is space available at the gravesite. The Corey-Shea Act does not apply to Arlington National Cemetery.

It is not uncommon for grieving military parents to want to be buried with their children who have pre-deceased them. TAPS supports the Corey-Shea Act for assisting some parents in fulfilling this desire. However, not all grieving military parents are eligible for these burial privileges, because the Corey-Shea Act limits eligibility to only cases where a service member dies due to hostile action, friendly fire, or from an injury incurred in military training for a combat mission.

Of the 4,489 deaths *reported by the Pentagon* as part of Operation Iraqi Freedom and Operation New Dawn, approximately 957 service member deaths (21%) were due to non-hostile acts. Of the 2,285 deaths *reported by the Pentagon* as part of Operation Enduring Freedom, approximately 489 service member deaths (21%) were not due to hostile action. While a handful of these non-hostile deaths might qualify under the friendly-fire provision in the legislation, many of these parents who lost their child who was deployed in a war zone would not be eligible.

A surviving father named Frank Contreras of Albuquerque, New Mexico made contact with TAPS requesting help because he would like to be buried with his son, Army Specialist Vincent Frank Contreras. Specialist Contreras died at age 20 in an auto accident on September 3, 2011, while deployed in Germany for training. He is buried at Santa Fe National Cemetery. Mr. Contreras raised his son as a single parent and Vincent was his only child. Mr. Contreras had a close relationship with his son. In the obituary published for Specialist Contreras, Mr. Contreras is the only survivor and there are no other family members listed. Mr. Contreras was initially cheered by the passage of the Corey-Shea Act and the media reports about it, but then discovered that he was not eligible.

When asked why he wants to be buried with his son, Mr. Contreras said, "This would mean a lot to be right with him. I'd like to just be with him. One day I'll be ready to visit him, but it would be better if I was with him ... My only wish is to be with him when I die. He was only twenty-years old when he died. I would like for my last thing in life to be buried with him. It would be the greatest thing on earth. That would mean a lot, just to know that I would be there. It's hard to describe, but that's a man's dream to be buried - it's my dream to be buried with my son."

If Specialist Contreras had died on the training field, his father would be eligible to be buried with him. But because he died on a roadside while in Germany for training, his father is not eligible for burial benefits. For other military families whose loved ones do not die in combat or from a training-related injury, the same denial happens. If their loved one dies from a sudden illness, a cancer potentially-related to burn-pit exposure in Iraq or Afghanistan, by homicide, suicide, or in an accident off-base, their parents cannot request to be buried with them in a national cemetery. The Corey-Shea Act does not apply to Arlington National Cemetery, so grieving parents have no option to be placed with their child, unless they pursue a waiver.

Because of its negative impact on survivors whose loved ones did not die in combat or from a training-related injury while preparing for combat, TAPS would support the future expansion of the Corey-Shea Act to include surviving parents of service members, regardless of manner of death or location of death, in cases where the veteran or service member does not leave behind an eligible spouse or child, and in cases where the Secretary of Veterans Affairs (for those interred in national cemeteries), the Secretary of the Army (for those interred at Arlington National Cemetery), or the appropriate representative, determines that there is space at the gravesite for the interment of additional remains.

We respectfully request the subcommittee consider making legislative modifications to the Corey-Shea Act to provide relief for these families.

V. VA and Arlington National Cemetery's Burial Waiver Request Process

One might think a potential solution for ineligible parents like Mr. Contreras, would be to apply to the Secretary of the VA for a waiver, requesting burial with their child in a national cemetery. A similar waiver process exists at Arlington National Cemetery. Waivers could, in theory, resolve the matter on a case-by-case basis. However, the process of requesting a waiver for burial or interment in a national cemetery, or at Arlington National Cemetery, is a process where these grieving parents can find no relief.

While Mr. Contreras and other parents ineligible for burial benefits with their children could request waivers– they would have to die not knowing if their requests to be buried with their children could be granted. In practice, the VA and Arlington National Cemetery do not grant waivers until after the person has died. This means that a requesting parent has to die without knowing if the request to be buried with the child will be permitted.

When talking with another parent about the waiver process a few years ago before the Corey-Shea Act was passed, a surviving mother told me she found no relief

in having to die without knowing if she would be placed with her son, who is buried in a national cemetery and was killed in action.

Because the VA and Arlington National Cemetery determine "at the time of need" if space is available for someone who is ineligible, the people desiring waivers have to die not knowing if their waiver requests will be granted.

Typically the Next of Kin of the Decedent must be entrusted to steward the request for a waiver after a survivor has died. The standards used by Arlington National Cemetery's instructions tell those requesting an exception to pay particular attention to explaining how the requestor has served honorably in the U.S. military and/or has lifetime achievements that have provided significant and notable support to the U.S. military.

In a *2011 memorandum* VA examined National Cemetery Administration records from 2001 to 2009 to determine the potential impact of the Corey-Shea Act. NCA's examination found a total of 135 requests for waivers were received. Twenty-three of the 135 waiver requests were for the burial of parents. VA approved only 8 of the 23 requested burial waivers for parents. It is reasonable for a parent to expect, with only this type of information available, that his or her request to be buried with a child may not be granted. Dying without knowing whether one can be buried with one's child when a parent desires it, is an emotional burden for a grieving parent to carry.

This is an area where better defining the waiver request process could help survivors. A legislative solution could empower the National Cemetery Administration and Arlington National Cemetery to make a preliminary determination on a waiver request, so parents would have more assurance before their deaths, if their desire to be buried with their children could be granted. While it might not be a full declaration of eligibility, nor a guarantee, it could at least give these grieving parents some relief so they could plan their affairs accordingly.

We believe that improving the waiver process with greater clarity and earlier decision-making could alleviate some of the pain that grieving families now experience in the waiver process, and request the subcommittee consider legislation that would provide relief for parents of service members and veterans seeking a waiver.

VI. Recommendations for Improvement

(1) Provide sensitivity training in how to work with bereaved families for national cemetery staff and Arlington National Cemetery staff. TAPS is willing to assist with this type of training at a national level.

(2) Continue the surviving family town hall meetings at Arlington National Cemetery twice per year and work toward a viable solution for the mementos at section 60 that does not impair family grieving, impinge on mourning practices, nor detract from the dignity of the cemetery.

(3) Nominate or appoint a surviving family member with a loved one interred at Arlington National Cemetery and consider additional survivors to join the Advisory Committee for Arlington National Cemetery.

(4) Consider legislatively modifying the Corey-Shea Act to include surviving parents of active duty service members who are buried in a national cemetery, regardless of location of death or cause of death, in circumstances where the service member does not leave behind an eligible spouse or child. Consider legislatively modifying the Corey-Shea Act to include Arlington National Cemetery.

(5) Consider legislative improvements to define the waiver request process for the national cemetery system and Arlington National Cemetery, so those requesting interment or burial waivers can receive an indicator of a decision prior to their death, even if it cannot be a finalized decision.

(6) Ask the VA Undersecretary for Memorial Affairs and the subcommittee to initiate discussions with the Veterans Benefits Administration about the slow payment of burial allowance benefits and explore what can be done to improve the backlog in survivor benefits, specifically, the burial allowance.

Thank you for the opportunity to submit this testimony on behalf of the Tragedy Assistance Program for Survivors.

DISCLOSURE STATEMENT

Neither Ami Neiberger-Miller, nor the Tragedy Assistance Program for Survivors (TAPS), have received any Federal grant or contract, relevant to the subject matter of this testimony, during the current or previous two fiscal years.

Prepared Statement of Diane M. Zumatto

Chairman Runyan, Ranking Member Titus and distinguished members of the Subcommittee, on behalf of AMVETS, I thank you for the opportunity to share both our praise and concerns related to the National Cemetery Administration and the dignified burials of our veterans.

The most important obligation of the National Cemetery Administration is honoring the memory of the brave American men and women who have, over the course of our country's history, selflessly served in our Armed Forces. Therefore, it is with this sacred duty in mind that we expect the stewardship, accessibility and maintenance of our entire NCA cemetery system, as well as Arlington National Cemetery, be treated as the highest priority. AMVETS believes that the dignified burial of America's veterans is equally as important as any other service provided by the VA. It is with this in mind that, AMVETS supports extending advanced appropriations to the remainder of the discretionary and mandatory programs, services and benefits accounts of the VA, which would include the NCA. This issue of advanced appropriations is at the top of our list of concerns regarding NCA operations.

Four years ago, the President signed the "Veterans Health Care Budget Reform and Transparency Act of 2009," now Public Law 111–81, to provide one-year advance appropriations for the Department of Veterans Affairs' (VA's) medical care programs. At the bill signing ceremony the President called advance appropriations legislation "common-sense reform" and declared that, " . . . veterans' health care will no longer be held hostage to annual budget battles in Washington." He further stated that the advance appropriations process "promotes accountability," is "fiscally responsible," and does not "add a dime to the deficit." AMVETS fully supports these sentiments.

Advance appropriations for veteran's health care have proven to be nothing less than a resounding success for all stakeholders. Timely and predictable funding has produced numerous operational efficiencies in the planning and budgeting process and has enabled VA to more resourcefully utilize its Congressionally-provided appropriations in operating its medical facilities and programs. Unfortunately, other veteran's benefits and services that rely wholly or partially on discretionary funding face annual threats of funding delays and reductions due to annual budget fights. Extending advance appropriations would shield all veterans programs from unrelated political and partisan budget disputes so that VA can continue to deliver all the benefits and services that wounded, injured and ill veterans have earned.

As the recent government shutdown has, without a doubt proven, advance appropriations not only work, they work well. Thanks to their advance funding, VA hospitals and clinics were able to provide uninterrupted care to millions of wounded, injured and ill veterans. By contrast, other critical services for veterans were delayed, disrupted and suspended. Work was stopped on more than 250,000 Department of Veterans Affairs (VA) disability claims awaiting appeals, burials at national cemeteries were scaled back and vital medical and prosthetic research projects were suspended. Had this stalemate continued for another couple of weeks, even mandatory obligations of the federal government, such as disability compensation and pension payments to veterans and their survivors, would have been halted. More than four million wounded, injured, ill and poor veterans rely on these payments; for some it is their primary or only source of income. It is simply unacceptable that there was even the threat of default on these hard-earned benefits.

The direct impact of advanced appropriations on NCA would be substantial and would prevent the interruption of a myriad of burial and memorial services including:

- limited and/or delayed interment schedules
- cessation of administrative functions – no Presidential Memorial Certificates issued; interruption of headstone/marker/medallion application processing & status
- termination of maintenance functions
- inability to provide headstones/markers/medallions and other burial receptacles to veterans and eligible family members

Under Secretary Muro has done an excellent job executing the responsibilities of his office to date and with continued funding at appropriate levels, will reach new levels of distinction including:

- continuing to address increasing workload requirements;
  - interments are expected to continue rising through 2017
  - maintain increasing numbers of occupied gravesites and acreage

○ issuance of ever increasing requests for Presidential Memorial Certificates
○ process growing requests for headstones/markers

- expanding burial access for veterans and their eligible family members;

○ develop 5 new national cemeteries (Western NY Area; Scottsmoor, FL; Tallahassee, FL; Southern Colorado Area; & Omaha, NE)
○ develop 8 National Veterans Burial Grounds in rural locations (ME, WI, NV, UT, WY, ID, ND, MT)
○ develop 5 urban initiative facilities (San Francisco Area, Los Angeles Area, Chicago Area, Indianapolis Area & New York City Area)

- achieving high levels of customer satisfaction;

○ continue customer service best practices

- implementing cost saving and operational improvement measures;

○ headstone support systems;
○ pre-placed crypts;
○ water-wise landscaping; and
○ memorial walls

Looking ahead to FY 2014, AMVETS supports the NCA as they make progress on several major initiatives critical to the achievement of their mission through implementation of their strategic goals including:

- much needed land acquisition and critical master planning efforts without which, NCA would be unable to meet the growing needs of our nation's veterans, especially those in rural areas, and their eligible family members;
- continuously improving preservation and restoration of irreplaceable historic resources which not only commemorate the valor and service of our veterans, but record the very historic fabric of our nation's history;
- continued development and utilization of customer service best practices;
- continued leadership in and expansion of the hiring and training of veterans;

○ the Veterans Apprenticeship Program will be graduating 13 formerly homeless veterans as new caretakers and is expecting the incoming class to welcome 24 new candidates.
○ the composition of NCA's current workforce is highly veteran oriented, with over 74% of its employees having served in the military.
○ approximately 84 % of NCA's contracts were awarded to Veteran-Owned and Service Disabled Veteran-Owned small businesses.

- leading edge improvements in the area of environmental stewardship and facilities maintenance which not only leverage resources but uphold the high standards required of national shrines.

It is also our understanding that the following legislative proposals were submitted with the FY 2014 budget request:

- Use of Character of Service Determinations for Active Duty Deaths: this proposal would require that a service member who dies in active service must have been serving under conditions other than dishonorable to be eligible for burial in a VA National Cemetery. It would also do the same for a burial flag. This cost-neutral proposal would correct the current inequity between the treatment of active duty service members and veterans and would not authorize any new benefits. AMVETS would support this legislation.
- Expand Authority to Provide Headstones and Markers to Eligible Spouses and Dependents at Tribal Veteran's Cemeteries: this proposal would provide eligibility for headstones and markers for burial and memorialization of Veteran's eligible spouses and dependent children interred at Tribal Veteran's Cemeteries. This proposal would carry a negligible price tag of under $13 thousand in 2014 and $182 thousand over 10 years. AMVETS would support this legislation.
- Expand VA's Authority to Provide an Allowance to transport Certain Deceased Veterans to a state or Tribal Veterans Cemeteries: this proposal would expand VA's authority to cover transportation costs for the remains of certain deceased veterans to include the closest State or Tribal Veterans Cemetery for burial. AMVETS would support this nearly cost-neutral legislation.
- Expand VA's Authority to Provide outer Burial Receptacles to State and Tribal Cemeteries: this proposal would direct VA to provide outer burial receptacles for each new casketed gravesite in a State or Tribal Veterans Cemetery that receives a grant from the VA's Veterans Cemetery Grants program. Costs associ-

ated with this legislation would average$2.55 million in FY 2014 and $27.8 million over 10 years. AMVETS would support this legislation.

This concludes my testimony for today and I'll be happy to answer any questions you may have.

30 October 2013

The Honorable Representative Jon Runyan, Chairman
Subcommittee on Disability Assistance & Memorial Affairs
U.S. House of Representatives, Veterans Affairs Committee
335 Cannon House Office Building
Washington, DC 20510

Dear Chairman Runyan:

Neither AMVETS nor I have received any federal grants or contracts, during this year or in the last two years, from any agency or program relevant to the upcoming 7 March 2013, Subcommittee on Disability Assistance & Memorial Affairs hearing on Sustaining the Sacred Trust: An Update on our National Cemeteries.

Sincerely,

Diane M. Zumatto, AMVETS
National Legislative Director

Statements For The Record

MR. PAUL LaRUE

Chairman Runyan and members of the Subcommittee:

It is an honor to provide information to the committee as it relates to dignified burials for our military veterans. My name is Paul LaRue, and I am a high school history teacher in Washington Court House, Ohio , about fifty miles southwest of Columbus. I would like to provide testimony in support of H.R. 2018. In 2001, I was showing my history class a section of our local cemetery where several African American Civil War Veterans are buried. After observing the condition of the veteran's headstones, one of my students said, "Don't these men deserve better?" (Exhibits # 1 and #2.) With that simple question my students and I decided to help get these forgotten heroes the final tribute they had earned. We began with the help of the Department of Veterans Affairs' headstone policy (circa 2002), and our local cemetery superintendent, a Vietnam War veteran. The students researched and ordered headstones for the veterans with unmarked graves. In the spring of 2002 my students began the process of installing the new VA headstones, as well as lifting, straightening, and cleaning the existing headstones (exhibit #3 and #4.) My students' teamwork and enthusiasm for the project was amazing. On May 22nd 2002 we had a dedication ceremony for the newly rejuvenated Soldier's Row. These students were seniors, and wanted to complete this project before their graduation. Though a little over ten years ago, I have run into some of my old students, who can state with pride which headstone they helped install. One of my students discovered that his great, great grandfather was born a slave and served in the Union army before moving to our community to raise his family. This section of our cemetery has gone from looking sad and neglected, to being a source of pride for our community (exhibits # 5 and #6.)

Following the success of this project, my students and I have been invited to several other cemeteries to help mark the graves of veterans with unmarked graves. The spring of 2013 my students and I traveled to Beech Grove Cemetery in Cincinnati at the request of Carl Westmoreland, senior historian at the National Underground Railroad Freedom Center. For the second year in a row my students had researched, ordered, and installed headstones for African American veterans with unmarked graves. Jason Dominguez, Assistant Director at the Ohio Department of Veterans Services, joined my students to help install and properly recognize these forgotten heroes (exhibits # 7 and #8.) Luckily, we had ordered these headstones before the VA began enforcing its new next of kin policy.

My students have researched, ordered, and installed over seventy veterans' headstones in five cemeteries in southern Ohio. I have been in the classroom since 1985, and have won numerous state and national teaching awards, including recognition from The History Channel for our work marking Veterans graves. The suc-

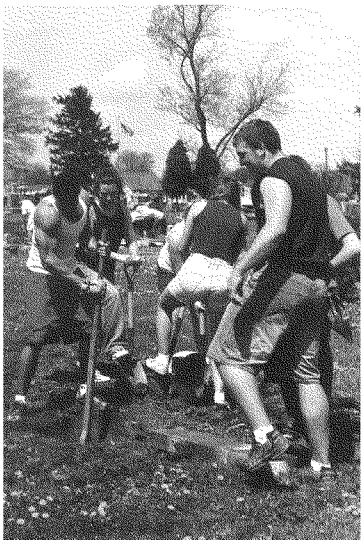
cess of this project and its lasting impact on students, military veterans, and the community is what I am most proud.

The change in the Department of Veterans Affairs' headstone policy, though well intentioned, has created negative consequences for underserved veteran populations by requiring lineal descendants only to request headstones. Often Veterans began their lives in slavery or as immigrants to this country (exhibits #9 and #10 , taken from a lesson plan I completed for the Civil War Trust,) so lineal descendants are impossible to identify, if any exist. The type of projects my students and I, as well as many other groups around the country, have undertaken will no longer be possible. Over the years my students and I have developed a core belief: "All veterans regardless of race, ethnicity, religion, or gender should have a headstone, "(exhibit #11.) As one of my students asked on that day in our local cemetery over a dozen years ago, "Don't these men deserve better?" The answer is yes, they do; please support H.R. 2018. Thank you.

Paul LaRue

Soldiers Row before reconstruction (exhibit #1 and #2)

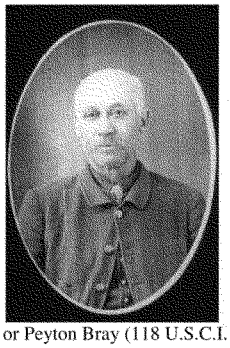
Students reconstruct Soldiers Row (exhibits #3 and #4)



Soldiers Row completed (exhibit #5 and #6)

Students working at Beech Grove Cemetery 2013 (exhibits #7 and #8)

Case Study #3



Peyton Lacey or Peyton Bray (118 U.S.C.I. Company B)
Photograph taken December 30, 1902 at Dayton, Ohio

Special pension examiner notes "*... I secured a photograph of the pensioner (Peyton Lacey)... I recommend that this picture be compared with the ones in possession of his cousin Fannie Watts...*"

NAME: Peyton Lacey explains "*...My father's name was Luke Lacey and my mother's name was Mitilda Lacey. They were slaves in Virginia. (I) enlisted under the name Peyton Bray. I told the enlisting officer my name was Peyton Lacey but he asked me what my master's name was and so he put down Peyton Bray...*"

INJURY: Lacey again tells "*...We used to go out in the country and gather in recruits, and it was on an expedition of that kind that I got shot in the right leg. They had captured one of our men by the name of Bob Belt and hung him. The gureillas were pretty bad...*" To complicate his claim further Lacey explains "*... I received an injury while laboring in the (coal) mines of W.P. Rend and Company at Rendville (Ohio) May 2, 1882. My (right) leg was amputated above the knee July 10, 1882.*

POSTCRIPT: Peyton Lacey after the amputation of his leg, continued to work as a coal miner. The economic slowdown in the 1890's forced Lacey to enroll at the Dayton Soldiers Home in Dayton, Ohio until his death in 1922.

SOURCES:

- Peyton Lacey Pension File Certificate #395443, National Archives and Records Administration

Case Study #1

Thomas McKinney

Thomas McKinney was born in Ireland in 1832. From this pension file, little is known about his life before he enlists in the 3rd West Virginia Volunteer Infantry, Company B. His regiment saw combat at the Battle of Bull Pasture Mountain, May 8, 1862 near McDowell, Virginia. In the official record, Brigadier General R.H. Milroy writes of McKinney's regiment "*The Third West Virginia in their endurance of the most severe fire of the enemy…*" McKinney was injured by a gunshot wound to his right hand. The injury crippled McKinney's right hand. McKinney's first sergeant states "*The bullet struck the gun on the place he held it with his hand and knocked a piece off…*" Other members of McKinney's regiment were less helpful. Captain Shuttleworth replied *"He had forgotten about Thomas McKinney, and that Captain Weinger is dead..."* McKinney's pension attorney writes to the Commissioner of Pensions *"He (McKinney) is now working all he can with his crippled hand on the railroad. He fought for his adopted country and has not one single relative in this country..."* One year later an item in the local newspaper *"Thomas Kinney age 55, a section hand on the Dayton and Ironton Railroads… got on a drunk and was wandering around in the vicinity of the C. and M.V. Railroad. He must have been lying down or sitting on the track near the Paint Creek Bridge when the 8 O' Clock east-bound express train struck him... He died in great misery. Deceased was a native of Ireland, and had no relatives living here. He was a member of the Catholic Church."* Thomas McKinney or Kinney story shows the sacrifices and struggles some immigrant Union veterans dealt with following the war.

SOURCES:

- Thomas McKinney's pension file #337785 National Archives and Records Administration.
- Official Records of the Civil War Series I – volume 15 (Battle of Bull Pasture Mountain)
- Fayette Republican: 10/14/1887 (Death of Veteran)

Students and community activists at Beech Grove Cemetery

JEFFREY I. RICHMAN

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

As President John Fitzgerald Kennedy said years ago, "A nation reveals itself not only by the men it produces–but also by the men it honors, the men it remembers." That's the hope – that America honors the service of all of its veterans who lie in unmarked graves by marking those graves.

The Problem: On July 1, 2009, the Department of Veterans Affairs adopted regulations that substantially changed the process of applying for a VA marker and, with the enforcement of that regulation beginning in 2012, has virtually shut that program down. Prior to the enactment of these regulations, a cemetery, a museum, an historian, or anyone else qualified as an applicant for VA markers. However, new regulations changed that: Code of Federal Regulations section 38.632-(1) created an entirely new and unreasonably limited definition of "Applicant: Applicant means the decedent's next-of-kin (NOK), a person authorized in writing by the NOK, or a personal representative authorized in writing by the decedent to apply for a Government-furnished headstone or marker . . . ."

The Proposed Solution: This regulation, as it applies to veterans who answered the call of their country generations ago, is inappropriately narrow and should be rescinded. In its place, a separate category should be created for applications to mark the unmarked graves of veterans who have been separated from service for 62 years—the time period that the National Archives uses as the appropriate period after which a veteran becomes part of history and his or her records are made public. If a veteran was separated from service more than 62 years ago, anyone—historian, plumber, Congressman, upon proof to the satisfaction of the VA of the veteran's military service, and with permission of the cemetery where the veteran is interred that a marker may be installed, should be allowed to apply to the VA for

a marker. Or, in the alternative, a more restrictive, but still workable rule, would put the line at 62 years after the veteran's death.

My Background: I am the historian at The Green-Wood Cemetery in Brooklyn, New York, a National Historic Landmark and one of America's first rural cemeteries, where more than half a million individuals are interred. Veterans of every war that America has fought are interred there. I am also on the board of trustees of the North Shore Civil War Roundtable. In 2012, I was the coordinator for New York State Day at Antietam National Battlefield. I am a color bearer for the Civil War Trust and am a member of the Center for Civil War Photography. I am the author or editor of three books, including "Final Camping Ground: Civil War Veterans at Brooklyn's Green-Wood Cemetery, In Their Own Words." In 2012, I obtained bronze markers from the VA to mark the unmarked graves of men who died in Mexico during the Mexican War. I created the website marktheirgraves.org to protest the Veteran's Administration's overly-restrictive policy concerning who may apply to mark the unmarked grave of a United States veteran.

I very much appreciate this opportunity to submit this statement to the House Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, in conjunction with its hearing, "Focused Issues on Dignified Burials: A National Cemetery Update."

The Background: Now, as we commemorate the sesquicentennial of the Civil War, groups and individuals across the globe (and as far away as Australia) have been identifying Civil War and other veterans who lie in unmarked graves and have been applying to the Veterans Administration for markers for these men.

Since 2002, I have led Green-Wood's Civil War Project, which has identified 5,000 Civil War veterans, including 85 Confederates, who are interred there. Remarkably, of those 5,000 men, 2,000 were in unmarked graves—nothing bore their name. They were forgotten. But it was certainly not the intention of Congress or the federal government that they be forgotten.

The Veterans Administration's Headstones and Markers Program is tremendously important. It has been marking the unmarked graves of Civil War veterans, as well as veterans of other eras, since 1879. However, as of mid-2012, that marker program, in effect, has been shut down for many long-forgotten veterans.

Many veterans lie in unmarked graves. By one sample, 40% of Civil War veterans, men who sacrificed so much, had nothing visible at their graves with even their name on it, let alone anything that pays tribute to their service. The VA, for years, has allowed anyone, upon proof of military service, to request a marker, so long as the cemetery where the veteran is interred agrees to allow its installation.

As a result, dedicated volunteer researchers across America and the world—as far away as Australia–have been working diligently to identify veterans who lie in unmarked graves–and to get their graves marked with headstones or bronzes issued by the Veterans Administration.

But, on July 1, 2009, the VA adopted regulations that substantially changed the process for applying for a VA marker and, with the enforcement of that regulation beginning in 2012, has virtually shut that program down. Prior to the enactment of these regulations, a cemetery, a museum, an historian, or anyone else was permitted to apply for markers. However, the new regulations changed that: Code of Federal Regulations section 38.632-(1) created an entirely new and unreasonably limited definition of "Applicant: Applicant means the decedent's next-of-kin (NOK), a person authorized in writing by the NOK, or a personal representative authorized in writing by the decedent to apply for a Government-furnished headstone or marker . . . ."

The Veterans Administration, and its marker program, did not exist at the time of the Civil War. Therefore, it is unlikely that any Revolutionary War, War of 1812, Mexican War, or Civil War veteran had the foresight to appoint a personal representative in writing to apply for a Government-furnished headstone or marker–through a program that did not even exist before many of these vets already were dead! The other two possibilities–next-of-kin or person authorized in writing by the next-of-kin, are very limited. We are, for example, approximately seven generations removed from the Civil War. It is a tremendous amount of work to locate next-of-kin–who would then apply or authorize another, in writing, to apply. And what is the point of doing so? Is a descendant, who never met the veteran, and is seven generations or so removed from that veteran's life, in any way better situated to carry out the intent of the veteran? It does not seem that that would be the case.

And, it gets even worse. Friends of Cheltenham and Regional Cemeteries in *Australia* wrote to the Civil War News–and their letter was published in the February/March 2013 edition. They had identified five men who served during the American Civil War and were ultimately interred in Australia. They submitted applications

to the VA to finally mark these graves; the applications were rejected because they lacked the approval of a **lineal** descendant. When the group reported back to the VA that none of these veterans had lineal descendants–some had not had children, the lines of others already had died off—the applications were again rejected because the veteran has no lineal descendant. This requirement of approval from a "direct/lineal descendant" was repeated by the VA in other rejections of applications.

So, here's the new VA rule, pursuant to CFR section 38.632: you only get a marker if you had children and your children had children, etc., etc. According to the VA's rule, now a researcher must not only find and identify the veteran and prove his service, but also must find a lineal descendant and get that lineal descendant to complete an application for a marker. The VA further explained in response to the applications submitted from Australia:

The purpose of defining in regulation who may apply for a headstone or marker was to ensure that family members were not left out of the decision-making process. In the past, there have been instances of well-meaning individuals and organizations taking action to mark graves or replace headstones without the knowledge of family members.

The death, burial, headstone, inscription, and gravesite of a loved one is a very personal matter, and although we recognize that many families are grateful for assistance, we also understand that many family members do not want external involvement with decisions regarding VA benefits.

This is the issue that the 2009 regulations sought to address. So, those regulations go on for four pages, detailing how disputes within the veteran's family are to be resolved.

Yet, in the real world, such disputes over marking the graves of veterans of long ago rarely, if ever, occur. For example, the Green-Wood Civil War Project, which has installed 1,300 gravestones, has had no complaints from descendants upset by the installation of those gravestones. There have been no disputes about "Emblems of belief"–a subject addressed at length in the new regulations—because no such emblems have been requested by Green-Wood from the VA. And, when in 2012 Green-Wood mounted bronze plaques obtained from the VA on granite bases supplied by the cemetery to finally mark the graves of American officers who had given their lives for their country, no one complained.

Bottom line: these changes in the definition of "applicant," aimed at dealing with family disputes typically involving veterans who have served recently and who have family alive and able to engage on the issue of the wishes of the veteran, should not be applied to veterans who served long ago. It just makes no sense to do so.

The VA set up a committee at least mort than a year ago to review these regulations. But that committee has failed to act and appears to be in no rush to change its ill-conceived regulation. This response, concerning the progress of this committee, was recently received from a VA official: "Memorial Programs Service continues to work with the NCA Legislative and Regulatory Service on updating the Code of Federal Regulations (CFR) for the Headstone and Marker Application Process. Unfortunately, this is a long process. I do not have an update for you at this time."

But the VA already has admitted that its current regulation, so severely restricting who may apply for a marker, is "overrestrictive." On April 10, 2013, Steve Muro, under secretary for memorial affairs at the Veterans Administration, testifying before a Congressional subcommittee, was questioned by Congressman John Runyan on this issue. Muro responded that ". . . we are actually looking at that reg. And we are going to do some rewrites of it . . . they made it overrestrictive . . . And when we get ready we will put it out for public comment. We will keep the committee in the loop on that to let you know when we get ready to do that."

The Veterans Administration has realized, after more than a year of enforcing an absurd regulation, that it made a mistake. Yet the VA, as of yet, has offered no solution to this poorly written regulation. As recently as a month ago, Steve Muro wrote to Congressman Steve Israel to explain the next-of-kin requirement: "We realize, however, that the definition may be too limiting, and we are reviewing the current regulation to include the applicant definition." But, again, nothing has been done to change this requirement that only next-of-kin may apply.

A year ago, the VA, in effect, shut down its program, which has been in existence for more than a century, to mark the graves of veterans whose graves were unmarked. It ended that program by redefining "applicant" for a marker so narrowly that only direct descendants, rather than historians, cemeteries, museums, veterans associations, and concerned researchers, may apply for a marker. This is wrong.

More examples of rejected applications on behalf of veterans who served honorably and sacrificed for their, and our, country:

George J. Weinmann has several ancestors who served in the Civil War. He is a genealogist and historic researcher. He holds office in many patriotic organizations and is the vice president of the Greenpoint Monitor Museum. George has worked as a volunteer for 20 years to identify veterans and to mark their graves with VA headstones. He does this work, as a volunteer, for one simple reason: because marking the graves of men who served and sacrificed for their country is the right thing to do. George recently located the final resting place of Private William Ellingham (1845 – 1888) at Brooklyn's Evergreens Cemetery. Ellingham served with the 128th New York Volunteer Infantry during the Civil War. At Cedar Creek, Virginia in October 1864, he received lacerations and bruising to his legs when a horse trampled him as his regiment was overrun. George applied for a gravestone to mark this veteran's grave; the Veterans Administration rejected the application because George, historian and concerned volunteer, was not a direct descendant.

John Wesley Cunningham (1844 – 1899) served as a private in the 176th New York Volunteer Infantry during the Civil War. While in service, he suffered from pulmonary congestion that required repeated hospitalizations. After the war, he suffered from many illnesses, including loss of sight, heart, rheumatism and kidney trouble. George Weinmann found Cunningham's unmarked grave at Evergreens Cemetery. He applied to the Veterans Administration for a gravestone; that application was summarily rejected by the VA.

Volunteer researchers in Melbourne, Australia, have identified several veterans of America's Civil War who are interred down under. **Charles Blume** (1842–1914) served with the 11th Maryland Volunteer Infantry. By the time of his death, his wife was already dead and he apparently had two married daughters living in Germany, but their names are unknown. An application was submitted to the Veterans Administration in the United States to mark his unmarked grave. It was summarily rejected by the VA because the applicant was just a concerned citizen in Australia—not his direct descendant.

Does Charles Blume have a direct descendant alive today? No one knows.

Can that descendant be found? Unlikely.

Would it help to find that descendant? Can't imagine why it would.

Will he ever have his grave marked? Not unless the VA changes its regulation.

George Stillie (1839–1919) also is interred in an unmarked grave in Melbourne, Australia. He served his country during the Civil War in the United States Navy aboard the USS North Carolina, USS Valley City, USS Fernandina and USS Roebuck. Stillie's wife died before he did and their only child died in New Zealand in 1912. So, at the time of his death, he had no living lineal descendants.?Unless the VA reverses its policy, George Stillie will lie in an unmarked grave for eternity.

Charles Purser, Air Force veteran and Civil War detective, spent 25 years researching Confederates and Union men who are interred in Historic Oakwood Cemetery in Raleigh, North Carolina. After solving their mysteries one by one, he applied for and received granite gravestones from the Veterans Administration to mark their unmarked graves.

But that was then and this is now: no researcher would be able to get those gravestones today. That's sad–it is not the way it should be. There are people like Charles Purser all across the world–who want to do their part to mark the graves of Civil War and other veterans. Because it is the right thing to do. Shouldn't the VA do its part?

William Peter Strickland (1809–1884) served as chaplain of the 48th New York Infantry for two years during the Civil War. Strickland, like many Northern Evangelicals, believed that serving the Union was "the most sacred duty of every liberty-loving American citizen." He is interred in Brooklyn's Green-Wood Cemetery in an unmarked grave.

An application was made to the Veterans Administration for a headstone for him. That application was rejected because the applicant, the cemetery where he is buried, was not next-of-kin. Chaplain Strickland lies today, 150 years after his service to his country, in an unmarked grave. We know who he was. We know that he served his country. Shouldn't his grave be marked? Shouldn't his service to his country be honored? We think so!

Major James H. Remington of the 7th Rhode Island Infantry and **Corporal Philip Tavernier** of the 4th New York Infantry were wounded at the Battle of Fredericksburg, Virginia. **Alvah Schofield** was a Navy man. **Sergeant David Bell** served with the 2nd U.S. Artillery. **First Lieutenant James Entwhistle** served with the 6th New York Infantry from 1861 to 1863. **Private Wales Jennings** served for a year with the 15th Connecticut Infantry. Applications, made in June,

2012, on behalf of these men to mark their unmarked graves all were rejected by the Veterans Administration because the applicant, the cemetery where they lie, was not a lineal descendant. They served their country. Shouldn't their graves be marked? They certainly should.

"All honor to our dead! Let their names be engraved on the tablet of our memories, and may those to whom they were near by the ties of relationship, find consolation in the thought that their sufferings and death were a part of that inestimable price which was paid to secure the national life for the present and the future."

- Alfred Davenport, Camp and Field Life of the Fifth New York Volunteer Infantry.

Very truly yours,

Jeffrey I. Richman
Green-Wood Cemetery Historian

Submission For The Record

LETTER FROM STEVE L. MURO, DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENT OF VETERANS AFFAIRS
UNDER SECRETARY FOR MEMORIAL AFFAIRS
WASHINGTON DC 20420

August 5, 2013

The Honorable Susan W. Brooks
Member, United States House of Representatives
8900 Keystone Crossing, Suite 1050
Indianapolis, IN 46204

Dear Congresswoman Brooks:

This is in further response to your inquiry on behalf of Ms. Susan D. Bizzel who requested disinterment of the remains of Mr. Michael Anderson from a Department of Veterans Affairs (VA) national cemetery. Please accept my apologies for the delayed response.

On June 5, 2012, VA's National Cemetery Administration (NCA) found Mr. Anderson eligible for Interment at Fort Custer National Cemetery in Michigan. Mr. Anderson was interred on June 7, 2012. NCA first became aware of Mr. Anderson's involvement in the Indianapolis shooting death of Ms. Alicia Koehl when the cemetery director receiver a voice mail from a concerned individual on July 27, 2012. Since that time, VA conducted a careful review of all the facts in this case, as well as the administrative procedures used to determine eligibility for interment in a VA national cemetery. Based on the review, VA finds that NCA followed its regulatory process as required by Section 38.618 of title 38 of the Code of Federal Regulations because the decision was made based on the information known at the time of the burial request. In this case, the regulatory requirements for disinterment have not been met and VA is unable to disinter Mr. Anderson at this time.

VA has provided technical drafting assistances to those in Congress who seek to make sure VA has the necessary legal authority to preserve the sanctity of VA national cemeteries.

I hope this information will be helpful to you in responding to your constituent. Thank you for your continued support of our mission.

Sincerely,

Steve L. Muro

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