

1 MISMANAGEMENT OF CONTRACTS AT
2 ARLINGTON NATIONAL CEMETERY

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4 THURSDAY, JULY 29, 2010

5 United States Senate,
6 Ad Hoc Subcommittee on Contracting Oversight,
7 Committee on Homeland Security and Governmental Affairs,
8 Washington, D.C.

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

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

14 OPENING STATEMENT OF SENATOR McCASKILL

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

18 Arlington National Cemetery is the Nation's most sacred
19 burial ground for veterans and their families, a national
20 shrine, and an emblem of the courage and sacrifice of so
21 many throughout our Nation's history. Over the last year, I
22 have learned of shocking stories about Arlington--bodies
23 accidentally buried in the same graves, unmarked and
24 mismarked graves, urns of cremated remains being found where
25 they shouldn't be, the heartbreaking tragedy of families who

1 cannot trust the Cemetery to tell them where their loved
2 ones are buried.

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

15 Senator Brown and I called today's hearings to examine
16 how contract mismanagement at Arlington National Cemetery
17 resulted in this scandal. My staff has prepared a
18 memorandum summarizing what we have learned from our
19 investigation. I ask for unanimous consent that the memo
20 and the documents it cites be made part of the hearing
21 record. Without objection, those will be entered into the
22 record.

23 [The information of Senator McCaskill follows:]

24 / SUBCOMMITTEE INSERT

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

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

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

22 One reason for this was the lack of management and
23 oversight. The Army contracting officials who were
24 responsible for these contracts awarded sole source
25 contracts without ensuring that the contractors were even

1 able to do the work. They failed to make sure the
2 Government was paying a fair price.

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

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

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

22 We are here today because we owe our veterans better.
23 We owe their families much more. We owe more to the
24 Americans who expect their Government not to fritter away
25 their money on wasteful contracts. And the people who let

1 this happen, whether it was ignorance, incompetence, or
2 denial, must be held accountable.

3 This week, after hearing from all of the different
4 veterans' organizations, the American Legion, Reserve
5 Officers Association, Veterans of Foreign Wars, all of them
6 have participated by submitting information for this
7 hearing. Although this is the Subcommittee on Contracting
8 Oversight, what is most important is to get this right for
9 all of the veterans and their families who have sacrificed
10 so much for our country.

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

21 I hope today's hearing is a very loud, very clear wake-
22 up call to everyone involved. And let me say that there are
23 so many men and women who work at Arlington National
24 Cemetery and who volunteer there, the Old Guard, thousands
25 of people who do the right thing every day, day in and day

1 out, and their work should not be diminished by this
2 hearing. We should lift them up and thank them for every
3 effort they make to make sure that every burial is dignified
4 and patriotic in a way that our Nation expects.

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

18 We are going to take time this morning for opening
19 statements, not just from the Ranking Member, but from any
20 other members who are here, and so at this time I will turn
21 the microphone over to the Ranking Member of the Committee,
22 Senator Brown.

23 OPENING STATEMENT OF SENATOR BROWN

24 Senator Brown. Thank you, Madam Chair. Today, as
25 Ranking Member of this Subcommittee, I would like to first

1 of all start out by thanking you for once again bringing to
2 attention something of great importance not only to me
3 personally, but to our country and the families of our men
4 and women that are serving.

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

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

17 We are all entrusted with the solemn obligation to
18 ensure that our heroes buried at Arlington National Cemetery
19 receive the utmost dignity and respect that this country can
20 offer, and today, I intend to focus on how the caretakers of
21 our national shrine were allowed to violate our Nation's
22 sacred trust. It is my intent to not only determine the
23 causes of these astonishing management and oversight lapses,
24 but also to look forward and identify real solutions.

25 The problems uncovered at Arlington National Cemetery

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

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

18 My understanding is that the Army has been aware of the
19 management issue since 1997, when the Military District of
20 Washington IG inspected the Cemetery. The Army audit report
21 is clear that the management entrusted at Arlington National
22 Cemetery failed to properly execute their duties. Cemetery
23 management failed to address one of the primary causes of
24 the burial problems, the reliance on an inaccurate Cemetery
25 map. In only three of 70 sections of the Cemetery, 211

1 discrepancies were identified between the map and the
2 gravesites. In an age where geolocation software is
3 available for free on our mobile phones, with all of the
4 United States Army's vast resources available, it is truly
5 incomprehensible to me that we are unable to accurately
6 depict a map on merely 600 acres of land in the heart of our
7 Nation's Capital.

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

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

21 Unfortunately, I don't have a great deal of confidence
22 that the Army or anyone else knows the full extent of the
23 burial problems, but I do know that we can't tolerate these
24 problems any longer. Arlington represents to the world and
25 our country the value we place on our veterans in life and

1 in death and the Army must restore the solemn trust that
2 America's heroes deserve, and we expect no less.

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

5 Senator McCaskill. Senator Collins?

6 OPENING STATEMENT OF SENATOR COLLINS

7 Senator Collins. Thank you, Madam Chairman. Madam
8 Chairman, let me begin by thanking you and the Ranking
9 Member for your leadership in investigating this very
10 important issue.

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

21 Privates are buried there, as are Presidents. The Tomb
22 of the Unknown Soldier honors unidentified warriors from
23 past wars. Sailors who died when the U.S.S. Maine was sunk
24 in Havana in 1898 are memorialized there. Our collective
25 history is read in this Cemetery, carved in stones that

1 recite the names of veterans from the birth of our Nation to
2 today's War Against Terrorism.

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

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

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

23 The IG's report documents further mismanagement of the
24 Cemetery and an utter lack of Army oversight spanning many
25 years. The Army IG made 76 findings and 101

1 recommendations, some of which were the very same
2 deficiencies from a 1997 IG inspection of the Cemetery. Let
3 me repeat that. The Army was alerted to some of these
4 problems 13 years ago, yet nothing was done to make things
5 right.

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

13 Despite more than 35 IT contracts totaling more than
14 \$5.5 million, the Cemetery continues to use manual records
15 and an electronic tracking system set up in 2003. There are
16 many reasons for this tremendous waste of taxpayer funds,
17 but a primary culprit in derailing the automation efforts
18 can be traced to a lack of effective contract oversight.

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

1 Thank you, Madam Chairman.

2 Senator McCaskill. Thank you, Senator Collins.

3 Senator Tester?

4 OPENING STATEMENT OF SENATOR TESTER

5 Senator Tester. Yes, thank you, Madam Chair. Thank
6 you for having this hearing. It is an understatement to say
7 it is truly unfortunate we even have to be here today.

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

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

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

11 I look forward--Madam Chair, we have got Mr. Metzler
12 here today. I believe that is correct. I don't know if we
13 have got Mr. Higginbotham here today or not. I certainly
14 hope so. But hopefully, we will get some sort of
15 understanding of what went on here and some solutions on how
16 to fix what I think is a problem that should have never,
17 ever--we should not be here today. This should never, ever,
18 ever have happened.

19 So thank you for holding the hearing, Madam Chair.

20 Senator McCaskill. Thank you, Senator Tester.

21 Our first panel, if you would join us at the witness
22 table, our first panel is John C. Metzler and Thurman
23 Higginbotham. We will do seven-minute rounds of questions.
24 After this panel, we have a second panel of officials that
25 will testify.

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

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

7 Mr. Metzler. I do.

8 Mr. Higginbotham. I do.

9 Senator McCaskill. Mr. Metzler is the former
10 Superintendent--thank you, gentlemen. You may be seated.

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

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

3 Mr. Metzler. Good morning, Madam Chairman, members of
4 the Committee. As the Committee is well aware, I was the
5 Superintendent of Arlington National Cemetery for the last
6 19 years. Prior to Arlington, I had 17 years' experience
7 with the Department of Veterans Affairs in their Cemetery
8 system. I also served six years of earlier Government
9 service, including one tour of active duty in the Army with
10 one tour in Vietnam as a helicopter crew chief with the
11 First Aviation Brigade.

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

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

23 As you evaluate these issues, it is important to fully
24 appreciate the complexity and breadth of the operation at
25 Arlington National Cemetery. They are unique and

1 extraordinary. This complexity and breadth has only
2 increased during my tenure. Of the more than 330,000
3 burials at Arlington National Cemetery which have taken
4 place of the last 146 years, 110,000, one-third of them,
5 took place during my tenure. There are only two or three
6 large private or Department of Veterans Affairs Cemeteries
7 in the world that have the complexity and the comparable
8 volume of funerals that Arlington does each year, 6,000 or
9 7,000.

10 None of these cemeteries, however, required the
11 attention for ceremonial coordination and support that is
12 routine at Arlington Cemetery. None of these cemeteries
13 have 3,000 non-burial ceremonies that are conducted
14 regularly at Arlington. None of these cemeteries have
15 records that go back over 100 years. And finally, none of
16 these cemeteries have over four million visitors who tour
17 the grounds each year.

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

21 Funeral services continue to be a vital--and are
22 conducted, excuse me, in all circumstances. We conducted
23 services at Arlington Cemetery on 9/11 and the day after.
24 During this recent record snowfall in which the Federal
25 Government was closed for four consecutive days, Arlington

1 Cemetery continued with its burial schedule.

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

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

17 During the last 19 years that I was the Superintendent,
18 we did not receive the funding that was needed and the
19 dedicated staff of the Cemetery was reduced by 35 percent,
20 from 145 when I arrived to 95 today. Of these 95,
21 approximately 35 people are performing administrative tasks.
22 Those staffing losses were to be offset by increased
23 opportunities for outsourcing of private contracts. As
24 experience has shown, however, that approach does not always
25 result in the most efficient or effective solution. There

1 are no substitutes to having dedicated staff in the
2 important areas such as Government technology and
3 contracting, none of which I had during my tenure. Further,
4 issues can be minimized and eliminated with both funding and
5 staffing requirements to do this important work.

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

13 [The prepared statement of Mr. Metzler follows:]

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

7 Mr. Metzler. Thank you.

8 Senator McCaskill. Mr. Higginbotham, do you have an
9 opening statement?

1 TESTIMONY OF THURMAN HIGGINBOTHAM, FORMER DEPUTY
2 SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY

3 Mr. Higginbotham. No, ma'am, I do not. I would like
4 to--after consultation with counsel, I will assert my Fifth
5 Amendment rights to any and all questions that the Committee
6 may ask.

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

17 Mr. Higginbotham. Thank you.

18 Senator McCaskill. Do you have any questions, Mr.
19 Higginbotham, in that regard?

20 Mr. Higginbotham. No, ma'am.

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

24 Mr. Metzler. I was an employee there for 19 years and
25 six months.

1 Senator McCaskill. And on what date did you retire?

2 Mr. Metzler. July 2, 2010.

3 Senator McCaskill. Who did you report to in the Army?

4 Who was your boss?

5 Mr. Metzler. My direct report was the Commanding

6 General of the Military District of Washington.

7 Senator McCaskill. All right. And was there any other

8 report you had, other than the Commander of the District of

9 Columbia?

10 Mr. Metzler. Yes, ma'am. I reported to the Assistant

11 Secretary of the Army for Civil Works on budget and policy

12 issues, and to the Assistant Secretary of the Army for

13 Manpower and Reserve Affairs on eligibility issues and

14 exceptions to policy, and to the Chief of Media on any

15 media-related issues.

16 Senator McCaskill. Okay. And who reported to you at

17 Arlington National Cemetery?

18 Mr. Metzler. The Deputy Superintendent, the Historian,

19 my secretary, and the Chief Financial Officer.

20 Senator McCaskill. Okay. So you had your secretary,

21 you had the Deputy, you had the Historian, and who was the

22 other?

23 Mr. Metzler. The Chief Financial Officer.

24 Senator McCaskill. The CFO, okay.

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

1 Cemetery?

2 Mr. Higginbotham. After consultation with counsel, I
3 will assert my Fifth Amendment--I can answer? Oh. You can
4 ask the question again, ma'am.

5 Senator McCaskill. How long were you an employee with
6 the Arlington National Cemetery?

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

10 Senator McCaskill. And when did you become the
11 Cemetery's Deputy Superintendent?

12 Mr. Higginbotham. Nineteen-ninety--1990, I believe it
13 was. Yes.

14 Senator McCaskill. And what date did you retire?

15 Mr. Higginbotham. July 3.

16 Senator McCaskill. Mr. Higginbotham, what were your
17 responsibilities as Deputy Superintendent?

18 Mr. Higginbotham. Well, I was an assistant to the
19 Superintendent in his responsibilities.

20 Senator McCaskill. And so did you take your direction
21 directly from him?

22 Mr. Higginbotham. Yes.

23 Senator McCaskill. Were there things that you did
24 independently of his direction?

25 Mr. Higginbotham. I had decision making for

1 supervisors that worked for me, yes.

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

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

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

10 Mr. Higginbotham. Not in my opinion.

11 Senator McCaskill. You did not get along, that--

12 Mr. Higginbotham. Yes--no, we did get along.

13 Senator McCaskill. You did get along?

14 Mr. Higginbotham. Yes.

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

1 Mr. Higginbotham. Partially. I think if we go back to
2 when Mr. Metzler arrived at Arlington in, I believe it was
3 1991, I was already the Acting Superintendent because the
4 prior Superintendent had quadruple bypass surgery and he
5 decided to retire. I applied for the job as Superintendent.
6 I was told that I was not eligible for the position because
7 I was 22 days short of time in grade, you know, to move, the
8 one year in grade at the lower grade.

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

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

25 Mr. Metzler. With the IG report, ma'am?

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

7 Mr. Metzler. I never had that problem.

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

12 Mr. Metzler. Until the IG's report. Any time an
13 individual, any time a family member, any time an employee
14 brought an issue to my attention in this regards, we looked
15 at it immediately. We stopped what we were doing and we
16 went out to the field and we validated anyone's concerns.

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

21 Mr. Metzler. I found that either the concern was not
22 valid or there was an explanation that went along with it.
23 There would be oftentimes where family members--no, let me
24 restate that. From time to time, family members would
25 contact the Cemetery and tell us they could not find their

1 loved one and we would find out that they were in the wrong
2 burial section or that they had referenced a tree or some
3 other permanent structure in the Cemetery and that structure
4 either had been removed or they were just in the wrong
5 location. So we would go out with them and we would show
6 them how to find their loved one's grave. That was a
7 problem in any cemetery that expands and continues to grow.
8 People pick up landmarks and don't use the numbering system
9 on the back of the headstones.

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

16 Mr. Metzler. Well, I--

17 Senator McCaskill. --that you never had any
18 inclination that--

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

23 Senator McCaskill. Okay. So you knew there were
24 problems. You are just saying that as they came along, you
25 fixed them?

1 Mr. Metzler. Yes, ma'am.

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

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

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

19 Mr. Metzler. Well, I think the one situation that we
20 were talking about, where remains were buried in a grave and
21 unmarked, came to our attention about a year ago. We had an
22 issue during the development of Land Development 90,
23 referred to as LD 90. This was the last 40 acres of the
24 Cemetery. In the process of developing that land, this was
25 a fill area where soil had been repositied there for probably

1 35 years. So the soil started to be distributed over this
2 40-acre land mass, and in the process of doing that, two
3 urns were discovered.

4 Senator McCaskill. And when was that? What month and
5 year was that?

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

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

13 Senator Brown. Thank you, Madam Chair.

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

1 can have closure.

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

7 Mr. Metzler. Ultimately, the responsibility is mine as
8 the Superintendent, yes.

9 Senator Brown. And when the IG investigation report
10 detailed the problem that existed for a period of over 18
11 years, and I am presuming it is the time that you were
12 there, because you have been there for quite a while, it
13 also noted that the relationship between you and the Deputy-
14 -how much do you think the relationship between you and the
15 Deputy affected or contributed to the documented problems at
16 the Cemetery?

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

1 see the Cemetery automated as quickly as possible.

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

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

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

23 Senator Brown. So since 1997, you said, you have--

24 Mr. Metzler. No, sir. We started in 1999 trying the
25 VA BOSS system. We worked on that system for about two-and-

1 a-half years and we found that it was not compatible with
2 our needs at the Cemetery. Yes, it would put the
3 information into a system, but the Cemetery at Arlington is
4 much more complex with our scheduling system. I tried to
5 work with the Veterans Administration to get them to modify
6 their scheduling system to accommodate our needs.

7 Senator Brown. Well, they offered it to you basically
8 for nothing, for at cost. Couldn't you--

9 Mr. Metzler. No, sir, that is not accurate.

10 Senator Brown. That is not true?

11 Mr. Metzler. No, sir.

12 Senator Brown. Interesting.

13 Mr. Metzler. I mean, I personally worked with their IT
14 team. I was with the Veterans Administration--

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

20 Mr. Metzler. I could not get them to modify their
21 system, sir.

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

24 Mr. Metzler. It was not my system. It was the
25 Veterans Administration system. I tried to work with their

1 IT staff to see if they would not modify their system to
2 their needs and they could not accommodate us on that.

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

7 Mr. Metzler. Contracting officers either at the
8 Baltimore Corps of Engineers or at the Army Center of
9 Excellence for Contracting.

10 Senator Brown. Based on whose recommendation?

11 Mr. Metzler. It would be based on our recommendation
12 at the Cemetery. We would--

13 Senator Brown. Our? Who is "our"? Is it you? Is it
14 the Deputy? Is it a combination?

15 Mr. Metzler. It is a combination. I mean, any of our
16 staff members--you know, there are basically three styles of
17 contracts that we work with on a regular basis, construction
18 contracts, services contracts, and the IT contracts.

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

1 We had 9/11. We had burials. We had a lot of burials.
2 Every cemetery has burials, but these are special burials.
3 There are burials and then there is a different level.
4 These are the people that are being buried at Arlington
5 National Cemetery. I mean, growing up, I think of that and
6 it is, like, the cemetery in our country that we all have
7 great pride in, and to find out that it is--it is almost
8 like learning that there is no Santa Claus or Easter Bunny.

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

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

17 Senator Brown. And then what did you do?

18 Mr. Metzler. We went out and validated each area to
19 ensure that if there was a burial there, there was a
20 headstone there. If there was not--if the map indicated
21 there was a burial and there was no one buried there, we
22 validated that the grave was empty. If we found that there
23 was a site where a headstone should have been installed and
24 it was off by a number of graves, we checked to be sure that
25 there were remains in the grave and then we put the

1 headstone up there--

2 Senator Brown. How do you know the remains were the
3 accurate remains? How did you match up that?

4 Mr. Metzler. We matched them up with the records of
5 internment and with the grave survey cards.

6 Senator Brown. Are you still dealing with--my
7 understanding is you are still dealing with paper cards, is
8 that right?

9 Mr. Metzler. We are still dealing with paper cards,
10 two sets of cards, an alphabetical set of cards and a
11 numerical set of cards.

12 Senator Brown. So let me get this straight. It is
13 2010 and you guys--may I take this for a minute, Madam
14 Chair, and just show it? You have this amazing piece of
15 technology right here. It is an amazing piece of technology
16 right here. We have got--

17 Senator McCaskill. Make sure everyone knows that this
18 is the IG report I am reading, not--

19 Senator Brown. Yes. No, no, I know that--

20 [Laughter.]

21 Senator McCaskill. It is hearing materials I am
22 reading. It is not something other than hearing materials.

23 [Laughter.]

24 Senator Brown. I know that. We have got cell phones.
25 We have got iPhones. We have got this and that and you guys

1 are still dealing in cards. I find that just--I just can't
2 get my hands around that. How do you--

3 Mr. Metzler. As frustrating as you are [sic], sir,
4 with this, you can only imagine our frustration at the
5 Cemetery. Arlington Cemetery was funded--and is funded
6 still to this day--as a separate Government agency. We are
7 not--

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

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

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

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

6 Senator McCaskill. Senator Collins?

7 Senator Collins. Thank you, Madam Chair.

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

17 I am trying to better understand when the broader
18 problems came to your attention and when, if ever, you
19 perceived that there was a pattern of problems caused by
20 operational deficiencies at the Cemetery.

21 Mr. Metzler. The way Arlington National Cemetery
22 operates is a little different than most VA Cemeteries and
23 even private cemeteries today. Arlington Cemetery still
24 buries over the grave, so the gravesite is open. The
25 remains straddle an open grave. Unlike private cemeteries

1 or the Veterans Administration Cemeteries where the burials
2 are done at a shelter or a chapel away from the gravesite
3 and then the remains brought there later, at Arlington, we
4 bury the remains over the open grave. So we are very
5 confident that the remains are right where they are supposed
6 to be because the remains are sitting there right in front
7 of the family with an open site at the time of the service.

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

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

18 Senator Collins. But Mr. Metzler, you have an IG
19 report that identifies 100 graves without the proper burial
20 stone, that--

21 Mr. Metzler. Ma'am, that is not accurate. I would
22 like--if I may, what we are talking about are the working
23 maps that you would take out to the field, and on one map
24 are the number of graves in that particular section. It
25 could be 5,000 squares or it could be 2,500 squares. And

1 each day, the staff is supposed to color in the square as
2 the burial is taking place.

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

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

11 Mr. Metzler. I am not aware--

12 Senator Collins. Are you disputing the findings?

13 Mr. Metzler. Well, let me--I am disputing what the
14 latter statement is. I am never aware of any urns that the
15 contents were discarded. Yes, we did find two urns that I
16 was aware of that were buried in the Land Development 90--
17 or, I am sorry, were unearthed from their graves, most
18 likely--we don't know for sure how they got there--

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

25 Mr. Metzler. I do not dispute that finding. What I am

1 saying, ma'am, is that the maps were improperly colored.
2 They were--the blocks on the maps were colored in when they
3 shouldn't have been colored in. We went out and did a field
4 survey and we validated that the maps were posted
5 incorrectly.

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

9 Mr. Metzler. If, indeed, there was--

10 Senator Collins. How are the families supposed to find
11 the gravesites of their loved ones?

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

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

24 Mr. Metzler. Yes, ma'am.

25 Senator Collins. Do you dispute that finding?

1 Mr. Metzler. I do not dispute that, and again, that
2 would be the map was not properly posted. We went out--

3 Senator Collins. But Mr. Metzler, the family members
4 are relying on these maps in order to find--

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

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

13 Mr. Metzler. I do--

14 Senator Collins. Doesn't the staff rely--

15 Mr. Metzler. No, no. I agree with you that the--

16 Senator Collins. Well, wait a minute--

17 Mr. Metzler. --the maps should be accurately marked.

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

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

1 number in numerical sequence.

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

7 Mr. Metzler. No, ma'am.

8 Senator Collins. I have got to tell you, your answers
9 make no sense to me whatsoever. I am going to switch to a
10 different issue in the very short time--

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

17 Senator Collins. Mr. Metzler, in your testimony, you
18 blamed a lot of the problems on a lack of resources. You
19 said that the Cemetery staffing had been reduced by 35
20 percent, from 145 to 95 civilian employees. When I look at
21 the budget over the last ten years, I see significant
22 increases, from \$13 million in fiscal year 2000 to a high of
23 \$39 million in fiscal year 2010. If you thought the money
24 was being spent for the wrong things, if you thought you
25 were understaffed, whom did you relay that to?

1 Mr. Metzler. Each budget cycle, we would bring this
2 discussion to the table with the Assistant Secretary of the
3 Army's representative, as well as with the Office of
4 Management and Budget as we submitted our budget submission
5 for the upcoming year.

6 Senator Collins. And you specifically asked for more
7 money and more staff and were turned down?

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

19 Senator Collins. Thank you, Madam Chair.

20 Senator McCaskill. Senator Tester?

21 Senator Tester. Yes. Thank you, Madam Chair. I
22 appreciate it. And I do want to also reflect. I appreciate
23 both you gentlemen coming today and I appreciate the
24 questions that are being answered today.

25 I didn't want to go down this line, but Senator Collins

1 has forced me to go down here one more time. You are saying
2 that you--what you are saying is that what the IG found was
3 there are errors on a set of working maps, but there were
4 another set of maps that were right, yes?

5 Mr. Metzler. No, sir, that is not what I said.

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

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

17 Senator Tester. The permanent maps were correct, is
18 what you were saying?

19 Mr. Metzler. Not until we corrected them.

20 Senator Tester. Okay. So what you are saying is the
21 IG report was correct. If the permanent maps were incorrect
22 and the working maps were incorrect--

23 Mr. Metzler. The maps were--

24 Senator Tester. --show me one that was correct.

25 Mr. Metzler. The maps that are there today are

1 correct.

2 Senator Tester. Okay. But the maps that the IG looked
3 at were incorrect?

4 Mr. Metzler. That is correct.

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

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

15 Senator Tester. Okay. So--

16 Mr. Metzler. --going to the end. If we found no grave
17 card, then we would probe the grave to see if there were any
18 remains in the grave. If there were no remains in the
19 grave, then we would realize that the map was posted
20 incorrectly.

21 Senator Tester. Okay. If there were remains in the
22 grave, what did you use to know whose remains they were?

23 Mr. Metzler. We would look at the site and go back to
24 the cards to find the grave card that correlated to that
25 site--

1 Senator Tester. Okay.

2 Mr. Metzler. --and then we would go back to the record
3 of internment, which is the alphabetical listing, and then
4 we would find out if there was--

5 Senator Tester. Let us go the other direction. Joe
6 Soldier was supposed to be buried in that and you go down
7 and there is nothing there. Where is Joe Soldier at now?
8 How--I don't understand. I mean, you can probe and see if
9 the remains are there and say, yes, that is right, and go
10 back to the grave card. What happens the other direction?

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

13 Senator Tester. Okay. So you know where everybody is?

14 Mr. Metzler. If you give me a name, I can go out there
15 and find the location--

16 Senator Tester. And you are sure of whoever is buried
17 in that grave is who is buried in that grave, even though
18 you have got some maps that are right and some maps that are
19 wrong? Do you understand what I am saying? I am not trying
20 to be critical here, but I am trying to be obvious. How do
21 you know which set of maps are right if you have got one set
22 that is wrong and one set that is right? How do you know
23 this set is right and that set is wrong, or that set is
24 wrong and this set is right?

25 Mr. Metzler. Each time we post a set of maps, we put a

1 date on that map as to when it was posted. The maps are
2 only as accurate as the last date on that map, and from that
3 point forward, the map becomes a working map.

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

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

15 Mr. Metzler. I believe they are.

16 Senator Tester. That is not a declining budget. That
17 is a 400 percent increase.

18 Mr. Metzler. It is also reflected of construction
19 costs. Our operation--

20 Senator Tester. But you had construction costs
21 previous to 2000.

22 Mr. Metzler. Very minimal construction cost.

23 Senator Tester. Okay. Okay. Who makes the budget
24 decisions?

25 Mr. Metzler. The budget recommendation is made out of

1 my office, and then the final decision is made by the
2 Assistant Secretary of the Army to make the recommendation.

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

10 Mr. Metzler. Not entirely, sir. Part of it is we are
11 given guidance from OMB at the beginning of the budget
12 cycle--

13 Senator Tester. Right.

14 Mr. Metzler. --and they will tell us how many millions
15 of dollars we can ask for and what our staffing level should
16 be.

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

20 Mr. Metzler. Well, sir, I think it is a combination of
21 us asking and justifying and then ultimately we have to
22 support the President's initiative and going forward to the
23 Appropriations Committee and with the guidance that we are
24 given.

25 Senator Tester. But in your opening statement, you

1 said because of funding reductions, your staff was reduced
2 by 35 percent. I don't--correct me if I am wrong. Did your
3 budget reflect that you needed 35 percent less people?

4 Mr. Metzler. I don't understand that question.

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

8 Mr. Metzler. No, that was not my decision.

9 Senator Tester. Whose decision was it?

10 Mr. Metzler. I mean, our staffing levels were reduced
11 by OMB each time that--

12 Senator Tester. Okay. OMB made the reduction?

13 Mr. Metzler. Yes, sir.

14 Senator Tester. Okay. And those were supposed to be
15 offset by contractors, right?

16 Mr. Metzler. Yes.

17 Senator Tester. Who made that decision?

18 Mr. Metzler. Again, we were told that we would be
19 supported with contract dollars, so--

20 Senator Tester. By who?

21 Mr. Metzler. By OMB.

22 Senator Tester. By OMB? By OMB?

23 Mr. Metzler. Yes, sir.

24 Senator Tester. Okay. Did you make your plea to the
25 Appropriations Committee that this wasn't going to work, or

1 did you just let OMB do it, or, I mean--

2 Mr. Metzler. Sir, we--

3 Senator Tester. Don't feel bad about this. I have
4 heard this before. But the truth is--not in your budget,
5 other budgets--and the fact is, you have got to fight for it
6 if you think it is right, and did you fight for it? That is
7 the question.

8 Mr. Metzler. Sir, as a member of the Executive part of
9 the Government, I have to support the President's
10 initiative, and the guidance that I am given from OMB is the
11 guidance that we set forward.

12 Senator Tester. Okay. Tell me how the process works
13 with the contractors. Was there oversight? You said that
14 the Army Corps gave oversight for contractors. There was
15 somebody on site that you could go to for--to make sure the
16 contractors are doing what they are supposed to do in a
17 timely manner, on budget?

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

20 Senator Tester. Well, did you have anybody on site
21 overseeing the contractors?

22 Mr. Metzler. We had what we call Contracting Officers
23 Representatives.

24 Senator Tester. Were they trained?

25 Mr. Metzler. Most were trained through a 40-hour

1 training course.

2 Senator Tester. Who trained them?

3 Mr. Metzler. The contracting office that issued that
4 contract.

5 Senator Tester. Okay. Was there any rivalry between
6 those contractors and the folks who worked for you full
7 time?

8 Mr. Metzler. Not that I am aware of, no.

9 Senator Tester. Okay. Was there any point in time
10 during your tenure that you requested for contracting
11 support, such as a contracting officer on site, or did you
12 see a need for it?

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

20 Senator Tester. All right.

21 Mr. Metzler. That was not always successful.

22 Senator Tester. Okay. Were you happy the way that
23 system worked?

24 Mr. Metzler. No, sir, I was not happy the way the
25 system worked. I had virtually no control or say-so over

1 anything going on with contracting and had to rely on the
2 contracting officers to perform the requests that we would
3 submit, whether it was construction contracts, services
4 contracts, or IT contracts.

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

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

15 Mr. Metzler. That is approximate, yes.

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

22 Mr. Metzler. They had--

23 Senator Tester. Because they had the same OMB to work
24 with that you had. They had the same administration to work
25 with that you had. Go ahead.

1 Mr. Metzler. They have a dedicated IT staff in the
2 National Cemetery Administration that worked exclusively on
3 the BOSS system.

4 Senator Tester. Okay. And were you aware of that when
5 you were Superintendent of Arlington?

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

11 Senator Tester. Good.

12 Mr. Metzler. --so yes, sir, I was very much aware of
13 the BOSS system--

14 Senator Tester. And so did somebody--

15 Mr. Metzler. --and anxious to bring it into Arlington
16 Cemetery--

17 Senator Tester. So why didn't--

18 Mr. Metzler. --and try it out.

19 Senator Tester. And so why didn't it get implemented?

20 Mr. Metzler. Well, we did implement it for two-and-a-
21 half years and we just got so frustrated with the system.
22 We couldn't modify it to make it work for Arlington
23 Cemetery--

24 Senator Tester. Stop. The VA--

25 Mr. Metzler. --that we had to walk away from it.

1 Senator Tester. The VA makes it work for 131
2 cemeteries. You have got one.

3 Mr. Metzler. Yes, sir.

4 Senator Tester. And you can't make it work for that
5 one?

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

11 Senator Tester. We are talking about the ability to
12 find a grave online--

13 Mr. Metzler. That is only part of the system, sir.

14 Senator Tester. But it is a pretty darn important part
15 of the system.

16 Mr. Metzler. Yes, it is. Yes, it is.

17 Senator Tester. All right. I want to thank the Chair.

18 Mr. Metzler. And I would tell you that every burial we
19 have done since 1999 is part of that VA system now and you
20 can go into their National Gravesite Locator from April 1,
21 1999 forward and find our burials at Arlington Cemetery in
22 their system, as well.

23 Senator Tester. Okay. Just--I have got to do this.
24 What you are saying is you can go on the VA website right
25 now from 1999 to 2010 and find who is buried in Arlington

1 National Cemetery?

2 Mr. Metzler. If they have ordered a Government
3 headstone from the VA, it will be in their system.

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

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

9 Senator Tester. Thank you very much. Thank you.

10 Senator McCaskill. Senator Carper?

11 Senator Carper. Thanks very much.

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

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

1 and a half to accomplish.

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

13 But as we got into that particular system, our staff
14 continued to ask for more and more upgrades to that system.
15 We were successful and able to upgrade it one time. We were
16 in the process of automating a second time and then making a
17 more complex system, making a robust system that was
18 Internet-based and that we could send the information out to
19 all Government agencies, the military, the Chaplain's
20 Office, and such who needed this, and we were in that
21 process.

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

1 particular system.

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

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

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

21 Senator Carper. Who needs to do those things?

22 Mr. Metzler. I think most of that stuff can be done by
23 contractors. Now, the bigger issue is, and I think this
24 goes to the heart of the questions that Senator Collins was
25 asking earlier, is the triple-validation, and I think this

1 is a challenge with all older cemeteries, like Arlington, is
2 the information on the headstone, the information on the
3 paper records, and the information on the map all need to be
4 cross-checked to be sure every document is accurate.

5 Senator Carper. What does the Congress need to do?

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

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

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

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

25 Mr. Metzler. Section 27 used to be called the Lower

1 Section, and it was the original burial area of the Cemetery
2 before it had a designation as Section 27. It is where the
3 Cemetery started in May of 1864. William Christman, the
4 first person buried in Arlington Cemetery, described as a
5 hapless recruit who died after three months in the military
6 from peritonitis, was buried there in May of 1864. So the
7 Cemetery's original burials from the Civil War, during the
8 Civil War time, were in Section 27.

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

20 Senator Carper. All right. I am told that this
21 section has suffered a considerable amount of neglect over
22 the years. First of all, I want to ask you if that is true.
23 But I think it was about 20 years ago that the Congress
24 ordered the Arlington National Cemetery to improve the
25 grounds and to try to restore the burial records. Among the

1 folks that were there, I understand some African-American
2 Civil War soldiers, but I am told that little has been done.
3 And in addition--

4 Mr. Metzler. Well, that is not correct, sir, at all.

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

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

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

1 markers back to upright headstones, which we did.

2 At the same time, he asked us to look at the trees at
3 the Cemetery. The trees had been allowed to grow all the
4 way to the ground, so you had branches that were on the
5 ground over headstones, covering headstones and such, and we
6 changed the maintenance cycle at the Cemetery and lifted the
7 trees up to about a six-foot height so you could walk under
8 a tree and the tree limbs would no longer be bowing down
9 over the headstones. So all that was accomplished between
10 1993 and 1994, and Section 27 today receives every bit as
11 maintenance as every other section of the Cemetery.

12 Senator Carper. All right. Thank you. Thanks for
13 those responses.

14 Mr. Metzler. You are welcome.

15 Senator Carper. Madam Chairman, thank you for holding
16 this hearing.

17 Senator McCaskill. Thank you, Senator Carper.

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

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

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

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

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

15 Mr. Metzler. That is correct.

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

23 Mr. Metzler. That is my understanding, yes.

24 Senator McCaskill. Okay. So in 2003, Mr.
25 Higginbotham, you knew there were mistakes that had been

1 documented that reflected a lack of procedures of keeping
2 track of where people were being buried in an accurate
3 fashion. And in 2005, Mr. Metzler, you knew that there were
4 urns that had been uncovered in the fill area of the
5 Cemetery. Now, when you found those urns, Mr. Metzler, what
6 did you do?

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

10 Senator McCaskill. And did you?

11 Mr. Metzler. No. We could not--there were no markings
12 on the urns. There were nothing that would lead us to
13 identify who these remains belong to.

14 Senator McCaskill. So you had no idea who they were?

15 Mr. Metzler. That is correct.

16 Senator McCaskill. And to this day, you have no idea
17 who they are?

18 Mr. Metzler. That is correct.

19 Senator McCaskill. All right. So did you think to
20 yourself, we have got a problem here?

21 Mr. Metzler. Yes, I did.

22 Senator McCaskill. And I assume you went right up to
23 the Appropriations Committee and to OMB and to the Army
24 Chief of Staff and say, we have got a crisis?

25 Mr. Metzler. I did not.

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

5 Mr. Metzler. I did not do that, ma'am.

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

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

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

25 Mr. Higginbotham. No. I am saying that we as an

1 organization realized that that was what we needed to do, to
2 validate gravesites. That was presented to OMB in our plan
3 for the future, to--

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

8 Mr. Higginbotham. Yes.

9 Senator McCaskill. So you knew in 2003, Mr. Metzler?

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

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

17 Mr. Metzler. Well, there was one particular grave in
18 Section 67 or 68 that I believe 2003 was the original date
19 that that discrepancy was--

20 Senator McCaskill. So in your earlier testimony when
21 you said you first found out about it when the Inspector
22 General issued his report a month ago, that was not correct,
23 your earlier testimony. You knew in 2003 that there was a
24 mistake--

25 Mr. Metzler. I was trying to understand your question,

1 ma'am. I will go back to my earlier. When something is
2 brought to my attention, I correct it at that point.

3 Senator McCaskill. Well, let us be honest here. I
4 mean, really, what has happened here is employees at the
5 Cemetery finally had enough and they went to Salon.com and
6 Salon did an expose on what was going on at Arlington. And
7 then the Inspector General, as a result, went out and just
8 did three sections. Mr. Metzler, you say the maps are
9 correct now. They are only correct for three sections and
10 those are the three sections that the Inspector General
11 looked at. You didn't look at those sections, even though
12 you knew as long ago as 2003 that you had significant
13 problems--

14 Mr. Metzler. No, ma'am--

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

25 Mr. Metzler. Seventy sections.

1 Senator McCaskill. All right. So we have done three
2 out of 70.

3 Mr. Metzler. That is correct.

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

18 Mr. Metzler. No--

19 Senator McCaskill. Did that ever occur, Mr. Metzler?

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

23 Senator McCaskill. This is, with all due respect, this
24 is not about a lack of resources. This is not about that
25 you have a complicated job. You have a very important job,

1 and I agree that it is stressful and you have a lot of
2 burials and there is a lot of protocol. But this is not
3 complicated. It is called keeping track of who you bury
4 where. That is not a complicated task.

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

14 Senator Brown?

15 Senator Brown. Thank you, Madam Chair.

16 So just getting back to the BOSS system a little bit, I
17 am just trying to focus on this IT issue. You said that you
18 didn't use the BOSS system because of many different
19 reasons. I am trying to still kind of figure it out. But
20 in the TCMS program, it has a records database, correct?

21 Mr. Metzler. Yes, it does.

22 Senator Brown. Well, so does the BOSS system, right?

23 Mr. Metzler. Yes, it does.

24 Senator Brown. And you also have in the TCMS, you have
25 gravesite capability, gravesite inventory capability.

1 Mr. Metzler. That is correct.

2 Senator Brown. And so does, obviously, the BOSS
3 system. And then you also have infrastructure upgrades in
4 your system?

5 Mr. Metzler. That is correct.

6 Senator Brown. They have it also in the BOSS system,
7 correct?

8 Mr. Metzler. I am--now, I am not--

9 Senator Brown. I will make it easy. They do.

10 Mr. Metzler. Okay. I will take your word on it.

11 Senator Brown. And they have a project management
12 system in the TCMS, correct?

13 Mr. Metzler. Yes.

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

16 Mr. Metzler. Yes.

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

21 Mr. Metzler. The scheduling was the biggest challenge
22 that we had.

23 Senator Brown. So you have a system that is
24 compatible--I just listed five or six things--and the only
25 difference is because of the scheduling, and I want to just,

1 because you have flyovers, you have honors, the ceremonial
2 significance of that. So the only difference was
3 scheduling.

4 Mr. Metzler. That was the first major difference that
5 we saw that we couldn't overcome.

6 Senator Brown. Well, what were the other differences,
7 then?

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

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

14 Mr. Metzler. No, sir. Our information would be sent--
15 the time that--whenever we took a funeral application and
16 completed it and when the system, our system would then push
17 that information out through an e-mail message to the Army,
18 to the Navy, the Air Force, Coast Guard, Marines, the
19 Chaplain's Office, to anyone who was involved in that
20 particular funeral. And then as updates came along with
21 that funeral, the same thing would happen. The information
22 would be pushed out to the--

23 Senator Brown. So there is a scheduling and an e-mail
24 capability issue between the two systems. So I have two
25 basic changes, scheduling and e-mail capabilities. Was

1 there anything else that was different?

2 Mr. Metzler. Well, the other item that was different
3 is the maps were going to be posted electronically with each
4 burial, the gravesite layout maps. When you do a burial,
5 the first document that is produced is a record of
6 internment. The next document that is produced is the grave
7 survey card. And the next thing is posting the map. All
8 that would have been done electronically with our system.

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

21 Mr. Metzler. Well, sir, I don't know how the VA
22 developed its numbers. I know that the VA has a dedicated
23 IT staff--

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

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

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

3 Mr. Metzler. What we have requested is through
4 contract support.

5 Senator Brown. Well, did you get that contract
6 support?

7 Mr. Metzler. I mean, we requested IT programs through
8 contracting.

9 Senator Brown. Well, programs. Did you get the actual
10 people to come and help you--

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

13 Senator Brown. Well, you have got over 300,000 honored
14 dead in the Cemetery. You have got a \$10 million plan here
15 and you have asked for contracts, but you haven't asked for
16 the staff to help implement the--

17 Mr. Metzler. We were working to have the staff to
18 support the contracts to be a contractor.

19 Senator Brown. You have been there for how many years?

20 Mr. Metzler. I have been here for 19 years.

21 Senator Brown. So when were you going to, like, get
22 around to asking for the way to implement the programs that
23 you are trying to do?

24 Mr. Metzler. We have been in that process, I would
25 say, for at least the last five years, trying to get this

1 accomplished.

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

4 Mr. Metzler. [No response.]

5 Senator Brown. Your silence speaks for itself, because
6 it--

7 Mr. Metzler. No, no, I am trying to come up with--I am
8 trying to answer your question here, sir. Just give me a
9 second.

10 Senator Brown. I will tell you what. You know, I am
11 an attorney, before I got here. I will tell you, this would
12 be--I would have a lot of fun with you in a deposition
13 because I don't feel we are getting the straight talk here.

14 And let me just, while you are thinking, I will just
15 shoot to you, Mr. Higginbotham. I am looking at some of the
16 contractors. We had an OFI Solutions and Alphatech
17 Interactive Design. These are digitized records, geographic
18 info systems. One is \$1.1 million. The contractor was paid
19 but we can't confirm if it was, in fact, deliverable. On
20 the geographic info system, Interactive Design, \$226,000,
21 contractor paid. Cannot locate deliverable. Do you have
22 any knowledge of actually whether they delivered what we
23 paid them for yet?

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

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

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

8 Senator Brown. Madam Chair?

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

15 Senator Brown. Thank you, Madam Chair.

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

23 Mr. Metzler. Sir, I would address any issue that was
24 brought to my attention. Up to that point, I knew of no
25 family that had any concerns at Arlington Cemetery. Every

1 issue that was brought to my attention was dealt with
2 immediately.

3 Senator Brown. I can't ask any more questions, Madam
4 Chair. I will wait for the next panel. Thanks.

5 Senator McCaskill. Senator Collins?

6 Senator Collins. Thank you, Madam Chairman.

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

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

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

16 Mr. Metzler. I was--

17 Senator Collins. --and delivered?

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

25 Senator Collins. What is your assessment of the

1 information technology contracts that the Cemetery entered
2 into?

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

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

9 Mr. Metzler. I was aware that various contracts had
10 been awarded and that elements were being completed, such as
11 the scanning of the records, such as the wiring of the
12 Cemetery. One point I would make is that prior to 1991, or
13 prior to 2001, excuse me, 9/11, the Cemetery was not wired.
14 So we were still on dial-up modems and working with T-1
15 lines. So part of our automation effort was to wire the
16 Cemetery and to bring us into the Internet.

17 Senator Collins. Who was the contracting officer for
18 the IT contracts?

19 Mr. Metzler. I believe it was split between the
20 Baltimore Corps of Engineers and the Army's CCE, Army's
21 Contracting Center for Excellence.

22 Senator Collins. Were you ultimately responsible for
23 the execution of these contracts, or was that your deputy's
24 responsibility? Who was responsible--

25 Mr. Metzler. The contracting officer is ultimately

1 responsible.

2 Senator Collins. The contracting officer.

3 Mr. Metzler. They are the individuals who sign the
4 contract, can authorize payments, modify contracts--

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

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

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

21 Mr. Metzler. Well, ma'am, our budget priorities were
22 working the Cemetery and the appearance of the Cemetery and
23 what we would call the fixed costs, and the majority of our
24 money each year, around \$25 million, went to what we would
25 call fixed costs--turning on the lights, paying the

1 employees, paying contractors to maintain the Cemetery, and
2 repetitive maintenance. We did have some increases for
3 construction. Yes, we did have some IT initiatives, also,
4 in several million dollars. To my knowledge, right now,
5 there is about somewhere in the neighborhood of \$3.5 million
6 unspent in IT money sitting either at the Cemetery right now
7 in this year or sitting up at Baltimore and has not been
8 executed.

9 Senator Collins. Doesn't that trouble you? You say
10 that you are short on personnel, that you had a staffing
11 reduction of 35 percent, and yet you have millions of
12 dollars just sitting there for IT projects that have not
13 come to fruition?

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

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

22 Mr. Metzler. Well, we did work on it for two-and-a-
23 half years. We tried it. We worked it daily into our
24 scheduling system. And we just kept coming up with one flaw
25 after the next. The scheduling was the biggest challenge

1 that we had.

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

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

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

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

25 Senator Collins. But why not take the VA's system,

1 which clearly meets some, although not all, of your needs
2 and then customize it for the part that is different between
3 Arlington and the VA Cemeteries?

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

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

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

15 Senator McCaskill. Thank you.

16 We do have a vote right now, and Mr. Metzler, there are
17 a number of other questions that we have about contracting,
18 but we are going to go to the second panel and we will
19 direct those questions to you in writing for the record at a
20 separate time. And there are not a lot of them left. I
21 think we have covered the ground. I think, primarily, the
22 questions that remain is this notion that the BOSS system
23 was not adequate for purposes of locating and memorializing
24 where bodies were located and why a separate scheduling
25 system could not have been layered on top of that that would

1 have fit your needs.

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

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

13 Senator McCaskill. Do you have any documentation of
14 that, Mr. Metzler?

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

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

25 The notion that the taxpayers had invested in a system

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

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

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

22 Claudia Tornblom is the Deputy Assistant Secretary of
23 the Army for Management and Budget in the Office of the
24 Assistant Secretary of the Army for Civil Works, where she
25 has served since 1987. In this capacity, Ms. Tornblom is

1 responsible for policy direction governing development and
2 implementation of the civil works budget and supports the
3 Executive Director of the Army National Cemeteries Program,
4 including policy oversight of construction projects for
5 future development of Arlington National Cemetery. Prior to
6 this position, Ms. Tornblom served at the Office of
7 Management and Budget.

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

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

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

25 Mr. Harrington. I do.

1 Ms. Tornblom. I do.

2 Ms. Condon. I do.

3 Senator McCaskill. We appreciate you being here and
4 you may be seated.

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

1 TESTIMONY OF EDWARD M. HARRINGTON, DEPUTY
2 ASSISTANT SECRETARY (PROCUREMENT), U.S. ARMY

3 Mr. Harrington. Madam Chair, Senator Brown, and
4 members of the Subcommittee on Contracting Oversight, thank
5 you for the opportunity to appear before you today.

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

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

19 On June 10 of this year, Secretary McHugh issued a
20 directive to enhance the operations and oversight of the
21 Army National Cemeteries Program. Based on the Secretary's
22 guidance, I directed a Procurement Management Review to
23 evaluate the full range of contracting activities, from
24 requirements definition through contract close-out. This
25 Procurement Management Review was conducted on site at the

1 Arlington National Cemetery, the Corps of Engineers
2 Baltimore office, and the Contracting Center of Excellence
3 here in Washington, D.C. It focused on the Government
4 Purchase Card records, Memorandums of Understanding,
5 military interdepartmental purchase requests, interviews
6 with the staff and leadership involved in the procurement
7 process, and all available contract documentation.

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

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

1 IG's report.

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

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

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

25 I request that my written statement be submitted for

1 the record. This concludes my statement. I look forward to
2 your questions. Thank you, Madam Chair.

3 [The prepared statement of Mr. Harrington follows:]

1 Senator McCaskill. Thank you, Mr. Harrington.

2 Ms. Tornblom?

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

3 Ms. Tornblom. Madam Chairman, members of the
4 Subcommittee, I appreciate the opportunity to appear to
5 testify before this Committee today on matters related to
6 management of Arlington National Cemetery. I am Claudia
7 Tornblom, Deputy Assistant Secretary of the Army for
8 Management and Budget in the Office of the Assistant
9 Secretary of the Army for Civil Works.

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

19 As Deputy for Management and Budget, I advised the
20 Assistant Secretary on the general policy framework that
21 guides the formulation, defense, and execution of both the
22 Corps of Engineers civil works budget and the Arlington
23 National Cemetery Program and budget. This included
24 providing policy guidance from the Secretary, from the
25 Executive Office of the President, and from Congress. This

1 guidance and decisions regarding the annual budget
2 established the standards of service to be maintained by the
3 Cemetery. Day-to-day operational control and responsibility
4 rested with the Cemetery.

5 A budget priority over the last decade has been to
6 advocate for the Secretary to receive sufficient--sorry, for
7 the Cemetery to receive sufficient resources to carry out
8 Army and administration policies. Those policies included
9 improving service to the families of the deceased and
10 visitors to the Cemetery, expanding burial capacity to keep
11 the Cemetery available for new internments, and maintaining
12 the grounds and facilities of the Cemetery to high standards
13 of appearance and reliability.

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

20 One of the projects in the Cemetery's ten-year capital
21 investment plan was an automation plan called the Total
22 Cemetery Management System, or TCMS. The goal of TCMS,
23 which has not been realized, was to automate burial records
24 and gravesite records and maps to support project and
25 financial management and to aid in the management of

1 Cemetery operations, including the scheduling of services
2 and ceremonies.

3 A critical part of this program you have heard a little
4 bit about is called triple-validation. This process was to
5 involve a full review of burial records, maps, and actual
6 information engraved on the headstones in order to identify
7 and reconcile discrepancies. Although the historical
8 records from 1864 to 1999 were scanned to ensure their
9 preservation, the follow-on steps of data entry into a
10 retrievable system and validation of the data did not
11 proceed as intended.

12 The Army has provided three reports to Congress on the
13 Cemetery Automation Plan in 2005, 2007, and 2010. The 2007
14 report noted that there were discrepancies in burial
15 records, but it did not clearly describe the potential scope
16 of that problem. The 2010 report identified a total of
17 \$10.3 million as having been spent on TCMS and related
18 efforts. However, there are many questions, including my
19 own, about the actual spending on the Cemetery's automation,
20 and I would like to say, in retrospect, those reports were
21 overly optimistic about what was being accomplished.

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

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

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

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

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

23 [The prepared statement of Ms. Tornblom follows:]

1 Senator Brown. [Presiding.] Thank you.

2 Ms. Condon?

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

3 Ms. Condon. Madam Chair, Senator Brown, and members of
4 the Committee, thank you for the opportunity to testify. My
5 name is Kathryn Condon, and on June 10, the Secretary of the
6 Army appointed me as the new Executive Director of the
7 Army's National Cemeteries Program. It is now my
8 responsibility to provide the direct leadership and guidance
9 and management for both Arlington National Cemetery and the
10 Soldiers' and Airmen's Home National Cemetery.

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

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

23 It has been my mission, along with the Acting
24 Superintendent, Mr. Patrick Hallinan, to actively influence
25 and improve Cemetery operations and to restore the faith and

1 confidence of the American public in Arlington National
2 Cemetery. Every day, we have been establishing new standard
3 operating procedures, ranging from the establishing new
4 delegations of authority for fund certification and
5 approvals, to developing and implementing new standards for
6 marking and updating maps, to the assignment of gravesites,
7 and to the proper handling of remains, as well as ensuring
8 the accurate layout of interment sections.

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

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

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

23 [The prepared statement of Ms. Condon follows:]

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

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

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

10 Mr. Harrington. Yes.

11 Ms. Tornblom. Yes.

12 Ms. Condon. Yes.

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

23 Ms. Condon. Senator Brown, in the last 50 days, Mr.
24 Hallinan and I have found other map discrepancies in other
25 sections of Arlington National Cemetery. So I am confident

1 that there are probably other map errors that have not been
2 annotated to date.

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

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

15 Senator Brown. So what is your plan?

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

23 Senator Brown. I know there has been a request and
24 even the VFW has stated that it is more important now than
25 ever. It is not a question of who operates Arlington, but

1 that they do it properly, and they are considering and
2 others are thinking about transferring ownership to the VA.
3 What are your thoughts on that?

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

11 Senator Brown. Thank you for that. The fact that
12 there are ceremonies, obviously, in Arlington that are
13 different than other cemeteries, do you think that was the--
14 in listening, he said, well, the flyovers, the ceremonies,
15 all these extra things that we do to bury our heroes, that
16 is one of the reasons--it seems like the main reason we were
17 having all these filing problems and we couldn't properly
18 color the maps with the crayons. Does that make any sense
19 to you?

20 Ms. Condon. Sir, frankly, you know, I still, having
21 only been on the job for a little less than two months, I am
22 going to look at that, but no, that doesn't make sense to
23 me. You know, the scheduling of honors and ceremonies, we
24 could probably work with the BOSS system, and I will promise
25 that we will do that--

1 Senator Brown. Thank you. And I know that the major
2 deficiency identified in the Army Inspector General report
3 was the fact that Arlington had not been formally inspected
4 since 1997. As you know, it was supposed to be done every
5 two years. Why did the Army fail to follow its own
6 regulations, if you know, in that inspection?

7 Ms. Condon. Sir, I do not know why the Army did not--

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

10 Ms. Condon. I will take that one for the record.

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

15 Ms. Tornblom. For recommending approval to the
16 Assistant Secretary, yes.

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

21 Ms. Tornblom. Well, it is clear in retrospect that
22 they were not as well-founded as they should have been, and
23 obviously we didn't ask enough questions and we did not
24 require verification and demonstration of all the things we
25 were being told. But I do know that one of the main

1 purposes of that program was, as was described earlier, the
2 triple-validation program to make sure that there was
3 consistency and accuracy among all the records.

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

8 Senator Brown. But--did Mr. Higginbotham--did he
9 report directly to you on--

10 Ms. Tornblom. No, sir. No.

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

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

22 Senator Brown. So when you said we should have asked
23 more questions, we should have done this, specifically, who
24 and what support did you rely on to ultimately make your
25 decisions and not take the extra steps to move forward,

1 because as I am noting here, when Mr. Higginbotham took the
2 Fifth, I started talking about some of these contracts that
3 were paid, but we can't even confirm that these items have
4 been delivered. Is that something that is in your purview,
5 or somebody else's?

6 Ms. Tornblom. No, sir, it is not.

7 Senator Brown. Whose purview would that be under?

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

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

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

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

1 in detail what your understanding of what your
2 responsibilities were as a program manager, for example, on
3 the Arlington National Cemetery's information technology
4 systems?

5 Ms. Tornblom. First, I would like to clarify or
6 correct something that I did say to the staff. I said I was
7 a program manager, but what I was doing was distinguishing
8 that from a project manager, because they were asking me
9 project manager questions. As I left that discussion, I
10 realized that I had not answered it correctly, because I am
11 not a program manager, either. I am responsible for policy
12 oversight of the Cemetery. The program manager for the IT
13 program was Mr. Higginbotham.

14 Senator Brown. Do you think that the IG report--do you
15 agree, I should say, with the IG report that the IT decision
16 making at Arlington National Cemetery should have--was left
17 to an untrained employee like Mr. Higginbotham and you think
18 it should have been left to somebody who is more
19 knowledgeable about the needs and parameters? Do you have
20 any thoughts on that?

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

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

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

18 Ms. Condon. Sir, I will take that question.

19 Senator Brown. Thank you, ma'am.

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

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

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

20 And number two is, how can we convey--how can I convey
21 to the people back home in Massachusetts that, in fact, when
22 those loved ones go to that particular plot, that their son
23 or daughter is buried there? So I guess my question is, how
24 do they verify? They say they have this triple or four-way
25 mechanism to do it. Have they actually had to dig up bodies

1 to determine whether they are, in fact, there? Is that
2 something that they have done, do you know?

3 Ms. Condon. Sir, in my tenure, we have not dug up
4 anything, but let me give you an example of what we have
5 done with the 211 discrepancies that were in the IG report.
6 As you know, in part of those discrepancies, the map was
7 marked buried but there were no records that anyone was
8 actually buried there. Mr. Hallinan, as the Acting
9 Superintendent, and myself, we directed that we test site
10 and we dug in five locations where there was that error.
11 Each and every one of those locations, there was not anyone
12 buried there. So that was our sample to make sure that it
13 was truly a map discrepancy error. It was a human error.

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

21 You asked what I need.

22 Senator Brown. Yes.

23 Ms. Condon. The bottom line, sir, is I really need
24 time.

25 Senator Brown. Okay.

1 Ms. Condon. You know, I need time to put in the
2 procedures to make sure that we validate, that we put in the
3 technology, and right now, I can't tell you that I need more
4 people or I need more money. But what I really need right
5 now is time to fix the deficiencies that have been
6 identified.

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

10 Ms. Condon. Yes, sir.

11 Senator Brown. Okay. That is fair.

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

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

22 Ms. Tornblom. In terms of being the official
23 supervisor of Mr. Metzler, that was the Commander of the
24 Military District of Washington. In terms--

25 Senator Brown. But in terms of approving contracts and

1 reviewing these very technical IT contracts, who is
2 responsible for that?

3 Ms. Tornblom. Above Mr. Higginbotham and the
4 contracting officers?

5 Senator Brown. Yes.

6 Ms. Tornblom. Well, that--

7 Senator Brown. It seems to me that there has been a--I
8 am trying to find out, I guess, in plain English, where is
9 the breakdown? Where is the fact that they are spending
10 upwards of \$10 million, and at some point a buzzer or a red
11 flag should have either gone off or raised that says, you
12 know what? We have given them \$10 million. They have
13 60,000 people in this system that doesn't work and they are
14 misidentifying graves and they don't know where people are
15 and the maps are wrong. I mean, at what point does someone
16 say, you know, we have really got to get a handle on this.
17 Who is in charge of them? Is there somebody that we can, in
18 fact, bring in again? Is it any of you people? I know you
19 are new, but is it any of you guys?

20 Ms. Tornblom. No, sir--

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

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

1 Senator Brown. Okay. Hold on a minute, if you would.
2 I would suggest that if we want to continue on, we get those
3 folks in here if they are the ones responsible.

4 Ms. Tornblom. No, I am sorry. In the future, they
5 would be responsible.

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

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

11 Senator Brown. Yes, who is "we"? Like, who is--

12 Ms. Tornblom. Anyone, sir.

13 Senator Brown. Anyone?

14 Ms. Tornblom. Right.

15 Senator Brown. So they didn't have a boss? They
16 didn't have people that they reported to that approved these
17 contracts?

18 Ms. Tornblom. I think the problem is they had too many
19 bosses. They had too many bosses, sir. That was the
20 problem.

21 If I might say a little more, in the development of the
22 TCMS, we worked, as Mr. Metzler said, for a couple of years
23 with the Office of Management and Budget, not just the
24 budget side, but their Office of Information and Regulatory
25 Affairs, whom we understood, and I still understand to have

1 some expertise in IT matters. It is clear now we relied too
2 much on their involvement in the discussions, because they
3 weren't really, I think, in a position to identify these
4 technical problems.

5 One of the things that I would do different in
6 retrospect, and I did, is I would have called in the Army IT
7 experts. But it wasn't until over a year ago, a little over
8 a year ago when these inspections began that it became clear
9 to me how bad the situation was.

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

17 Ms. Condon. Sir, I know who is in charge today.

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

1 is embarrassed. It is embarrassing.

2 So, Madam Chair, with that, I have to head off to
3 another hearing.

4 Senator McCaskill. [Presiding.] Thank you.

5 Senator Brown. But thank you for your leadership on
6 this.

7 Senator McCaskill. Thank you, Senator Brown.

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

10 Mr. Harrington. Ma'am, I apologize--

11 Senator McCaskill. Where is the report?

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

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

24 One is a fact that I find astonishing, that the
25 National Capital Region Contracting Center couldn't locate

1 more than half of the contract files that your team
2 requested. So we know there were no CORs, contracting
3 officer representatives. We know that there was no one with
4 direct line command responsibility for these contracts. We
5 know that the person who was entering into the contracts was
6 the same person overseeing the contracts, who was the same
7 one deciding about the contracts, who was basically
8 submitting these contracts no questions asked and they were
9 getting approved. And now we find that half of the
10 contracts, you can't even locate the physical contracts.

11 Can I get a response from you about that, Mr.
12 Harrington, and--

13 Mr. Harrington. Absolutely, ma'am. That is
14 inexcusable. I have no excuse to offer you on that. That
15 is absolutely shoddy contracting practice. It reflects all
16 the way up the contracting chain, to include me. All I can
17 express to you, ma'am, is that we have a series of
18 corrective actions in process right now and we are going to
19 do all we can as soon as we can, starting about three weeks
20 ago, to not let that happen any further.

21 Senator McCaskill. Ms. Tornblom, unfortunately, I
22 don't want my questions to be confrontational to you, but
23 you are the only one at the table that could have had an
24 opportunity--

25 Ms. Tornblom. That is correct.

1 Senator McCaskill. --had you asserted it, to bring
2 some sanity to this contracting process that was clearly not
3 working. Could you explain how Mr. Higginbotham was allowed
4 to define requirements, select contractors, provide quality
5 assurance evaluations, and certify that they were getting
6 what was paid for, I mean, that one person was doing all of
7 those things?

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

12 Senator McCaskill. Who was the contracting officer?

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

16 Senator McCaskill. So--

17 Ms. Tornblom. The contracting officer would have been
18 in one of those organizations.

19 Senator McCaskill. So in some instances, it would have
20 been in your organization?

21 Ms. Tornblom. No. I am in the Office of the Assistant
22 Secretary.

23 Senator McCaskill. Okay. So do you to this day know
24 who the contracting officers were on these contracts?

25 Ms. Tornblom. I do on some of them because I have been

1 in meetings where it was discussed.

2 Senator McCaskill. Well, he was really operating as
3 the contract officer, though. Nobody else was touching
4 these things.

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

8 Senator McCaskill. That is exactly what I meant. He
9 was operating as a COR, even though he was also the one who
10 defined the requirements, selected the contractors, decided
11 that no buds were necessary.

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

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

18 Ms. Tornblom. After the fact, I have learned that. I
19 did not know at the time.

20 Senator McCaskill. Okay. So it is a fact, for the
21 record, that there was never a recommendation that he made
22 for who should get a contract that wasn't accepted without
23 question?

24 Ms. Tornblom. I do not know the answer to that
25 question, ma'am. It is not something that I was or am now

1 knowledgeable about.

2 Senator McCaskill. Okay. Way back when, there was
3 someone at--back in 2003 and 2004, there was a man by the
4 name of Rory Smith--

5 Ms. Tornblom. Yes.

6 Senator McCaskill. --that was really in charge of the
7 budget and had up until that point in time been the point of
8 contact at Arlington National Cemetery for the budget. Am I
9 correct?

10 Ms. Tornblom. Yes.

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

16 Ms. Tornblom. I am aware that he retired.

17 Senator McCaskill. Are you aware that he was
18 reprimanded and suspended--

19 Ms. Tornblom. After the fact, I learned that.

20 Senator McCaskill. And you brought him up, without
21 name, in an e-mail to OMB--

22 Ms. Tornblom. I am sorry?

23 Senator McCaskill. --and I would like to place into
24 the record an e-mail dated the 22nd of April, 2004, an e-
25 mail you sent to Bill McQuaid at OMB, subject, "ANC

1 Automation." "Bill, as we prepare for Tuesday's meeting
2 with OMB and VA on the subject, I feel the need to let you
3 know my views on some of this. I have been shocked by the
4 pejorative language you have been using, at least in
5 discussions with my staff, when discussing Arlington
6 National Cemetery's automation efforts. Please be aware
7 that I will respond if I hear words like 'disaster,'
8 'stunned,' 'throwing money at contractors,' or 'no product
9 to show for it.' Recall that you and others at OMB have
10 been briefed in the past on ANC's automation activities, and
11 as I recall, OMB's automation expert then praised ANC for
12 the job they were doing. We have listened and responded to
13 past guidance on this subject. I believe you have been
14 influenced inappropriately by one disgruntled ANC employee
15 who is trying to stir up controversy to retaliate against
16 ANC managers who he has disagreements. OMB needs to remain
17 aloof from such internal personal matters. There is a long
18 history here that I do not intend to put in writing. We
19 welcome OMB's interest in the Cemetery and looking forward
20 to how you think we can improve the Cemetery's automation
21 efforts. Enough said. Claudia."

22 [The information of Senator McCaskill follows:]

23 / SUBCOMMITTEE INSERT

1 Senator McCaskill. So disaster, stunned, throwing
2 money at contractors, no product to show for it, right on
3 the money.

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

10 Senator McCaskill. Well, but you go on to say that OMB
11 has said that--that you praised the job they are doing. You
12 are basically saying--I mean, I think the context is clear
13 if you read the entire e-mail, Ms. Tornblom. You are
14 basically saying, get off our back. You said it was okay.
15 We don't want to hear that it is not working. We don't want
16 to hear that you are stunned. We don't want to hear that it
17 looks like you are throwing money and not getting anything
18 in return. And that is exactly what was going on. Did you
19 ever sit down and talk to Mr. Smith yourself?

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

24 Senator McCaskill. Did he tell you that nothing was
25 getting done on these hundreds and thousands of dollars that

1 were going out the door? I mean, clearly, he was trying to
2 get someone's attention. It is not like somebody like Mr.
3 Smith to jump the chain. Everybody knows what happens in
4 the military when you jump the chain. He was jumping the
5 chain, and the reason he was jumping the chain is he saw
6 firsthand what was going on, and for some reason, nobody
7 would listen to him. And here we are, seven years later,
8 and he was right spot on. I am stunned. It is a disaster.
9 We were throwing money at contractors. And we absolutely
10 have no product to show for it.

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

13 Ms. Tornblom. Knowing what I know now, absolutely,
14 ma'am.

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

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

23 Senator McCaskill. Well, it is--

24 Ms. Tornblom. Nor no knowledge until after the fact.

25 Senator McCaskill. This is one nugget out of a long

1 scenario of catastrophic incompetence. I mean, this is just
2 one nugget. But it is one that you intersected with, and in
3 fairness, I thought that you should have an opportunity to
4 look at this in context and exactly say, now if this were to
5 happen today, if OMB were to say to you for some area that
6 you are supervising--even though you didn't have complete
7 supervision, you had partial supervision--if OMB were to use
8 these kinds of language with you today, how would you handle
9 it differently?

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

18 Senator McCaskill. So you assumed that Mr. Metzler and
19 Mr. Higginbotham were following policy and that Mr. Smith
20 was just going rogue?

21 Ms. Tornblom. I have records of a number of
22 conversations with Mr. Smith about things that he was
23 unhappy with that Mr. Higginbotham was doing. In some
24 cases, I agreed with Mr. Smith and supported him and took
25 action almost immediately. In other cases, I looked into it

1 and found out some facts and ended up disagreeing with him.

2 Senator McCaskill. Was there ever a time that you lost
3 confidence in the leadership at the Arlington National
4 Cemetery?

5 Ms. Tornblom. Over the last year, yes.

6 Senator McCaskill. But before that, you had no problem
7 with the leadership there?

8 Ms. Tornblom. There are always issues, ma'am. There
9 are always disagreements and issues.

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

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

22 Senator McCaskill. And how did you become aware of
23 burial problems?

24 Ms. Tornblom. I believe the first one I became aware
25 of was when Salon.com released a story about a grave in

1 Section 68 where--that did not have a marker appropriately.

2 Senator McCaskill. Okay. So you first became aware by
3 someone at the Cemetery informing someone in the media?

4 Ms. Tornblom. That is correct.

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

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

24 And what worried me about your slides, Mr. Harrington,
25 it appeared to me that we are going down that road instead

1 of going, wait a minute. We should have adopted BOSS in the
2 first place. We should have made sure that we utilized a
3 system that had already been developed by Government
4 employees without excessive contractor costs, that was
5 working, and I guess what I need to hear from you is that
6 Arlington National Cemetery is going to use BOSS.

7 Mr. Harrington. Ma'am--

8 Ms. Condon. Excuse me. Could I take that question?

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

11 Ms. Condon. Senator Brown asked me a similar question
12 when you were--

13 Senator McCaskill. Gone.

14 Ms. Condon. --out to vote. As you know, Mr. Pat
15 Hallinan from the Veterans Administration is the Acting
16 Superintendent with me. He is my partner--

17 Senator McCaskill. Correct.

18 Ms. Condon. --to fix Arlington. And, you know, one of
19 the things that--I have a dedicated, you know, an IT review,
20 as well, and one of the things we are looking at is the BOSS
21 system from VA because it works from VA. In having Mr.
22 Hallinan's expertise of running all 120 cemeteries before he
23 was the Acting Superintendent, we are going to look at the
24 BOSS system as can we modify that, as well as looking at
25 what was done in previous contracts and to see if there were

1 some deliverables that we can also use in that.

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

8 Mr. Harrington. Yes, ma'am.

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

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

24 And frankly, ma'am, the contracting community had a
25 role to play in this all the way through and we think we

1 need to be more disciplined in our interactions with the
2 requirements generation individuals--

3 Senator McCaskill. Right.

4 Mr. Harrington. --so that we help alert and raise the
5 red flag when we see an action that is being taken that
6 really seems to have no end to it.

7 So that is our role, ma'am. We will continue to
8 engage, and we have worked with Ms. Condon and her staff,
9 with the Contracting Center of Excellence and the Corps of
10 Engineers, and we will look, and Ms. Condon, I know, has
11 already established a policy that those two activities will
12 be the primary contracting activities, and were there any
13 other requirements surfacing, then it would take her waiver
14 to exercise a contract action in another location. So we
15 think we have got the focus on the right two activities and
16 those contracts that are in force right now that do not need
17 to be continued, we will stop those.

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

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

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

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

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

24 Mr. Harrington. It is my understanding to that, also,
25 Madam Chair.

1 Senator McCaskill. And that there have been numerous
2 allegations--unfounded at this point, I can't say that there
3 has been documented proof--but there are allegations out
4 there of fraud. Is that correct?

5 Mr. Harrington. Yes, there are, Madam Chair.

6 Senator McCaskill. So we have got the whole bouquet.

7 Mr. Harrington. Yes.

8 Senator McCaskill. We have got waste. We have got
9 abuse. And we have got fraud. We have got the trifecta.
10 And we have it concerning a national treasure and that is
11 very, very unfortunate.

12 After we review the report, we will get back with you,
13 Mr. Harrington--

14 Mr. Harrington. Yes, ma'am.

15 Senator McCaskill. --about the contracting
16 deficiencies. I certainly would encourage you, to whatever
17 extent you can prevail upon Army leadership, and frankly,
18 this is something I need to take up with Secretary Gates,
19 there needs to be a look around to see if there are any
20 other Arlington National Cemetery scandals that could be
21 hiding in a corner where there isn't clear line of command,
22 there isn't clear line of authority, there is not clear line
23 of accountability, and there is contracting gone wild.

24 Mr. Harrington. Yes.

25 Senator McCaskill. In fact, I think you can use this

1 as a textbook to teach contracting people about the worst
2 case scenario. Every document I would turn as I would read
3 this, I would say, you have got to be kidding me. And then
4 I would turn another document and I would say, you have got
5 to be kidding me, especially for how long it went on. I
6 don't think they were as forthcoming as they should have
7 been, if they knew these problems were serious and
8 significant for a long period of time.

9 Mr. Harrington. Yes.

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

13 Mr. Harrington. No, Madam Chair, not from me.

14 Senator McCaskill. Ms. Tornblom?

15 Ms. Tornblom. No.

16 Ms. Condon. Ma'am, as you know, as of June 10, you
17 have your one individual--

18 Senator McCaskill. I know I do, and I am looking at
19 her.

20 Ms. Condon. --who is responsible, and you are looking
21 at her.

22 Senator McCaskill. And you have direct report to the
23 Secretary.

24 Ms. Condon. I have direct report to the Secretary of
25 the Army, and I will, you know, any questions that this

1 Committee has, I will come back with progress reports. But
2 as Senator Brown asked me what I needed from Congress, and
3 what I really need, ma'am, is time. I need time to fix the
4 deficiencies that we have found and any that I may find from
5 now. So you have my promise that I will come back.

6 Senator McCaskill. Well, we will give you time, but we
7 don't want it to get slowed down by bureaucratic nonsense--

8 Ms. Condon. You have my promise that will not happen.

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

13 Ms. Condon. Yes, ma'am, it is.

14 Senator McCaskill. --because when I first arrived, I
15 was trying to figure out how Army Materiel Command at
16 Belvoir could be a temporary building, and I remember
17 traveling out there somewhat unannounced to check out that
18 very large permanent temporary building, and I recall that
19 you were the one that had to answer very difficult questions
20 from me at that point.

21 Ms. Condon. Mm-hmm.

22 Senator McCaskill. Are you getting the short straw
23 every time? Are they telling you that you have got to go
24 have Senator McCaskill yell at you? Is that what is
25 happening?

1 [Laughter.]

2 Ms. Condon. You know, ma'am, I wanted to know if my
3 mother called you ahead of time.

4 Senator McCaskill. There you go.

5 Ms. Condon. Because she has the same questions.

6 [Laughter.]

7 Senator McCaskill. There you go. There you go.

8 I appreciate all of you being here today. We will have
9 more questions for the record. We will stay on this. We
10 have more information that we continue to gather, and we
11 probably have other witnesses that we may call in before
12 this is said and done. Please keep us posted on the
13 progress.

14 Ms. Condon. Will do, ma'am.

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

21 Ms. Condon. Ma'am, Senator Brown asked me that same
22 question and we have found other map discrepancies, you
23 know, in the tenure that I have been there.

24 Senator McCaskill. So as you clear sections and you
25 feel confident that you know the problems that exist there,

1 we would like to be apprised of that progress as it occurs.

2 Ms. Condon. Yes, ma'am.

3 Senator McCaskill. Okay. Thank you all.

4 This hearing is adjourned.

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