

MEMORANDUM
July 27, 2010

To: Subcommittee on Contracting Oversight Members and Staff
Fr: Subcommittee Majority Staff
Re: Mismanagement of Contracts at Arlington National Cemetery

On July 29, 2010, the Subcommittee on Contracting Oversight will hold a hearing entitled, "Mismanagement of Contracts at Arlington National Cemetery."

This memorandum examines in detail the contracts awarded to plan, design, and implement a new automated burial management system, known as the Total Cemetery Management System (TCMS), at Arlington National Cemetery. The memorandum is based on a review of more than 5,300 pages of documents submitted by the U.S. Army, including unredacted supplementary materials prepared by the Army Inspector General as part of their inspection and investigation of Arlington National Cemetery, materials submitted by whistleblowers, and the Subcommittee's interviews of current and former government officials involved in management and oversight of the Cemetery.

The documents and information obtained by the Subcommittee show that a series of errors and improper actions wasted millions of dollars and delayed implementation of a functioning system by years. The acquisition process was so poorly managed by the Cemetery, Army contracting and budget officials, and the contractors that, today, more than a decade after the Army began development of TCMS, Arlington National Cemetery still does not have an automated system that can accurately track graves and manage burial operations at the Cemetery.

The Subcommittee has also learned that the problems with graves at Arlington may be far more extensive than previously acknowledged. The Subcommittee has obtained information suggesting that 4,900 to 6,600 graves may be unmarked, improperly marked, or mislabeled on the Cemetery's maps.

I. BACKGROUND

The first military service member was buried at Arlington National Cemetery (ANC or the Cemetery) in May 1864. Today, more than 330,000 individuals have been laid to rest at the Cemetery, including service members from every major conflict and war. The Cemetery conducts approximately 6,400 funerals a year, an average of 27 to 30 funerals per day.¹

Arlington National Cemetery is one of two national cemeteries managed by the U.S. Army. Under the National Cemeteries Act of 1973, the control of all other national cemeteries was transferred to the Department of Veterans Affairs. Today, the Department of Veterans Affairs operates 131 national cemeteries.²

¹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04).

On July 16, 2009, the online magazine Salon.com published the first of a series of articles regarding mismanagement at Arlington National Cemetery. In August 2009, in response to Salon's investigation and additional concerns raised by whistleblowers, the Secretary of the Army directed the Army Inspector General to review the operation, management, and effectiveness of leadership of the Cemetery. In November 2009, the Secretary of the Army directed the Army Inspector General to include an assessment of the Cemetery's compliance with information technology and contracting regulations, and to investigate allegations relating to hostile work environment, inappropriate hiring practices, and improper burials at the Cemetery.

In June 2010, the U.S. Army Inspector General released a report finding major flaws in the operation of Arlington National Cemetery. The Army Inspector General found hundreds of mistakes associated with graves at Arlington National Cemetery, including unmarked or improperly marked graves, incorrect information in the Cemetery's records about whether graves were occupied, and mishandling of cremated remains, including multiple occasions where urns of cremated remains were found in the Cemetery's landfill.

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

II. FAILURE TO IMPLEMENT SYSTEM TO TRACK GRAVES

More than ten years ago, the Army began the development of a new system to automate the management of burial operations at Arlington National Cemetery. Documents and information obtained by the Subcommittee show that a series of improper actions and errors have wasted millions of dollars and delayed implementation of a functioning system by years.

From the beginning, the acquisition process was plagued with problems. Cemetery and Army officials decided to create a new system instead of using or modifying the system already used by the Department of Veterans Affairs. This was followed by a series of contracts to develop TCMS components which were marked by cost overruns and poor performance. Today, Arlington National Cemetery still does not have a system that can accurately track graves and manage burial operations.

A. Decision To Create a New System

From 1999 to 2003, Arlington National Cemetery used a modified version of the Burial Operations Support System (BOSS), the automated burial operations management tool developed and used by the Department of Veterans Affairs, to schedule funerals, manage burials and inurnments, and order headstones.³ BOSS was developed in the mid-1990s by government employees at the Department of Veterans Affairs. It cost \$1.2 million and took approximately 2

² Pub. L. 93-43, "National Cemeteries Act" (June 18, 1973); U.S. Department of the Army, *Report of Investigative Findings and Recommendations Pursuant to Army Regulation 15-6, Arlington National Cemetery Gravesite Accountability* (Oct. 8, 2009).

years to implement. By 2004, the Department of Veterans Affairs had completed an additional \$1.2 million effort to automate burial records for the approximately 2.2 million individuals in Veterans Affairs cemeteries.⁴

In 2003, Cemetery and Army officials moved forward with a plan to develop their own automated burial management system. The proposed system, which later became known as the Total Cemetery Management System (TCMS), would include a records database, gravesite inventory, infrastructure upgrades, a project management system, and a Geographic Information System (GIS). In 2004, the Cemetery submitted a report to the Office of Management and Budget (OMB) regarding its decision to develop a unique system.⁵ In the Cemetery's report, known as a "Section 300", the Cemetery explained:

ANC studied BOSS in detail and has actually implemented and used the system on-site since April 1999. Due to the specific requirements of ANC in the fulfillment of its mission operations (e.g. honors associated with buried individuals), and the fact that the VA cannot tailor its system (which is deployed in numerous cemeteries nationwide and which uses a shared database) for the specific unique requirements of ANC, it was determined that a new system was required to satisfy the Cemetery's performance gaps and requirements.⁶

At a hearing in 2005, the Assistant Secretary of the Army for Civil Works and Cemetery officials told Congress that they had jointly determined that BOSS could not accommodate the unique needs of Arlington National Cemetery.⁷

However, the Cemetery failed to report to OMB a study conducted by the U.S. Air Force which recommended that the Cemetery modify BOSS to better address its needs instead of creating a new system. The Air Force stated that the Cemetery's current challenges with the BOSS system were caused by the Cemetery's processes, not the software design, and thus could likely be resolved through negotiation with Veterans Affairs. The Air Force also found that the Cemetery's requirements for their proposed system were not adequately defined and that no one at the Cemetery fully understood the capabilities of BOSS.⁸

³ OMB Exhibit 300 Report Submitted by Arlington National Cemetery (ANC) for Total Cemetery Management Report (Sept. 13, 2004); U.S. Department of Veterans Affairs, *Briefing for Subcommittee and Senate Committee on Veterans Affairs Staff* (July 21, 2010).

⁴ Department of Veterans Affairs, *Briefing for Subcommittee Staff* (July 21, 2010).

⁵ OMB Exhibit 300 Report Submitted by Arlington National Cemetery (ANC) for Total Cemetery Management Report (Sept. 13, 2004).

⁶ *Id.*

⁷ House Committee on Appropriations, Subcommittee on Military Quality of Life and Veterans Affairs and Related Agencies, *Hearing on Cemeterial Expenses Budget Fiscal Year 2006* (April 6, 2005) (Response to questions for record).

⁸ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

In addition, officials from the Department of Veterans Affairs told Subcommittee staff that BOSS had the capacity to accommodate Arlington's requirements, including their unique scheduling requirements. According to the Veterans Affairs officials, there were numerous meetings regarding whether and how BOSS could be adapted for Arlington National Cemetery, and that they offered to work with Cemetery officials to make any necessary changes. The Veterans officials told Subcommittee staff that they don't recall ever telling Cemetery officials that they didn't think BOSS could be adapted for the Cemetery.⁹

Other Cemetery officials have offered alternative explanations for why the Cemetery chose to develop its own system instead of using or modifying BOSS. The former Information Technology manager at the Cemetery told the Army Inspector General that the Deputy Superintendent, Thurman Higginbotham, simply did not want to "associate" Arlington National Cemetery with cemeteries administered by the Department of Veterans Affairs.¹⁰ According to the former IT manager:

[T]he only reason Mr. Higginbotham wanted his own Interment Scheduling System is because ... he did not want any association with the VA. The VA has an Interment Scheduling System that they call it BOSS Burial Operation Scheduling System (sic). The difference between the two is that on the Arlington side is ... you have to coordinate with the different branches and so forth. That was the piece that was missing from the BOSS system and instead of working with VA to create a piece within their own system so they could schedule the different services from the different branches, he decided he needed ISS.¹¹

B. Contracts for Total Cemetery Management System Components

The documents and information provided to the Subcommittee show that the Cemetery has spent between \$5.5 and \$8 million on the TCMS program to date.¹² Despite these expenditures, Arlington National Cemetery still does not have a system that can accurately track graves and manage burial operations.

Contracts to Develop a Scheduling System

In November 2002, the Capital District Contracting Center at Fort Belvoir awarded a \$64,000 contract to Standard Technology, Inc. (STI) to develop the Interment Scheduling

⁹ U.S. Department of Veterans Affairs, *Briefing for Subcommittee and Senate Committee on Veterans Affairs Staff* (July 21, 2010).

¹⁰ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-44).

¹¹ *Id.*

¹² U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010) (Case 10-04) (\$5.5 million spent on IT contracts from 2002-2009); U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Exhibit A-19) (IT contracts totaling over \$7.9 million from 2001-2009).

System (ISS), a database for Cemetery officials to schedule burials. The contract was modified three times to increase the funding to \$130,000 and extend the delivery date to September 30, 2003.¹³

Almost immediately, Cemetery officials found that ISS did not work. According to the former Information Technology manager for the Cemetery, ISS was “extremely unstable ... it can’t interoperate ... you can’t do anything with it.”¹⁴ An engineering firm that received a separate contract to evaluate ISS agreed, finding that ISS was “not well designed or implemented.”¹⁵ The contractor continued:

It is recommended that this system not be expanded with additional functionality or interfaced any further to outside systems. If additional functionality and user expansion is desired, it is estimated that the extent of re-factoring of the system as a whole will ultimately end up costing about the same, or probably more, and take longer than simply redesigning and implementing the system based on the TCMS requirements and the documented use cases (business process requirements) developed with the initial ISS product.¹⁶

Despite this recommendation, Cemetery officials decided to maintain and expand the current version of ISS. In 2005, Alpha Technology Group, Inc. (ATG) received nearly \$1.7 million in contracts to support ISS. ATG received nearly \$4 million in additional contracts from 2006 to 2009 for services at the Cemetery, including contracts for repeated attempts to fix problems with ISS.¹⁷

In 2006 and 2007, the Cemetery began work on a new version of ISS. According to Cemetery officials, ISSv2 would “provide the same functionality as the current ISS ... [and] increase the accuracy of interment data.” ISSv2 would also include a master calendar for scheduling funerals.¹⁸

In 2007, the Cemetery and Army officials reported to Congress that ISSv2 was currently being “tested and modified” and would not be used until various problems were fixed and additional components developed.¹⁹ They stated:

¹³ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

¹⁴ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-44).

¹⁵ R&K Engineering, Inc., *Arlington National Cemetery Interment Scheduling System Technical Evaluation* (Dec. 20, 2004). R&K Engineering, Inc. was a subcontractor to Interactive Design.

¹⁶ *Id.*

¹⁷ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

¹⁸ Arlington National Cemetery, *Fiscal Year 2008 Report to Congress* (undated).

The application was pre-released to ANC in a test environment to allow the primary users a chance to test the new application. ... Most users are excited about the release of ISSv2. Due to the decision to delay the release of the application until the other key components ... are complete, ... ISSv2 is now anticipated to be released approximately four months after funding is secured for the other key components.²⁰

According to the former IT manager for the Cemetery, the Cemetery never received a working version of ISSv2 from the contractor, Offise Solutions, an 8(a) small and disadvantaged business started by a former employee of STI.²¹ She stated:

We are now testing it and it is crashing. ... I'm running the scenarios that are based on how you bury people here at Arlington Cemetery and if I can't get two people in the same grave that are a husband and a wife, you've got a problem. ... I don't know, quite honestly, how that contract was paid as but the deliverable was never given to us. We could not operate on that.²²

In 2009, the Cemetery Deputy Superintendent, Thurman Higginbotham, requested that the U.S. Army Corps of Engineers-Baltimore District award new contracts in another attempt to fix ISS. Mr. Higginbotham recommended that the contracts be awarded to Optimum Technical Solutions, a company started by two former employees of ATG. Because Optimum Technical Solutions was not an 8(a) company and could not receive an immediate sole-source contract, however, the Corps conducted limited market research and sought additional sources before awarding a \$193,000 contract for a four-month project.²³

Although the Corps had previously awarded contracts for construction projects at the Cemetery and worked with the Cemetery to award contracts for a geospatial imagery pilot project, it had not previously awarded contracts for the development of ISS. Because Mr. Higginbotham stated that it was an emergency, however, the Army Corps agreed to award to transition from ISS to a new "Interment Management System."²⁴ According to the Army Inspector General, no one at the Cemetery other than the Deputy Superintendent was aware of the proposed Interment Management System, and the system had not been approved for development.²⁵

¹⁹ *Id.*

²⁰ *Id.*

²¹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-44).

²² *Id.*

²³ U.S. Army Corps of Engineers, *Briefing for Subcommittee Staff* (July 19, 2010).

²⁴ *Id.*

²⁵ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

In March 2010, Mr. Higginbotham told the Army Inspector General that Optimum Technical Solutions had finished the new version of ISS but that it could not be deployed at the Cemetery because the Army Corps refused to extend the contract. Mr. Higginbotham blamed the ongoing investigations of the Cemetery by the Army Criminal Investigations Division (CID) for the Army Corps' decision.²⁶ According to Mr. Higginbotham:

But when the CID went up to Baltimore, the Corps of Engineers, about the contract that was issued to Optimum, they divorced us. ... Claiming they didn't have the expertise in order to award these types of contracts, so they stopped. ... So what do we do now? They've shut the contractor down. So he can't do any further work and we're sitting out there with an application that we are almost ready to roll out and the guy can't move.²⁷

The Army Corps told Subcommittee staff that they soon realized that they did not have the technical expertise to oversee the Optimum Technical Solutions contract. They informed Cemetery officials that the Cemetery would need to find another contracting activity to manage the IMS project. At the end of the first four-month contract they awarded an additional four-month "bridge" contract to allow the Cemetery to find another contracting activity. Army Corps officials told Subcommittee staff that they did not believe that Cemetery officials made any effort to locate an alternative contracting entity to provide contracting support after the "bridge" contract expired.²⁸

Contracts to Digitize and Validate Burial Records

The Cemetery also failed to digitize its paper burial records and track graves. In 2004 and 2005, the Center for Contracting Excellence awarded a series of sole-source contracts to Offise Solutions, the same contractor involved in the creation of the failed ISSv2, to scan and digitize the Cemetery's 300,000 paper records. The Army Inspector General concluded that this project was also a failure.²⁹ According to the Army Inspector General:

Evidence reflected that the contractor delivered approximately 60 CDs that contained mostly scanned files of burial documentation, and that the contractor was paid at least \$800,000 for this work. These records were not delivered in a standardized format and were not stored as part of a database. ANC could not use the data developed under this effort. Evidence reflected that ANC received digitized records sometime in 2004, and that these records were never implemented or used by ANC other than in a test environment for a few months in 2008.³⁰

²⁶ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-35).

²⁷ *Id.*

²⁸ U.S. Army Corps of Engineers, *Briefing for Subcommittee Staff* (July 19, 2010).

²⁹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

In 2004, USACE-Baltimore awarded contracts totaling \$226,000 to a company called Interactive Design for a pilot program to map and validate records for 300 graves in two different sections of the Cemetery.³¹ Interactive Design developed high resolution photographs of the gravesites, converted burial information into electronic form, verified the accuracy of the information, and created a database.³² The Army Inspector General was unable to locate any products created by Interactive Design under this contract.³³

III. MANAGEMENT AND OVERSIGHT PROBLEMS

The TCMS program experienced significant problems with program management and oversight. From the beginning of development, the TCMS program lacked the unified, comprehensive management and oversight necessary to keep the program on track.

A. Inadequate Contract Management by Army Officials

Every IT contract for TCMS was awarded by either the Army Contracting Center of Excellence (now the National Capitol Region Contracting Center) or the U.S. Army Corps of Engineers-Baltimore District.³⁴ The Army Inspector General found numerous problems with their performance, including:

- “[T]here was no acquisition strategy, no integrated IT system, and a series of IT regulator violations.”
- “In general, none of ANC’s IT contracts reviewed supporting TCMS efforts contained affirmative determinations of responsibility which are essential to ensure that the contractors selected are capable of performing, ... [as is] required under Federal Acquisition Regulations.”
- “For the IT contracts, the 8(a) vendors were identified by ANC and merely submitted to the SBA as the recommended sole source. No government contracting officials conducted an independent review of the 8(a)’s capabilities or assessed the vendors recommended for a noncompetitive award.”
- “The majority of contract files lacked a proper determination of fair and reasonable pricing intended to ensure that the government did not overpay for services/items.”

³⁰ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04).

³¹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

³² Bill Hume, Interactive Design Group, *Briefing for Subcommittee Staff* (July 13, 2010).

³³ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

³⁴ U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010).

- “The Deputy Superintendent, ANC, had no training, no designation letter and stated that he was not a COR [Contracting Officer’s Representative]. However, each IT contract effectively listed the Deputy Superintendent as the COR by identifying him as the government point of contact responsible for monitoring all IT contract performance.”³⁵

The Army Inspector General also found that contractors may have performed inherently governmental functions relating to the Cemetery’s IT contracts. Under Federal acquisition regulations, only government employees may determine whether contract costs are reasonable.³⁶ The Army Inspector General found that contractors at the Army Center for Contracting Excellence wrote price analyses and determinations of fair and reasonable pricing. The Inspector General also found that contractors had prepared documents for release of solicitations and quotations and also appeared to respond to requests from any government officials.³⁷

In meetings with Subcommittee staff, officials from the U.S. Army Corps of Engineers stated that only one of their contracts for the Cemetery failed to designate a COR.³⁸

B. Ineffective Oversight from Army

The Inspector General found that a key problem with the oversight of Arlington National Cemetery was the lack of a single entity with responsibility and accountability for the Cemetery. Since 1973, the Army has repeatedly transferred and divided oversight of Arlington National Cemetery among multiple Army organizations. In 1986, the Army assigned responsibility for the administration, operation and maintenance of Arlington National Cemetery to the Commander of the Military District of Washington, while the Assistant Secretary of the Army for Civil Works retained responsibility for the Cemetery’s policy.³⁹ In 2004, the Army issued General Order 13 (GO-13), which assigned responsibility for the Cemetery’s program and budget to the Assistant Secretary of the Army for Civil Works, burial policy to the Assistant Secretary of the Army for Manpower and Reserve Affairs, coordination of memorials and ceremonies to the Commander of the Military District of Washington, and public affairs to the Office of the Chief of Public Affairs.⁴⁰

³⁵ U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010) (Tab F). In meetings with Subcommittee staff, officials from the U.S. Army Corps of Engineers stated that only one of their contracts with the cemetery failed to assign a COR. (U.S. Army Corps of Engineers, *Briefing for Subcommittee Staff* (July 19, 2010).

³⁶ Federal Acquisition Regulation (FAR) 7.503(c)(12)(vii).

³⁷ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit A-19).

³⁸ U.S. Army Corps of Engineers, *Briefing for Subcommittee Staff* (July 19, 2010).

³⁹ U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010).

⁴⁰ Headquarters Department of the Army, General Order No. 13, Army National Cemeteries (Oct. 29, 2004).

The Army Inspector General found that the division of responsibility between the Assistant Secretary of the Army for Civil Works and the Commander of the Military District of Washington created “perplexity” regarding the operational oversight of Arlington National Cemetery. As a result, the Army Inspector General concluded that the Cemetery officials were largely permitted to operate without substantive oversight from the Army.⁴¹

In addition, Subcommittee staff has learned that the responsible officials failed to conduct even the most basic oversight of the Cemetery. Claudia Tornblom, the Deputy Assistant Secretary of the Army (Management and Budget), the official within the office of the Assistant Secretary of the Army for Civil Works who has been responsible for the Cemetery’s budget for the last decade, stated that she merely reviewed the materials submitted by the Cemetery to Congress regarding TCMS and did not ask any additional questions.⁴² According to published accounts, however, Ms. Tornblom actively advocated for the project over concerns raised by OMB officials.⁴³ In an email sent to OMB on April 22 2004, Ms. Tornblom wrote:

I have been shocked by the pejorative language you have been using, at least in discussions with my staff, when discussing ANC automation efforts. Please be aware that I will respond if I hear words like “disaster,” “stunned,” “throwing money at contractors,” or “no product to show for it.”⁴⁴

Ms. Tornblom told Subcommittee staff that she asked for her first briefing on TCMS acquisition in November 2009, three months after the Army Inspector General began his inspection. According to Ms. Tornblom, she requested the briefing because she did not know what was going on.⁴⁵

The Commander of the Military District of Washington also ignored reports of management problems at the Cemetery. In June 2008, Gina Gray, who then served as the Cemetery’s public affairs officer, gave Major General Richard Rowe, the Commander, a binder of information regarding issues at the Cemetery. According to the Defense Department Inspector General, who investigated allegations that she had been reprimanded for reporting misconduct at the Cemetery, Ms. Gray told MG Rowe about “major problems” at ANC, including contract fraud and mismanagement.⁴⁶ There is no evidence of any action taken by MG Rowe in response to her allegations.

⁴¹ U.S. Department of the Army Office of Inspector General, *Special Inspection of Arlington National Cemetery Final Report* (June 9, 2010).

⁴² Claudia Tornblom, Deputy Assistant Secretary of the Army (Management and Budget), *Briefing for Subcommittee Staff* (July 15, 2010).

⁴³ *Arlington Budget Chief Blew Whistle in 2003*, Salon.com (July 27, 2010).

⁴⁴ *Id.*

⁴⁵ Claudia Tornblom, Deputy Assistant Secretary of the Army (Management and Budget), *Briefing for Subcommittee Staff* (July 15, 2010).

⁴⁶ U.S. Defense Department Office of Inspector General, *Whistleblower Reprisal Investigation Arlington National Cemetery* (June 29, 2010) (Report No. CRI-HL109655).

The Subcommittee has also learned that there has been no review of Arlington National Cemetery for the last decade. When asked about their failure to look at ANC's contracts, Army Contracting Command officials told Subcommittee staff that, with over 285,000 contract actions and \$97 billion in contract spending through Army Contracting Command in FY2009 alone, small dollar value contracts like the IT contracts at ANC, were less likely to receive such attention.⁴⁷ In addition, the Cemetery has not been the subject of an audit of any kind since 1998, when the Army Audit Agency reviewed the Cemetery's capacity to handle issues associated with Y2K.⁴⁸

IV. MISMANAGEMENT OF GRAVES

Documents and information provided to the Subcommittee indicate that there may be thousands of mistakes associated with graves at Arlington National Cemetery. This number has continued to increase as more information has been disclosed over the last year.

A. Additional Information from the Army Inspector General

In the publicly-released report, the Army Inspector General identified hundreds of errors at Arlington National Cemetery. These included "several" gravesites that had gone unmarked, "at least four occasions" when urns containing cremated remains were found in the Cemetery's landfill, "repeated instances" of improperly marked graves, 117 gravesites marked on the Cemetery's map as occupied but without a headstone or burial record; 94 gravesites marked on the map as unoccupied but having a headstone or burial record; and the improper burial of an urn of cremated remains in an already-occupied grave.⁴⁹

In documents obtained by the Subcommittee, the Army Inspector General provided additional information regarding burial mistakes at the cemetery.⁵⁰ The Inspector General detailed numerous incidents, including the following:

- In 2008, the cremated remains of a Master Sergeant were mistakenly interred in the grave of a Staff Sergeant located in Section 67. The Inspector General found that Cemetery officials failed to thoroughly investigate the unintended double burial and to determine what corrective actions might be necessary to prevent such incidents from occurring again.

⁴⁷ U.S. Army Contracting Command and National Capitol Region Contracting Center, *Briefing for Subcommittee Staff* (July 16, 2010).

⁴⁸ U.S. Army Audit Agency, *Memorandum: Audit of Automated Information Systems – Year 2000* (Sept. 23, 1998).

⁴⁹ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04).

⁵⁰ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Annex 2 – Discrepancies and Mistakes Associated with Internments, Disinternments, and Transinternments at ANC).

- In 2003, Cemetery officials uncovered an unmarked casket of remains in a grave that was believed to be unoccupied in Section 68. After discovering the mistake, Cemetery officials failed to investigate and determine the identity of the remains and failed to order a headstone to mark the remains until media reports of unknown remains in an unmarked grave in 2009.
- In 2009, Cemetery officials encountered remains in a grave that was believed to be unoccupied in Section 64.
- Cemetery officials have discovered urns of cremated remains in the Cemetery's landfill on at least four separate occasions beginning in 2002. The latest incident occurred in March 2010, when an urn was discovered and returned to its grave in Section 25.⁵¹

In March 2010, Mr. Higginbotham told the Army Inspector General that he was dissatisfied with the Cemetery's response to the discrepancies found in these sections. He also told the Inspector General that he would not be comfortable burying anyone in the sections where errors had been found.⁵² Mr. Higginbotham stated:

I would have went out and everyone of those graves that are marked as 'buried' with no documentation I would have opened up. ... I would not bury anybody in those gravesites until we could actually go over them and validate that nobody is in them.⁵³

B. Other Errors with Graves at Arlington

The Subcommittee has also learned that the problems with graves at Arlington may be far more extensive than previously acknowledged. The Subcommittee has obtained information suggesting that 4,900 to 6,600 graves may be unmarked, improperly marked, or mislabeled on the Cemetery's maps.

The Army Inspector General found 211 errors in a survey of only three sections of the Cemetery: Section 59, Section 65, and Section 66.⁵⁴ If the same rate of error exists throughout the Cemetery's 70 sections, there may be more than 4,900 errors in graves at the Cemetery.

Documents and information obtained by the Subcommittee suggest that similar problems are likely to exist in several other sections. In 2004, Arlington National Cemetery awarded a contract to Interactive Designs, Inc., to conduct a pilot survey of 300 gravesites in Section 48 and Section 7A to verify that the Cemetery's records were accurate. According to the contractor who

⁵¹ *Id.*

⁵² U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04) (Exhibit C-35).

⁵³ *Id.*

⁵⁴ U.S. Department of the Army Office of Inspector General, *Report of Investigation* (June 9, 2010) (Case 10-04).

performed the survey, there are “many” locations where ANC’s records do not accurately reflect the current status of the gravesite. In one example, the contractor identified a gravesite where ANC records stated that the gravesite was reserved for a future occupant. However, the gravesite had been occupied for the previous four years.⁵⁵

If the same rate of error exists throughout the cemetery (330,000 total gravesites), there could now be as many as 6,600 errors at Arlington National Cemetery, including unmarked, misidentified, or misplaced graves.

V. RECENT DEVELOPMENTS

In response to the Army Inspector General’s report, on June 10, 2010, Secretary of the Army John McHugh announced a number of changes to the management and oversight of Arlington National Cemetery.⁵⁶ These included:

- The creation of a new position, Executive Director of the Army National Cemeteries Program, to supervise all business and operations of Arlington National Cemetery and the only other national cemetery administered by the Army, the U.S. Soldiers’ and Airmen’s Home;
- The appointment of Kathryn Condon, Special Assistant to the Under Secretary of the Army and former civilian Deputy to the Commanding General of Army Materiel Command, to fill this position;
- The placement of Arlington National Cemetery Deputy Superintendent Thurman Higginbotham on immediate administrative leave;⁵⁷
- The detailing of Patrick Hallinan, Director of the Office of Field Programs at the Department of Veterans Affairs, to assist Ms. Condon; and
- The creation of the Army National Cemetery’s Advisory Commission, chaired by former Senators Max Cleland and Bob Dole, to review all activities at Arlington National Cemetery.⁵⁸

⁵⁵ Interactive Design, Inc., *TCMS Closure Report: Lessons Learned and Procedural Guidelines from the Development of the Pilot TCMS* (March 4, 2005).

⁵⁶ U.S. Army, *Directive 2010-04: Enhancing the Operations and Oversight of the Army National Cemeteries Program* (June 10, 2010); U.S. Army, *Transcript of Press Conference* (June 10, 2010) (online at <http://www.army.mil/-news/2010/06/10/40580-arlington-cemetery-announcement/index.html?ref=home-headline-title0>).

⁵⁷ Mr. Higginbotham resigned from the Army effective July 2, 2010.

⁵⁸ U.S. Army, *Directive 2010-04: Enhancing the Operations and Oversight of the Army National Cemeteries Program* (June 10, 2010); U.S. Army, *Transcript of Press Conference* (June 10, 2010) (online at <http://www.army.mil/-news/2010/06/10/40580-arlington-cemetery-announcement/index.html?ref=home-headline-title0>).

Secretary McHugh also ordered the Assistant Secretary of the Army for Acquisition, Logistics, and Technology to conduct a review of all contracts awarded for Arlington National Cemetery within 45 days.

VI. WITNESSES

The following witnesses will testify:

Panel One

John C. Metzler (invited)

Former Superintendent, Arlington National Cemetery

Thurman Higginbotham (invited)

Former Deputy Superintendent, Arlington National Cemetery

Panel Two

Edward M. Harrington

Deputy Assistant Secretary of the Army (Procurement)

Claudia Tornblom

Deputy Assistant Secretary of the Army (Management and Budget)

Kathryn Condon

Executive Director, Army National Cemeteries Program